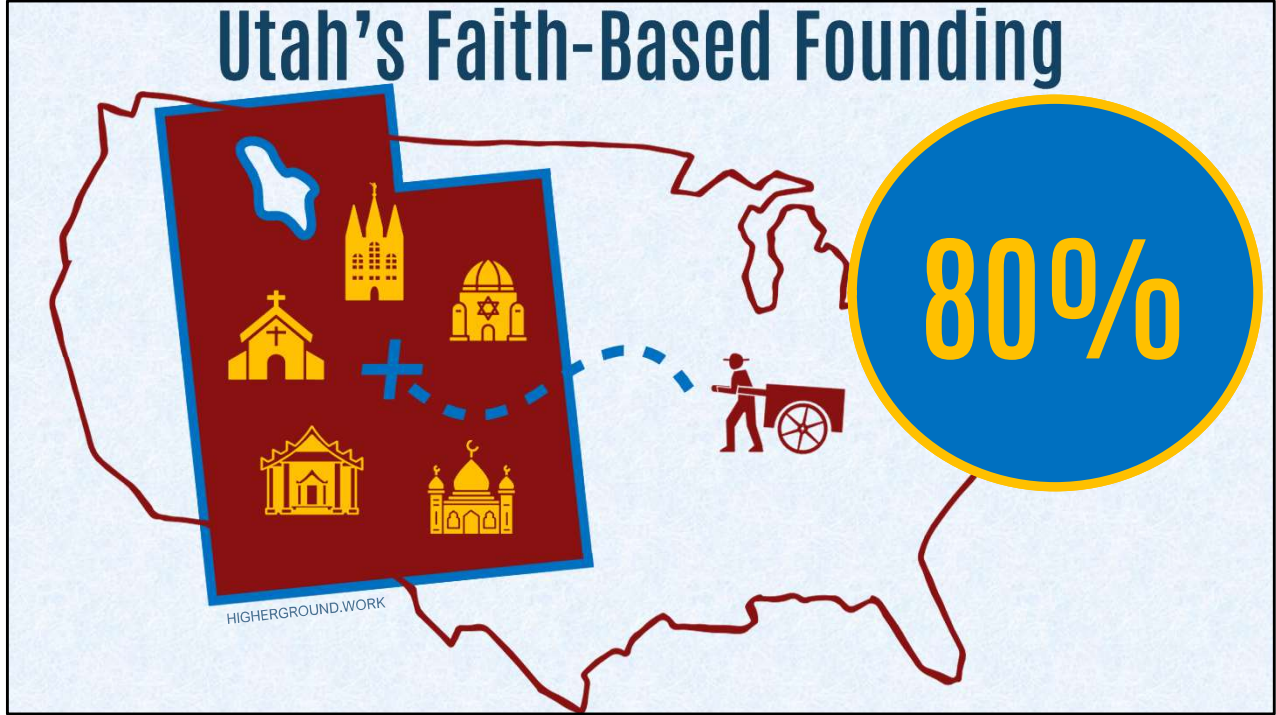


**R277-700. The Elementary and Secondary School General
Core.**

**Public Comment
Updated October 31, 2023**



My name is Monica Wilbur, I represent Higher Ground, which is challenging the Utah State Board of Education's board rule R277-700-7(4) on the grounds that it violates conscience and religious belief, which are essential for freedom.



Utah's Faith-based founding saw this area settled by Mormon pioneers fleeing from religious persecution. Today, Utah is home to many religions. 73% of Utahns are Christians. Jews, Muslims and other faiths comprise another 7% of the population. This means close to 80% of Utahns profess religious belief.



Conscience is Universal. Our Creator has given everyone a conscience, even if some would have us ignore the fact.

So let's increase the number of people impacted by Rights of Conscience and Religious belief to 100%. And of course, that includes the children in our public schools. Children do not check their consciences at the school doors.

Rights of Conscience & Religious Belief
In the Utah Constitution

**THE RIGHTS OF CONSCIENCE SHALL
NEVER BE INFRINGED**

**PERFECT TOLERATION OF RELIGIOUS
SENTIMENT IS GUARANTEED**

**A SYSTEM OF PUBLIC SCHOOLS
FREE FROM SECTARIAN CONTROL**

HIGHERGROUND.WORK

Our Utah constitution is unequivocal on the special protections that the rights of conscience and religious belief merit from the state.

In Article 1, Section IV, it states that “The rights of conscience shall NEVER be infringed.

And in Article 3, it states that “Perfect toleration of religious sentiment is GUARANTEED” and that the state shall “establish a system of public schools FREE from sectarian control.” The word “sectarian” isn’t applied exclusively to religion, and also applies to secular instruction that is biased, intolerant, and doesn’t allow for deviation.

//Utah State Constitution: Article I, Section IV & Article III

HB 348 → 53G-10-205 aligns schools
With the Utah Constitution

SCHOOLS PUNISH OR DISCRIMINATE AGAINST A STUDENT FOR REFRAINING TO PARTICIPATE IN A VIOLATION OF HIS OR HER CONSCIENCE

SCHOOLS OVERRIDE A STUDENT'S CONSCIENCE—

THE RIGHTS OF CONSCIENCE SHALL NEVER BE INFRINGED

PERFECT TOLERATION OF RELIGIOUS SENTIMENT IS GUARANTEED

A SYSTEM OF PUBLIC SCHOOLS FREE FROM SECTARIAN CONTROL

HIGHERGROUND.WORK

HB348 was a bill that strengthened a student's right to not participate in any aspect of school that violated a right of conscience or religious belief. It passed with a legislative supermajority in 2023. It realigned state law 53G-10-205 with the state constitution.

It established that:

A school cannot punish or discriminate against a student for refraining from participating in a violation of his or her conscience.

And that, a school cannot override a student's conscience.


This last point is important because the board just amended a rule to require a student to master core standards for graduation, even if those very core standards ARE what violates a student's conscience or religious belief.

