

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; and

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.](#)

11 (2) The purpose of this rule is to provide LEAs with the standards for educators
12 and LEAs regarding professional learning, and guidelines and requirements for
13 curriculum, and classroom instruction on educational equity.

14

15 **R277-328-2. Definitions.**

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

19 (2) “Curriculum” means primary instructional materials that [have](#) been approved
20 pursuant to R277-468 [and 53E-4-202.](#)

21 (3) “Educational equity” means acknowledging that all students are capable of
22 learning, and distributing resources to provide equal opportunities based upon the
23 needs of each individual student. Equitable resources include funding, programs,
24 policies, initiatives and supports that recognize each student’s unique background and
25 school context to guarantee that all students have access to high-quality education.

26 (4)(a) “Inclusion” means the practice of ensuring students feel a sense of
27 belonging and support; and

28 (b) to the maximum extent appropriate, for students with disabilities, providing
29 access to general curriculum and engagement in regular education classes with peers

30 [without disabilities.](#)

31

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

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

35 (2) The Professional learning provided by an LEA shall include instruction in:

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

39 (b) fostering a workplace and learning environment that is respectful of all
40 educators and students;

41 (c) establishing learning communities committed to continuous improvement,
42 individual and collective responsibility, and identifying underperforming students in need
43 of supports;

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

46 (e) collaborating with diverse community members to understand, recognize and
47 appreciate diverse cultures, languages, traditions, values, needs, and lived experiences;

48 (f) [implementing principles of inclusion as they pertain to students and educators](#)
49 [with varying abilities and backgrounds.](#)

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

52 (h) creating opportunities to recognize personal responsibility in contributing to
53 conditions that preserve the rights of all individuals and [to avoid](#) ~~avoiding~~ the repetition
54 of past harmful actions by individuals and groups;

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

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

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

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

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

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

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

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

76 (5) The ~~curriculum content of for the~~ professional learning provided by an LEA
77 shall be ~~approved in an open and regular public meeting of the LEA's governing board,~~
78 ~~and shall be~~ made ~~publicly~~ freely available ~~on by~~ the LEA's ~~website~~ to parents with a
79 student in the LEA within a reasonable amount time prior to the training being offered.

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

82

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

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

86 (a) in accordance with state and federal laws;

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

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

90 (2) If an LEA provides curriculum that includes ~~components~~ [concepts](#) as
91 described in Section R277-328-3(3), the curriculum shall:

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

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

96 (3) Classroom instruction that includes ~~components~~ [concepts](#) as described in
97 Section R277-328-3(3), shall be in accordance with the professional learning
98 guidelines and requirements established in Section R277-328-3(2), (3), and (4).

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

101

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

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

104 (a) prohibit or ban any idea, including those described in this rule, from the
105 general sharing and participation in the marketplace of ideas fostered in a learning
106 environment; and

107 (b) promote a specific approach over another regarding a topic, including those
108 described in this rule.

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

111 (3) The Superintendent shall establish and deliver a model for professional
112 learning that complies with the requirements of this rule [including approval of the model](#)
113 [in an open and public meeting of the Board and making the model available on the Utah](#)
114 [State Board of Education's website](#).

115 (4) [The requirement for approval described in Subsection \(3\) applies only to the](#)
116 [professional learning model referenced in this rule and does not apply to other](#)

117 [professional learning with embedded components of educational equity offered by the](#)
118 [Superintendent so long as the professional learning does not contain concepts](#)
119 [described in Subsection R277-328-3\(3\).](#)

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

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

124 **Authorizing, and Implemented, or Interpreted Law: [Art X Sec 3; 53E-3-401\(4\)](#)**