

Fellow Board Members,

As a Board, we are increasingly hearing from parents concerned about CRT. This issue will continue to grow until we resolve to restore the principles of freedom, diversity of thought, and historically accurate teaching in Utah classrooms through the proper professional development of Utah's teachers.

Additionally, the intent of the House and Senate [resolutions](#) was to direct the USBE Board to prevent the teaching of divisive concepts and the praxis of these concepts on students by way of various methods of instruction. Based on public comments, Rule R277-328 needs additional clarity to address the ambiguity that could undermine that intent.

For example, the rule interpretation section delineates the nullification of the rule. In addition, much of the rule could be interpreted as installing CRT infrastructures and teaching its tenets by use of language associated with the theory. This concern was expressed multiple times in public comment and should be addressed.

Hours were spent analyzing the rule, reading all 300+ pages of public comment, extensively researching education literature that currently promotes CRT concepts and considering the SR 901, HR 901 and the [SCC resolution](#). **This resulted in over 100 amendments.** To respect the finite time allotted within our board meeting, these amendments have been condensed into a single amendment or new framework for you to consider using as we move forward. While it is lengthy, it is comprehensive and color-coded so you can read with ease. You will note that the definitions and terms are vital for us and the public as well as to protect the language. **Before getting caught up in the length, please review the “meat” of the rule (pgs. 14-19).**

I recognize that we have all spent countless hours laboring over this important issue. My amendment is not intended to discount that time or effort. My only intent is to represent the will of my constituents, the public comment, and the intent of the resolutions to create a rule that will accomplish the goal of eliminating CRT praxis and divisive concepts in Utah schools.

For LEAs that have not been corrupted, this amendment framework is a sound safeguard against infiltration and for those schools that have already been damaged, it offers solutions, clarity and remedy for healing.

Again, thank you for your hard work, consideration, and transparency in this process.

Respectfully,

Natalie Cline
Board Member

P.S. I have included a table of contents with hyperlinks for your convenience.

If sent to you correctly, this document is formatted so each of these links take you to the page referenced.

R277-328-1. Authority, Acknowledgement and Purpose. 2

This section covers authority, multiple acknowledgements which provide the context through which we must write this rule. It is important that the public and local LEA's see this as well. The purpose has been updated to reflect public comment input and feedback.

R277-328-2. Definitions. 4

Public comment made it clear that many of these terms are misunderstood. To that end, much effort and time was put in to remove ambiguity and clearly define specific terminology.

R277-328-3. Additional Terms..... 10

Because CRT worms its way into educational endeavors through alternate and deceiving ways, this is to ensure we are clear with the message and honor the intent and request of the legislative resolutions. We acknowledge that some of these terms/concepts are common and have been used in education literature for a long time. Many have been coopted and are pervasive throughout pro CRT literature. Any of the terms and concepts may, if taught through the framework of Critical Race Theory and other divisive concepts, can cause great harm in our schools and to our children.

R277-328-4. Usage of Sex or other Classifications Mentioned in this Enactment 13

Self-explanatory.

R277-328-5. Educational Excellence and Race/Culture-Based Theories in Professional Learning. ... 14

This section has been modified and expanded to reflect the over 300 pages of public comment and refocused to honor the requests made of our legislative bodies. This also honors and allows for training of teachers to teach historically accurate lessons.

R277-328-6. Educational Excellence and Race/Culture-Based Theories Curriculum and Instruction.16

This section has also been modified and expanded to reflect the over 300 pages of public comment and refocused to honor the requests made of our legislative bodies. It has been framed positively. Additionally, it references the importance of teacher neutrality, respecting a student's family and home values and honors the sections regarding prohibitions. This section also allows for and delineates the teaching of historically accurate lessons.

R277-328-7. Prohibitions. 17

For our work as a board to be effective, we need to be explicitly clear with regard to activities, actions, displays, resources, teaching and behaviors that have no place in the public school. This section is necessary and was requested in public comment.

R277-328-8. Applicability to Local Education Agencies and the USBE organization 18

This section outlines how this applies to both the USBE organization and local LEAs. It removes strategic ambiguity and outlines responsibility for compliance.

R277-328-9. Compliance and Interpretation. 19

This is clear and self-explanatory.

1 **R277. Education, Administration.**

2 **R277-328. Education Excellence and Race/Culture-Based Theories and Application in Schools**

3 **R277-328-1. Authority, Acknowledgement and Purpose.**

4 I. This rule is authorized by:

5 A. Utah Constitution Article X, Section 3, which vests general control and supervision over
6 public education in the Board;

7 B. Section 53E-3-401(4), which allows the Board to make rules to execute the Board's duties
8 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 minimum
10 standards governing curriculum and instruction requirements: and

11 D. Section 53E-3-502(8) which requests the Board help school districts develop and
12 implement guidelines, strategies, and professional development programs for
13 administrators and teachers consistent with Subsections 53E-2-302(7) and 53E-6-
14 103(1)(b), (2)(a) and (b) focused on improving interaction with parents and promoting
15 greater parental involvement in the public schools.