Higher Ground Public Hearing Presentation @
USBE 10-23-23 USBE's R277-700 amendment
violates Conscience & Constitution




R277-700 as amended infringes on Conscience, Law, and the Constitution

1st it must be clear that USBE had no authority or expertise to amend R277-700 in the way they did. The board's own legal policy advisor said in 2019 that the board needed to repeal the previous rule it had made for 53G-10-205 on constitutional issues in the schools, let's watch the video:

Board's R277-700-7(4) infringes on
Conscience, Law, & the Constitution 

1

USBE HAS  AUTHORITY OR EXPERTISE TO WRITE RULES THAT INTERPRET CONSTITUTIONAL ISSUES FOR STUDENTS IN SCHOOLS ACCORDING TO THE USBE'S LEGAL COUNSEL

R277-700 INTERPRETS CONSTITUTIONAL STATUTE FOR THE SCHOOLS

*"IF A STUDENT REFRAINS FROM A PORTION OF A COURSE OR TO A COURSE IN ITS ENTIRETY UNDER SECTION 53G-10-205, THE PARENT AND SCHOOL SHALL WORK TOGETHER TO ESTABLISH A **REASONABLE ACADEMIC ACCOMMODATION**, WHICH ALLOWS THE STUDENT TO **DEMONSTRATE MASTERY OF CORE STANDARDS**, CONSISTENT WITH 53G-6-803 AND 53G-10-205(2)(B) **PRIOR TO THE STUDENT'S PROMOTION TO THE NEXT COURSE OR GRADE LEVEL**"*

HIGHERGROUND.WORK

Given this confession, it's a mystery why this board was even allowed to amend R277-700 as it did, since it now **CREATES REQUIREMENTS FOR & INTERPRETS** student constitutional rights—the very thing the Board's legal counsel said the board didn't have the authority or expertise to do in rule.

The Law & Licensing committee was told this in June when USBE staff wrote another rule to substantially reinterpret and infringe on 53G-10-205. That rule was stopped in its tracks ...but just 2 months later, members of the Law & Licensing committee returned with amendments to R277-700 that did the very thing they had already been informed that they no have **AUTHORITY** or **EXPERTISE TO DO**, which was to interpret how schools should handle student Constitutional rights.

This fact alone is enough to disqualify the board's R277-700 amendment. Now let's move to the second reason this amendment is unconstitutional.

Higher Ground Public Hearing Presentation @
USBE 10-23-23 USBE's R277-700 amendment
violates Conscience & Constitution

Board's R277-700-7(4) infringes on *Conscience, Law, & the Constitution*

2 AMENDED RULE SUBJECTS STUDENT CONSCIENCE TO “REASONABLE ACCOMMODATION” ... BUT HOW IS THIS DEFINED IN LAW?

(2) “**REASONABLY ACCOMMODATE**” means an LEA shall make its best effort to enable a parent to exercise a parental right specified in Section 53G-6-803: (a) ¹without substantial ²impact to staff ³AND ⁴resources, including employee working conditions, ⁵safety ⁶AND ⁷supervision on school premises ⁸AND ⁹for school activities, ¹⁰AND ¹¹the efficient allocation of expenditures; ¹²AND (b) while balancing: (i) ¹³the parental rights of parents; (ii) ¹⁴the educational needs of other students; (iii) ¹⁵the academic ¹⁶AND ¹⁷behavioral impacts to a classroom; (iv) ¹⁸a teacher's workload; ¹⁹AND (v) ²⁰the assurance of the safe ²¹AND ²²efficient operation of a school.

HIGHERGROUND.WORK

2nd, the board's R277-700 amendment continues to infringe on conscience, law, and the Constitution by telling schools they can only honor a claim on conscience if it can be “reasonably accommodated” according to the conditions listed in the definitions that apply to all of “Parental Rights” law. (53G-6-801)

Under THIS law, a school need only accommodate conscience if 14 DIFFERENT CONDITIONS are ALL met. Those conditions include balancing the educational needs of other students, teacher workload, the efficient operation of the school, etc. etc.

There isn't a single claim of religious belief or conscience that couldn't be overridden by the state thanks to this provision in “parental rights” code. Parents are being played if they think “reasonable accommodations” means the schools are accommodating them.

Having to meet all of these conditions to honor student conscience puts R277-

Higher Ground Public Hearing Presentation @
USBE 10-23-23 USBE's R277-700 amendment
violates Conscience & Constitution

700 in a direct collision course with the law that it illegally regulates, 53G-10-205.



RIGHTS OF CONSCIENCE AND RELIGIOUS BELIEF ARE SINCERELY HELD AND AREN'T MERE PREFERENCES.

Some are using “What if” hypotheticals to discourage students from even exercising their consciences to begin with. “What if a kid refrains from participating in math because math violates his conscience?” An absurd claim like this has no standing because that’s not conscience at this point, and the law provides for checks on frivolous claims.

So if a child says doing math on days that end in "y" violates his religion, the law requires that the school contact a parent who can act as the check on the child.

And on the crazy chance a parent says, "Yeah, that's Johnny's religion, I guess" ...The school need not recognize this far-fetched, insincere claim as conscience, as was affirmed in the case of Heart of Atlanta Motel.

HOWEVER...if the claim is a religious sentiment, or inspired by a sincere and internal sense of right and wrong, schools must err on the side of conscience. Children who refrain from participating in their own indoctrination aren't disrupting or hurting anyone else—they are just protecting their own minds and hearts. Who could be against that?

It's undeniable that ideologies are being taught as indisputable facts. For a school to force a student to affirm false ideas for a grade or graduation is not just wrong, it's unconstitutional.

There is no state interest compelling enough to justify requiring students to violate their consciences or religious beliefs.

Micromanaging children's consciences is an unjustifiable use of this board's time & resources, especially when student academic achievement is so low statewide.

R277-700-7(4) needs to be consistent with
Conscience & the Constitution

**and must be replaced with a
a simple reference to the law
similar to USBE staff's amendment**

**DRAFT 1 — A STUDENT OR PARENT MAY REFRAIN FROM PARTICIPATION
CONSISTENT WITH SECTION 53G-10-205.**

HIGHERGROUND.WORK

R277-700 did need to be amended, but only to be made consistent with the new conscience law, so Higher Ground recommends that the board adopt a simple amendment, like board's staff draft 1:

A student or a parent may refrain from participation consistent with section 53G-10-205.

Rights of Conscience & Religious Belief
Merit higher protections from the State

**A bare desire for perfect uniformity
in the application of a law cannot be
an end in itself, or religious freedom
as we know it is dead**

Amici Curae brief, Kirton | McConkie

HIGHERGROUND.WORK

Rights of Conscience and Religious Belief merit higher protections from the state.

A bare desire for perfect uniformity in the application of a law cannot be an end in itself, or religious freedom as we know it is dead...and conscience killed with it. This board must avoid the arrogance of governance that fails to recognize that, quote, "In the United States, the free exercise of religion is not a mere policy preference to be traded against other policy preferences. It is a fundamental right," end quote.¹

Whether it's graduation or grading policies—you'd have a hard time convincing a judge that any of these are so compelling as to justify taking precedence over constitutional rights.

1 Kirton McConkie Amicus Curae Brief



Children do not check their consciences at the school door. R277-700 as amended can deny a student the benefit of graduating if a student refrains from mastering a graduation requirement that itself may be the source of a violation of conscience or religious belief.

Such a denial is unconstitutional, as in the case of Trinity Lutheran, quote: "The government imposes a substantial burden...when it withholds a public benefit because of religious belief, practice, or identity," endquote.¹ Graduation is one such benefit that cannot be withheld.

It is this board's sworn constitutional duty to fully uphold the Rights of Conscience & Religious Belief in the public square we call "school." Conscience & Religious Belief apply to and protect 100% of all students.

To amend these rights to be anything less is educational malpractice, which can't be committed without a reckoning.

¹See Trinity Lutheran, 137 S. Ct. at 2022

From: NaKy Steah <nakysteah31@gmail.com>
Sent: Wednesday, October 18, 2023 9:35 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: R277-700

To Whom it may concern,

I am for R277-700 being amended as long as it aligns with the Utah laws that are already in place and with the Utah Constitution which reads that a student or parent may refrain from participation consistent with section 5 3G - 10 - 205. It is pretty clear that preserving those rights are at the utmost importance.

I have seen first hands the negative mental and emotional load it causes to a child when a Teacher and Administration take it up on themselves to introduce non-core academic curriculum to their class and expects their students to be open about it with the expectation of not sharing it with their parents when it goes against family values and then act surprised when a parent questions and calls out the discrepancy and no transparency. Transparency in the Schools is a Must and informing, working and listening to Parents is important for the well being of their Children.

Ms Steah

From: Debbie Hong <debhong@gmail.com>
Sent: Thursday, October 19, 2023 1:24 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Support for R 277-700-7 as currently amended

I am writing to support the "rule of conscience" R277-700-7 as amended by Councilmember Wood. I feel that education does not have to agree with ones beliefs, and it is important to learn about different ideas. I feel that the rule allows parents and students to opt out, but also complete an assignment of their choice, but shows mastery of the subject. It is also important that we make graduation requirements are equal.

Thank you,
Debbie Hong

10992 Lake Island Dr, South Jordan, UT 84009

From: A. CLAWSON <ACLAWSON52@msn.com>
Sent: Friday, October 20, 2023 8:32 AM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Amend R277-700

Please amend R277-700 to adopt the USBE's staff draft 1 which does align with the law and the Utah Constitution.

Thank you,

April Clawson

From: Elizabeth Jewkes <lizcunha8@yahoo.com>
Sent: Friday, October 20, 2023 1:08 PM
To: Prideaux, Cybil <Cybil.Prideaux@schools.utah.gov>
Subject: Public Comment request on Monday 10/23/2023

Dear USBE Secretary,

I respectfully request an opportunity to speak in the public hearing to be held on Monday 10/23/2023 regarding the board's approval of Draft 4 amendment to Rule R277-700-7(4). I oppose this amendment because the board doesn't have the authority to make this change and it does not comply with the law nor the Utah Constitution. As the rule stands, it protects the rights of conscience and religious beliefs of the individual. If Draft 4 amendment is approved and retained, it will infringe on the constitutional rights of the individual and the State Board of Education will have broken the law established by our state legislators. I recommend that the rule should only be amended to read: "A student or parent may refrain from participation consistent with Section 53G-10-205." I have personal experiences I would like to share with the board regarding this issue. I would like to explain this clearly in the hearing.

Respectfully yours,

Elizabeth Jewkes
1619 East 500 South
Spanish Fork, Utah 84660

From: Marilyn Larson <marilynlarson21@outlook.com>
Sent: Friday, October 20, 2023 9:09 AM
To: Prideaux, Cybil <Cybil.Prideaux@schools.utah.gov>
Subject: Hearing on Monday for R277-700.

I am opposed to the amendment.

Marilyn Larson

From: kscott364 <kscott364@gmail.com>
Sent: Friday, October 20, 2023 4:09 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: No to r277-700

To Whom it May Concern,

I'm writing today to express my disapproval of the amendment that is trying to be added to clarify and update the rules due to HB348 specifically 53G-10-205. The law specifically states "shall not be infringed" when it comes to a parent or student opting out of something based on their conscience or religious belief. Shall not means without restrictions. The proposed amendment puts restrictions on the parents.

I understand the concern is that if a parent opts a child out of a complete topic but the child still gets to move onto the next grade this will make our state standards null. As a former teacher in Utah with students that were passed to me year after year not able to read anywhere near the grade level standard, and no ability to hold students back because of what that does to their mental health, I can already say the standards are not being met regularly but kids are being moved from grade to grade. Many are even graduating because a D in English is still passing enough to receive a diploma.

Schools are turning into places where only one side of an argument is presented as fact. Parents should have the right to say no, that's not what a family believes and unless the law is changed the school board does not have the right to add stipulations to a child being opted out of a topic. This does create confusion in the classrooms but if a teacher is doing their job right and presenting all sides of a topic, they shouldn't have much of a problem.

This amendment violates the law by requiring the parent to later agree to a reasonable alternative, but reasonable is not defined and is a very subjective term.

The burden to create well balanced assignments that meet the state standards is on the teacher. It is very easy to create these assignments and to present both sides of an argument that won't infringe on a parent or students conscience. My students should never know where I stand religiously or politically. As a teacher I should know both sides of an argument and be able to talk my students in circles. I should be able to communicate to my parents in a manner that shows then I support them and will keep my personal beliefs out of the classroom. That I am there to help them teach their kids the basics about math, Literature, being good humans, and support the parents by allowing them to teach the morals and values.