16 II. This rule acknowledges that:

17 A. “Under both the United States Constitution and the constitution of the state of Utah, a
18 parent possesses a fundamental liberty interest in the care, custody, and management of
19 the parents’ children” (Utah Code § 62A-4a-201).

20 B. The state of Utah recognizes that parents have the “right, obligation, responsibility, and
21 authority to raise, manage, train, educate, provide and care for, and reasonably discipline
22 their children” (Utah Code § 62A-4a-201) and “supports parents through a responsive
23 educational system that guarantees local school communities autonomy, flexibility, and
24 client choice” (Utah Code § 53E-2-301-3).

25 C. In the implementation of “all policies, programs, and responsibilities, the Utah Legislature,
26 the state school board, local school boards, and charter school governing boards” are
27 required to “respect, protect, and further the interests of parents in their children's public
28 education”(Utah Code § 53E-2-201-2(a)). Furthermore “political, atheistic, sectarian,
29 religious, or denominational doctrine may not be taught in the public schools except as
30 provided in Section 53G-10-202” (Utah Code § 53G-10-402).

31 D. The Utah Legislature envisions an educated citizenry that “encompasses foundational
32 principles including strong moral and social values, and loyalty and commitment to
33 constitutional government” (Utah Code § 53E-2-301).

34 E. Educators are required to "comply with all federal, state, and local laws" (R277-217-3)
35 which includes the following prohibited conduct (R277-217-2-23) "exclude a student from

- 36 participating in any program, deny or grant any benefit to a student, or encourage a student
37 to develop a prejudice on the basis of: (a) race; (b) color; (c) creed; (d} sex; (e) national
38 origin; (D marital status; (g) political or religious belief; (h) physical or mental condition; (i)
39 family, social, or cultural background; U) sexual orientation; or (k) gender identification;"
40 LEA's are required to report violations to the UPPAC (R277-217-5).
- 41 F. Objective truths exist and teaching should be based upon the same.
- 42 G. "Critical Race Theory" (CRT) utterly disavows America's founding principles and ignores
43 our national progress, such as the abolition of slavery, constitutional amendments, and
44 civil rights laws, to preserve liberty for all Americans and, instead establishes the false
45 premise that America has been and always will be a systemically racist nation.¹
- 46 H. CRT is designed to further divide Americans by indoctrinating young students into being
47 ashamed of their race and or being a victim because of their race, setting races up
48 against each other and advancing an ideology of hate.²
- 49 I. CRT insults and demeans Americans of color by teaching that they are less intelligent
50 and capable to succeed and must have, by the force of law, extra benefits and special
51 advantages to compete in society.³
- 52 J. CRT is diametrically opposite to American values and fails to remember Martin Luther
53 King Jr's words to judge, "Not by the color of their skin, but by the content of their
54 character."⁴
- 55 K. USBE believes in "Equal Rights", specifically "the God-given individual rights guaranteed
56 by the Constitution of the United States and the Constitution of the State of Utah" and
57 that "We recognize the contributions made to our quality of life through ethnic diversity"
58 and "affirm the infinite worth of all individuals, and seek the best possible quality of life for
59 all."⁵
- 60 L. USBE does not promote or endorse any equity pursuits, funding, programs, policies,
61 initiatives or supports that are engaged in at the expense of equal rights or equal
62 opportunity.
- 63 III. The purpose of this rule is to provide LEAs and the USBE organization with the standards for
64 education professional, specialists, advisory committees coalitions, task forces, etc., and
65 LEAs regarding professional learning, and guidelines and requirements for curriculum,
66 content, displays, teaching tools, assessments and instruction on educational excellence and
67 race/culture-based theories of education. Additional purposes are:

¹ From the SCC Resolution in support of prohibiting Critical Race Theory.

² From the SCC Resolution in support of prohibiting Critical Race Theory.

³ From the SCC Resolution in support of prohibiting Critical Race Theory.

⁴ From the SCC Resolution in support of prohibiting Critical Race Theory.

⁵ From the SCC Resolution in support of prohibiting Critical Race Theory.