Schools are taking on more and more parent responsibilities, which is why we are seeing this clash. If schools will go back to being schools that support families, instead of places that attempt to raise children for the family, our society would see a positive change and these contentious fights between schools and parents would calm down immensely. That is why I am asking that you not support this amendment.

Thank you,
Kiersron Scott

From: cherylruns <cherylruns@comcast.net>
Sent: Friday, October 20, 2023 4:55 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>; Audit & Fraud <audit@schools.utah.gov>; Cline, Natalie <nataliecline.education@gmail.com>; Prideaux, Cybil <Cybil.Prideaux@schools.utah.gov>
Subject: Right of conscience

Dear USBE,

Please listen to the parents, students, educators and fellow board members when we speak for our children as they cannot speak for themselves on this matter without retaliation while at school.

Our students should always be able to say NO and leave if a lecture, educator or administrative person speaks or behaves in a manner that violates their conscience, makes them anxious, depressed, ill, or goes against their personal beliefs.

Students in Utah public schools should be allowed a safe learning environment where the US constitution, Utah State Law and their God given rights are upheld and safe guarded.

"The rights of conscience shall never be infringed. Respecting the rights of conscience and religious beliefs is a foundational principle of a civilized society."

I personally have reported over 6 educators to my district and USBE who are violating Utah State Law and violating the students moral beliefs. My district has done nothing to stop these violations from occurring and have no punishments for the educators, the only defense our students have is to say NO and leave the classroom, they should be allowed to do so without fear of retaliation or punishment. They should be allowed to call their parents and have their parents become involved to support the student should their learning environment become toxic, unsafe or otherwise go against their morals and beliefs.

A few examples I personally have witnessed and reported which has lead to retaliation against me. I will share here as a reference for why this is so important for our students.

Sept 2022 at THS in Orem. Classroom had 16 titles from a list of 52 titles that ASD had determined needed parental consent to view and should have been labeled and restricted from all students who did not have parental consent. These titles were found throughout the classroom and were accessible to all who entered the classroom. I was instructed as the substitute to have the students read from these titles for the majority of the lecture time. I had many students complain to me how these titles were making them anxious, depressed and ill. Students were bullied and punished if they did not continue reading from these titles for book clubs throughout the district. They should be allowed to say NO and not have their grades docked for rejecting books that contain pornography, explicit content, drugs and violence.

Feb 2023 SHS Lehi UT students using a classroom that is accessible to parents, students and younger siblings during school hours as a changing room for all genders for a school play. Students were stripping down to bras and underwear. A male student was dressed in a female jumpsuit which exposed his erect penis, he wore this outfit during the play and was hugging and grinding on students from elementary schools in the district which made the high school students as well as the elementary students very anxious and uncomfortable. They complained to educators while this was happening and were not able to leave class or call their parents.

They should have been able to call their parents and leave the play and a safe changing area outside of the classroom should have been provided, students should have been able to leave when their morals were violated.

March 2023 MVHS Orem UT. Educator uses his lecture time to discuss his sexual fetishes, cross dressing, raves, drug use, hormones, therapy sessions and son's mental health with multiple classrooms and students. Many students asked to leave because of their PTSD, anxiety, depression and mental health, they did not feel safe while this educator used the lecture to discuss how entraining this was for him. Many asked to be

treated in the "wellness room", they should have been given an alternative lesson to "teen dreams", allowed to call their parents and excused from these lectures.

April 2023 SHS using lectures and classroom to encourage students to protest, speak in board meetings, bully and threaten those who did not want sexual flags, nudity, explicit sexual content and books discussed in her classroom. These students complained about how her classroom made them feel anxious and depressed. They should have been allowed to have a classroom free from pornography, politics and harmful content, but they were harassed and bullied if they did not allow this educator to use her classroom to push her agenda on them.

These are just a few examples of what our students face daily, their only defense is to say NO, leave the classroom and call their parents. Please protect our students and allow them to be free from punishment if they feel their morals, beliefs and conscience are being violated during school hours by educators.

Thank you for hearing from a concerned parent and educator,

Cheryl

From: Delitra Talbot <delitratalbot1@gmail.com>

Sent: Friday, October 20, 2023 4:59 PM

To: Board Rule Comments <rule.comments@schools.utah.gov>; Cline, Natalie <Natalie.Cline@schools.utah.gov>

Subject: Please Oppose amendment R277-700-7(4)

I am OPPOSED to the amendment to R277-700-7(4) which infringes on student conscience and religious belief. If what is being taught in my child's classroom is not truth, my child should have the ability to say something, walk out, without consequences. Parents are the over-arching authority on how their children are to be taught. Thank you for your time.

Delitra Talbot

From: Kelly Eggertsen <kellyathompson@msn.com>

Sent: Friday, October 20, 2023 5:15 PM

To: Board Rule Comments <rule.comments@schools.utah.gov>; Cline, Natalie
<Natalie.Cline@schools.utah.gov>
Subject: Against R277-700 as amended

To Whom It May Concern,

I am against the amendment to rule R277-700 as amended. It infringes on student and parent conscience. The USBE does not have the authority to make this rule which does not comply with the law or the Utah Constitution. Please stand for freedom and respect parental authority and the consciences of students.

Thank you,
Kelly Eggertsen
3256 North 960 E.
Lehi, Utah 84043

From: Glenda Winsett <gandjcleaningllc@gmail.com>
Sent: Friday, October 20, 2023 9:38 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Oppose amendment to R277-700-7(4)

Y'all need to get it together!

From: Rozelle <rozelle19@protonmail.com>
Sent: Saturday, October 21, 2023 10:32 AM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Opposition to R277-700

To whom it may concern,

I am writing in opposition of the proposed rule R277-700-7(4) which does NOT comply with the law or the Utah Constitution (Article I, Section 4 [Religious liberty.]) and which infringes on the rights of parents whose "primary responsibility" is to educate their own children and "the role of state and local governments is to support and assist parents in fulfilling that responsibility;" 53G-10-204

In section 4 of R277-700-7. Student Mastery and Assessment of Core Standards, it

states

"IF A STUDENT REFRAINS FROM A PORTION OF A COURSE OR TO A COURSE IN ITS ENTIRETY UNDER SECTION 53G-10-205, THE PARENT AND SCHOOL SHALL WORK TOGETHER TO ESTABLISH A REASONABLE ACADEMIC ACCOMMODATION, WHICH ALLOWS THE STUDENT TO DEMONSTRATE MASTERY OF CORE STANDARDS, CONSISTENT WITH 53G-6-803 AND 53G-10-205(2)(B) PRIOR TO THE STUDENT'S PROMOTION TO THE NEXT COURSE OR GRADE LEVEL"

This puts the rights of the state ahead of the rights of the parents.

Who defines what is a "reasonable academic accommodation"?

If a Core Standard is in violation of a parent's or child's conscience what's the recourse for the parent or child to exercise their right of conscience or religious belief when the objective is to "demonstrate mastery of the Core Standards"

At the very least, this opens the door to an abuse of power coming from the state upon parents and students and should be stopped immediately.

HB 348 passed unanimously. The USBE should follow the law and not flex their power-hungry muscles to impose more control on the education of our children and on the rights of parents.

Do not be party to the erasure of our fundamental rights of conscience and religious liberty by implementing this rule.

sincerely,

Rozelle Hansen

From: Nicole MacPherson <macp.nicole@gmail.com>

Sent: Saturday, October 21, 2023 4:41 PM

To: Cline, Natalie <Natalie.Cline@schools.utah.gov>

Cc: Board Rule Comments <rule.comments@schools.utah.gov>

Subject: Amendment to Rule R277-700-7(4)

I am against the amendment. When you took your place on the school board, I believe you swore an oath to uphold the Utah Constitution, where in Article 1, Section 4 it states "The rights of conscience shall never be infringed." What if the parent and school can't agree on a "reasonable alternative"? What if the core standard is what goes against the

student's and parent's conscience? As parents, we are very passionate and protective of our children, as we should be. Stop trying to give schools the power to "trump" parents' decisions about our own children.

Sincerely,

Nicole MacPherson

From: R Colley <r3colley@gmail.com>
Sent: Sunday, October 22, 2023 7:58 AM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Cc: Earl, Jennie <Jennie.Earl@schools.utah.gov>; Kerry, Joseph <Joseph.Kerry@schools.utah.gov>; Strate, Brent <Brent.Strate@schools.utah.gov>; Wood, LeAnn <LeAnn.Wood@schools.utah.gov>; Reale, Sarah <Sarah.Reale@schools.utah.gov>; Lear, Carol <Carol.Lear@schools.utah.gov>; Hart, Molly <Molly.Hart@schools.utah.gov>; Boggess, Christina <Christina.Boggess@schools.utah.gov>; Cline, Natalie <Natalie.Cline@schools.utah.gov>; Hymas, Matt <Matt.Hymas@schools.utah.gov>; Davis, Cindy <Cindy.Davis@schools.utah.gov>; Moss, James <James.Moss@schools.utah.gov>; Boothe, Randy <Randy.Boothe@schools.utah.gov>; Green, Emily <Emily.Green@schools.utah.gov>; Norton, Kristan <Kristan.Norton@schools.utah.gov>
Subject: Rule R277-700-7(4) - Comment for Public Hearing scheduled for Monday, October 23, 2023

To whom it may concern,

I am writing in opposition of proposed rule R277-700-7(4) which does not comply with the law or the Utah Constitution (Article 1, Section 4: "The rights of conscience shall never be infringed"). You may recall HB348 passed unanimously and I ask that the USBE follow the law and refrain from exerting more control on the education of our children and on the rights of parents. Parents carry the primary responsibility to educate their own children and "the role of state and local government is to support and assist parents in fulfilling that responsibility;" 53G-10-204.

Further, students in Utah public schools should be allowed a safe learning environment where the US Constitution, Utah State Law, and their God-given rights are safeguarded and upheld by the USBE whose responsibility it is to remember that "The

rights of conscience shall never be infringed. Respecting the rights of conscience and religious beliefs is a foundation principle of a civilized society."

Section 4 of R277-700-7 Student Mastery and Assessment of Core Standards puts the rights of the State ahead of the rights of the parents and opens the door for potential abuse of power by the USBE/State upon parents and students and should cease immediately. Please exercise extreme caution as you fulfill your role - you may unwittingly (or perhaps with intent) promote the erasure of our fundamental rights of conscience and religious liberty by implementing the proposed rule.

The USBE, upon counsel from the Attorney General's office in 2019, asserted that **it did not** have the "authority or expertise" to provide legal guidance in the form of administrative rules on constitutional issues. Thus it could not issue rules concerning the constitutional rights of students. Obviously, the USBE should not be writing administrative rules on constitutional issues, but rather it should defer to statute and the state and U.S. Constitution as the final authority on conscience and religious belief.

A child's conscience matters, please protect it.

Sincerely,
Rebecca Colley
Sandy, Utah

From: Ambrea Banagas <ambreabanagas@gmail.com>
Sent: Sunday, October 22, 2023 12:02 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: NO for R277-700 AS AMENDED.

I'm writing to request that the board amend R277-700 to adopt the USBE staff's draft 1, which aligns with the law and with the Utah constitution which reads:

***~ A STUDENT OR PARENT MAY REFRAIN FROM PARTICIPATION
CONSISTENT WITH SECTION 53G-10-205 ~***

Please protect right of conscience for parents and students.

Thank you,
Ambrea Bañagas

Highland, UT

From: Frank & Kendra Schofield <schofiefam@gmail.com>

Date: Sun, Oct 22, 2023 at 3:12 PM

Subject: R277-700

To: <Rule.comments@schools.utah.go>

Dear USBE Board,

I am writing in support of the proposed amendment to R277-700. I believe this amendment aligns with current state law, and actually strengthens the protections of parent and student rights.

The current Utah law states that an LEA (charter school or school district) may assign an alternative task when a student claims the original assignment violates their right of conscience, but the parent is not required to be part of the discussion (although a collaborative discussion is the typical practice when these situations arise). The draft amendment language explicitly states that the school and parent work together to determine an appropriate alternative task that still allows the student to demonstrate their knowledge of the relevant state learning standards, while maintaining the student's right of conscience.

Please vote in support of the amendment.

Sincerely,

Frank Schofield

From: D. Gatrell <dlgatrell@gmail.com>

Sent: Sunday, October 22, 2023 8:42 PM

To: Board Rule Comments <rule.comments@schools.utah.gov>

Subject: R277-700. The Elementary and Secondary School General Core.

Board members -

I support the amendment to section 7(4) in the approved draft R277-700 General Core rule. It is extremely important that parents work with schools to identify a way for students to demonstrate mastery of core standards when they refrain from participation in any aspect of learning for reasons of religion or conscience.

Let me tell you a true story to illustrate why.

Several years ago, a freshman student was assigned to one of my Geography sections who, I was told, had been home schooled up to that point. This was not concerning at first, as I have a number of friends and relatives who were successfully home schooled. However, after a few weeks, I realized she could not read and that was why she was not turning in work unless she sat with a friend who could "help" her. I contacted the parent with my concern, suggesting the student might come after school for some additional help, which I would gladly provide.

Next thing I knew, the student was withdrawn from my class. I checked the Student Information System and discovered she had disappeared from the school, so I asked our Registrar what happened.

I was horrified to learn the student's parent had produced a certificate stating my student had completed all requirements necessary for graduation. Just like that. No discussion, no demonstration of content mastery or even competency. She was just gone.

That young freshman would be 22 now and I still worry about her.

Most parents are great. Most students are wonderful. But the fact remains there are those who will abuse a system if given the opportunity. As amended, the rule encourages collaboration to ensure students are prepared before they move to the next level in any content area. That is reasonable.

Failing to ensure competency before promotion is setting students up to fail in the future due to critical gaps in learning.

Thank you,

Deborah Gatrell, NBCT

From: Quinn Kotter <quinn.kotter.house@outlook.com>

Sent: Monday, October 23, 2023 1:32 PM

To: Board Rule Comments <rule.comments@schools.utah.gov>; Cline, Natalie

<Natalie.Cline@schools.utah.gov>

Subject: 2023 HB348 (Participation Waiver Amendments) and Rule R277-700

Utah State Board of Education:

Good afternoon.

I am writing to re-iterate the Utah State Constitution, Article 1, Section 4 [Religious Liberty]. The first sentence declares that, "The rights of conscience shall never be infringed."

In the UT 2023 Legislative session, HB348 (Participation Waiver Amendments) was passed to reinforce that declaration for students in schools. It primarily affected Utah Law Code 53G-10-205.

I urge the board to adopt the Draft 1 amendment of rule R277-700-7(4), which, as amended with Draft 1, would read, "A student or parent may refrain from participation consistent with Section 53G-10-205."

This is a simple and clear statement that allows the law (HB348) to govern, which is what is intended in a Republic.

Thank you kindly for reading my comments.

Quinn Kotter
Resident of Granite Precinct 5
3247 S. Park Springs Dr.
West Valley City, UT 84120
(801)440-7260

From: Jonathan Bejarano <jbejar86@gmail.com>

Sent: Monday, October 23, 2023 8:58 PM

To: Board Rule Comments <rule.comments@schools.utah.gov>

Subject: R277-700 - Elementary and Secondary School General Core

Dear Board Members,

I listened to sections of the hearing, and do not see how the rule is in any way different from HB348 passed by Rep. Acton and Senator Kennedy. I am enclosing a screenshot

that shows the rule on the left and the bill that was passed on the right. There were many that did not understand that only the underlined portions of the rule were the parts that were being changed. I would urge that the Board stay the course.

Thanks,
Jonathan Bejarano

From: Diane Zundel <dianezundel@gmail.com>
Sent: Monday, October 23, 2023 10:52 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Rule R277-700-7(4)

To Whom it May Concern:

I am writing in opposition of proposed rule R277-700-7(4). This does not comply with the law or the Utah Constitution (Art. 1, Sec.4: "The rights of conscience shall never be infringed"). Please follow the law unanimously passed (HB348) and refrain from exerting more control on the education of our children and on the rights of parents. PARENTS carry the primary responsibility to educate their children with the role of state/local government to act as a support.

Students in Utah public schools should be allowed a safe learning environment where their state, national and God-given rights are safeguarded and upheld by the USBE. It is your responsibility to remember that *"the rights of conscience shall never be infringed. Respecting the rights of conscience and religious beliefs is a foundation principle of a civilized society"*.

Section 4 of R277 puts the rights of the State ahead of the rights of the parents and allows for the potential abuse of power by the USBE/State on students and parents and should cease immediately.

The USBE, upon counsel from the AG's office in 2019, asserted that it **did not** have the *"authority or expertise"* to provide legal guidance in the form of administrative rules on constitutional issues. It seems clear that the USBE should not be writing administrative rules on constitutional issues, but should defer to statute, the state and the US Constitution as the final authority on conscience and religious belief.

Please exercise caution as you fulfill your role. A child's conscience matters and parents are looking to you to protect it.

Regards,
Diane Zundel
Sandy, UT

From: Nancy Larson Nichols <nrrnichols10@gmail.com>
Sent: Wednesday, October 25, 2023 12:40 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: beliefs and conscience

We have recently learned of a board rule that was passed that violates state code and constitution in regard to students beliefs and conscience.

We, the Nichols family, request that the board ammend Rule R277-700(7)(4) to simply refer schools back to state code 53G-10-205 and the Utah Constitution Article 1 Section 4 that states "The rights of conscience shall never be infringed." when claims of religious belief or rights of conscience violations are made by a student or parent.

I think many of the board are forgetting why pioneers, including my own family, came to this state--for this freedom that you have recently taken away in passing such a rule.

Thank you,
Nancy and Roy Nichols and family

From: Katharine Biele <howze@xmission.com>
Sent: Friday, October 27, 2023 11:06 AM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: NO to R 277-700-7

If you are looking to give parents a voice in their children, this is not the way. Parents always may voice their opinions to schools, but forcing schools to react to each parent's particular issue is untenable. It also harms other children and the broader community which is further confused about rules and regulations.

This amendment violates the law by requiring the parent to later agree to a reasonable alternative while "reasonable" is not defined and is subjective.

Children, with guidance, should be encouraged to explore a wide variety of thoughts. They absolutely must be prepared with a standard curriculum, making them better citizens and better community members.

Katharine Biele
801-243-1185

From: Brent Parks <slc.brentp@gmail.com>
Sent: Friday, October 27, 2023 1:45 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Repeal request R277-700 amendments

Dear USBE,

After watching the discussion online regarding the amendments made to R277-700, I urge that the Board to please repeal the amendment made to section 7 subsection 4 and simply refer schools back to code 53G-10-205 when a student or parent has an issue with religious belief or rights of conscience in any aspect of school.

A significant contributor of mental illness in students is caused by them being forced, compelled, coerced, or "required" to violate their conscience or religious beliefs in order to complete an assignment, get a good grade, not be penalized or discriminated against, or to get promoted to the next grade or to graduate. I'm proud of my son who was strong enough to opt out.

It is religious discrimination to require a student to demonstrate mastery of a core standard that violates his/her or his/her parents' religious belief or conscience.

53G-10-205 is perfect the way it is. USBE has NO right or legal ability adding qualifiers to it.

The public would be better served if the Board focused its efforts on fixing the state's embarrassingly low statewide reading, writing, and math proficiency. I don't know where the history scores are or even what history is being taught these days but that's a whole different subject for another time.

Again, please repeal the amendment made to R277-700.

Thank you,

R Brent Parks
West Valley City
Grandpa of 7 in Utah

From: Dawn Soger <sogerd@yahoo.com>
Sent: Friday, October 27, 2023 2:24 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: SHALL NOT BE INFRINGED!

Dear Utah State Board of Education,

I expect that as educators I do not need to explain what "Shall not be infringed." means.

Utah State Law 53G-10-205 and the Utah State Constitution Article 1 Section 4 unequivocally state that schools are not able to force, compel, or coerce students or their parents to violate their religious beliefs or conscience in order to graduate!

Earlier this week you passed an illegal amendment to Board Rule R277-700-7(4).

When you meet on 2 November 2023 you need to amend that rule and simply refer back to State Code 53G-10-205 and Utah Constitution Article 1 Section 4 which states that "The right of conscience shall never be infringed,"

As a taxpayer and a citizen, I very much like what a principal stated at a Board Meeting in another State.

Let me paraphrase it. Each and every one of you who agrees to this **illegal** action needs to resign from the State Board of Education or be prepared to be arrested! I and other parents are prepared to file formal complaints against each of you as individuals.

Sincerely,
Dawn M. Langston
PO Box 361
Henefer, UT 84033

From: nick vanburns.com <nick@vanburns.com>
Sent: Saturday, October 28, 2023 7:23 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: R277-700

Hello-

Core educational standards are necessary in order to establish and maintain an educated populace, in order to have a functioning democracy.

For families that hold specific problems with curriculum, they must work WITH school districts to assure their children meet core standards, and further can be assessed that they meet the core standards.

Thanks,

nick burns – 35+ years as an educator (K-12, community college, university)

From: Amberli C <amberlicranford@gmail.com>
Sent: Monday, October 30, 2023 10:29 AM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Opposed to amendment to R277-700

Dear USBE,

I'm writing to affirm my opposition as a mother and citizen of Utah to your recent approval of amendment to R277-700 for all of the reasons mentioned in the public hearing. The Utah School Board is overstepping its bounds and infringing on parental rights as well as state law.

Utah public education has enough substandard expectations to improve, fiscal excesses to streamline, and students and families to support in wholesome ways that the USBE should have no time to "quibble over details," as I tell my children. The USBE is quibbling over nonessentials that have NOTHING to do with the real problems facing Utah's children that are stuck in the quagmire of Utah's public education. I allowed my

children almost two years of being at a district school after being homeschooled for several years. I saw my children's reading and math plummet during those years. I would know since I'm the one who taught and initiated high standards for mathematics and literacy in our home. Public school was nothing less than a joke. They learned nothing of consequence in those two years. The expectations for work and attendance were so pathetically non-present, I was disgusted. I don't believe for one second that these substandard expectations have anything to do with Utah's public schools having less money than other states. I watch new, excessively-designed schools being built left and right here in Utah county--all with massive fields that go unused. Utah public education is more concerned with appearing elite than actually bearing substance.

I worked at a high school in Utah county for three years as head of their credit recovery program. This was also nothing short of being an absolute joke. I'm embarrassed to say that my final year there, we had a 100 percent graduation rate. It was very dishonestly done. Most of those kids doing credit recovery could not read, let alone do basic math. The incomplete credit recovery packets that I refused to pass off, the administration sent right on through, allowing those kids to graduate.

I mention all of these personal anecdotes to illustrate the misdirected focus of the USBE and local school districts under its direction. There are fewer students disagreeing with assignments over matters of conscience than students simply not having adequate literacy and math expectations--as well as quality educational substance--in the classrooms of our state. I recommend focusing on those problems. You will make more of an impact that benefits all of society. If matters of conscience increase, then perhaps considering what is being taught in the classrooms should be the focus, too.

I encourage the board to be builders--not usurpers of parental rights. Don't try to frantically control, try to productively build.

Thank you,
Amberli Cranford

From: Kim Ward <wardkc5@aol.com>
Sent: Monday, October 30, 2023 5:12 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Rule 277-700-205

I disapprove of rule 277-700-205. The Utah State Constitution guarantees that our rights of conscience shall never be abridged. This guarantee is for Utah students as well.

Your own legal advisors have warned you your rules are unconstitutional. If you persist, you leave citizens like myself who support the constitution no option but to support suits lodged against the USBE for its attempts to abridge the Constitutionally guaranteed rights of students and their parents.

From: Libbie Hamann <libbie.h@mac.com>
Sent: Monday, October 30, 2023 5:14 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: I disapprove of rule 277-700-205

Come on guys! ALL children and parents have rights. I want to preserve mine and my children and grandchildren's rights. I'd really appreciate it if the school boards would stop believing that they know what's better for our children than their parents.

I disapprove of rule 277-700-205. The Utah State Constitution guarantees that our rights of conscience shall never be abridged. This guarantee is for Utah students as well. You have been advised and warned that this is unconstitutional. If you persist, you leave citizens like myself who support the constitution no option but to support suits lodged against the USBE for its attempts to abridge the Constitutionally guaranteed rights of the students and their parents.

Elizabeth (Libbie) Hamann

From: amy ward <amyward02@yahoo.com>
Sent: Monday, October 30, 2023 5:28 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Keep HB348 as lawmakers have written

USBE rule committee,

Thank you for taking the time and allowing constituents to submit comments on the new amendment USBE approved to HB348. I write in opposition to this amendment and asked it be removed and you return back to obeying the law HB348 as it stands.

I have personally witnessed numerous violations of pervasive content in forms of CRT, DEI, porn, etc...within our schools. I have removed my children from participating in assignments and surveys that I deem detrimental to our families core beliefs. I have in turn worked with teachers and principals to have an academic equivalent without such violations if needed.

I have witnessed district teams presenting to students as young as third grade, content that is abhorrent, leading and pervasive all to achieve an agenda. An agenda that extends to our core subjects as well. Retaliation is real against students and parents who object. It has happened to my family.

Perhaps, if USBE enforced the letter of the law, punished districts who allowed their teachers to promote agendas and their own personal ideals then I wouldn't have to keep pulling my kids from assignments.

USBE has no right to act above the law, change the law or insert their own agenda.

Our children should have the right to object to content that goes against their beliefs and morals in real time. I have seen students subjected and be forced to endure these presentations, assignments etc...this has nothing to do with learning and its a power play by teachers, districts and USBE. My children or any children for that matter, do not belong to you, teachers or admin within our schools.

Perhaps USBE should focus on academics and why all districts have less than 50% proficiency in reading, writing and math. You are failing our children and your biggest concern is how many students you can indoctrinate against the wishes of their parents.

Thank you,
Amy Ward

From: Becky Nelson. <beckynn@gmail.com>
Sent: Monday, October 30, 2023 5:48 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: I disapprove of rule 277-709-295

USBE:

I disapprove of rule 277-700-205. The Utah State Constitution guarantees that our rights of conscience shall never be abridged. This guarantee is for Utah students as well. Your own legal advisors have warned you your rules are unconstitutional. If you persist, you leave citizens like myself who support the constitution no option but to support suits

lodged against the USBE for its attempts to abridge the Constitutionally guaranteed rights of students and their parents.

Becky Nelson

From: Irvin Snow <billrosesnow@yahoo.com>
Sent: Monday, October 30, 2023 6:38 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Rules

I disapprove of rule 277-700-205. The Utah State Constitution guarantees that our rights of conscience shall never be abridged. This guarantee is for Utah students as well. Your own legal advisors have warned you your rules are unconstitutional. If you persist, you leave citizens like myself who support the constitution no option but to support suits lodged against the USBE for its attempts to abridge the Constitutionally guaranteed rights of students and their parents.

From: shirley johnson <genigalsw2021@gmail.com>
Sent: Monday, October 30, 2023 7:01 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Right of Conscience

Rule 277-700-205 appears to violate the Utah State Constitution by denying our rights of conscience for our students being educated in Utah schools.

Please review and decide if your rules are unconstitutional for students and parents should you decide to proceed with Rule 277-700-205.

Many parents, grandparents and neighbors will object as our rights are being infringed upon and Utah will continue its hazardous slide away from real education into the mire of social hypocrisy...

Concerned citizen,
Shirley Johnson,
Lehi, Utah

From: Christina Marshall <tennislady1949@gmail.com>
Sent: Monday, October 30, 2023 7:41 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: 277-700-205

I disapprove of rule 277-700-205. The Utah State Constitution guarantees that our rights of conscience shall never be abridged. This guarantee is for Utah students as well. Your own legal advisors have warned you your rules are unconstitutional. If you persist, you leave citizens like myself who support the constitution no option but to support suits lodged against the USBE for its attempts to abridge the Constitutionally guaranteed rights of students and parents.

From: Kami Graves Huntsman <kami.l.graves@gmail.com>
Sent: Monday, October 30, 2023 9:48 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: Rule R277-700-7 Comment

Good evening Utah School Board

I appreciate your consideration of individual agencies in your recent decision for Rule R277-700-7 last year. However, I am concerned that students will be able to abuse the right of conscience basis for course decisions. Given the rule as it stands, would students be able to opt out of core classes (math, science, PE, English) based on the right of conscience and then still be able to graduate?

I personally feel like the School Board, individual districts, and community councils already do a great job screening materials for the students. This right of conscience has the potential to lead to more problems with standards for graduation than it will solve. However, I understand not everyone shares the same view point as myself.

Please consider the effects on graduation requirements. Thank you for your time.

Kami Huntsman
Granite School District Parent

From: Karen S. Roylance <ksroylance@gmail.com>
Sent: Tuesday, October 31, 2023 2:24 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject: I support R277-700-7 as amended and passed by the USBE

Having watched the board's discussion several times, I think Members Wood and Kerry hit on a fair wording of the rule. It matches the statute and makes clear what an LEA must do to accommodate parents and students.

The board has worked hard to establish sound standards, of which a diploma represents evidence of learning.

I think this rule aligns with the statute very well. It takes no power from parents, but directs an LEA in what may be offered.

from R277-700-7 Draft 4

(4) If a student refrains from a portion of a course or to a course 11 in its entirety under Section 53G-10-205, the parent and school may work together to establish a reasonable academic accommodation, which allows the student to demonstrate mastery of Core Standards, consistent with 53G-6-14 803 and 53G-10-205(2)(b), prior to the student's promotion to the next course or grade level.

From 53G-10-205

(3) When a student refrains from participating in any aspect of school that violates the student's or the student's parent's religious belief or right of conscience, the school:

(a) shall promptly notify the student's parent;

(b) may offer an alternative that does not violate the student's or the student's parent's religious belief or right of conscience;

Thank you,
Karen Roylance
North Ogden, UT

From: Florence Mitchell <bfmktv2@gmail.com>
Sent: Tuesday, October 31, 2023 2:41 PM
To: Board Rule Comments <rule.comments@schools.utah.gov>
Subject:

Dear Utah State School board,

I am very much against Rule #277-700-205 being put in place.

I am a teacher of 58 years, and disagree of changing the current law, # 536-10-205.
Please leave it alone.

Thank you for your time.

Florence Mitchell, Sanpete Co., North Sanpete School District.