- 68 A. Protection from divisive concepts that are destructive and endanger personal liberties,
- 69 and
- 70 B. Promotion of constitutional principles, teaching objective truths of American history
- 71 centered on the founding principles of our Constitution and Declaration of
- 72 Independence, the recognition of valuable contributions made to our country by all
- 73 Americans, the understanding of past mistakes and challenges that we have
- 74 overcome, and instruction through a lens of unity and equality.⁶

75 **R277-328-2. Definitions.**

- 76 I. “Auxiliary employees” means: para-professionals, instructional aids (or any position under the
- 77 same description), pre-service teachers, specialists, advisory committees, coalitions, task
- 78 forces, mentors, coaches, counselors, social workers, etc.
- 79 II. “Collective Guilt” means: “Critical race theory claims that individuals categorized as 'White'
- 80 are inherently responsible for injustice and oppression committed by white populations in the
- 81 past. This concept is sometimes framed as 'white guilt,' 'white shame,' and 'white complicity,'
- 82 which are psychological manifestations of collective guilt.”⁷
- 83 III. “Content” means: that which is utilized or occurs during the process of instruction, or assigned
- 84 homework.
- 85 IV. “Constitutional Principles” means: principles enshrined in the U.S. Constitution and the Bill of
- 86 Rights that guide the governance of a free nation and protect the individual rights and
- 87 freedoms of its people.
- 88 V. “Critical Race Theory” (CRT) means any theory or ideology that:
- 89 A. Derives or otherwise traces its origins or influences from, or pertinently overlaps with, the
- 90 “Critical Theory” social philosophy espoused by the Frankfurt School;
- 91 B. Teaches or promotes that social problems are created by racist or patriarchal societal
- 92 structures and systems;
- 93 C. Espouses the view that one race is inherently racist, sexist, or intentionally or inadvertently
- 94 oppressive
- 95 D. Espouses the view that one race is inherently responsible for the intentional or inadvertent
- 96 oppression of another race;
- 97 E. One race or sex is superior to another race or sex;
- 98 F. A person should be discriminated against because of the race or sex attributed to them or
- 99 be treated differently based on that classification;
- 100 G. A person’s moral character is determined by the race or sex attributed to them;

⁶ From the SCC Resolution in support of prohibiting Critical Race Theory.

⁷ From Christopher Rufo, CRT Briefing Book <https://christopherrufo.com/crt-briefing-book/>

- 101 H. The race or sex attributed to a person makes them responsible for past transgressions of
102 that race or sex;
- 103 I. A person would or should feel discomfort, guilt, anguish, or any other form of psychological,
104 physical, or any other kind of distress on account of the race or sex attributed to them, or
105 sexual orientation; and
- 106 J. Work ethic or devotion to duty and obligations is inherently racist or sexist.
- 107 VI. “Critical thinking” means: one’s ability to think clearly and rationally, understanding the logical
108 connection between ideas. It uses the analysis of facts, objective truths, proven principles
109 and original source documents and context to form a judgment including a rational, skeptical,
110 unbiased analysis, or evaluation of empirical evidence.
- 111 VII. “Curriculum” means instructional materials that have been approved pursuant to R277-468
112 and 53E-4-202.
- 113 VIII. “Displays” means: any piece of clothing, pins, stickers posters, screen saver, flags, etc.
114 available or visible to a student anywhere in the school.
- 115 IX. “Divisive Concepts” means any concept that espouses:
- 116 A. One sex, race, ethnicity, color, or national origin is inherently superior to any other sex,
117 race, ethnicity, color, or national origin;
- 118 B. The United States is fundamentally or systemically racist or sexist;
- 119 C. An individual, by virtue of the sex, race, ethnicity, religion, color, or national origin attributed
120 to them is inherently racist, sexist, or otherwise prejudiced or oppressive, whether
121 consciously or unconsciously;
- 122 D. An individual should be discriminated against or receive adverse treatment solely or partly
123 because of the sex, race, ethnicity, religion, color, or national origin attributed to them;
- 124 E. An individual’s moral character is necessarily determined by the sex, race, ethnicity,
125 religion, color, or national origin attributed to them;
- 126 F. An individual, by virtue of the sex, race, ethnicity, religion, color, or national origin attributed
127 to them, bears responsibility for actions committed in the past by other members of the
128 same (or any other) sex, race, ethnicity, religion, color, or national origin;
- 129 G. Any individual should be targeted and made to feel discomfort, guilt, anguish, or any other
130 form of psychological distress due to the sex, race, ethnicity, religion, color, or national
131 origin attributed to them;
- 132 H. Meritocracy or traits such as a work ethic or devotion to duty and obligations are racist or
133 sexist, or were created or recognized by a particular race to oppress another race; or
- 134 I. The term “divisive concept” includes any other form of race or sex stereotyping or any
135 other form of race or sex scapegoating;

- 136 1. “Race or sex stereotyping” means ascribing character traits, values, moral and ethical
137 codes, privileges, status, or beliefs to a race or sex, or to an individual because of his
138 or her race or sex;
- 139 2. “Race or sex scapegoating” encompasses any claim that, consciously or
140 unconsciously, and by virtue of his or her race or sex, members of any race are
141 inherently racist or are inherently inclined to oppress others, or that members of a sex
142 are inherently sexist or inclined to oppress others.
- 143 X. “Empirical data” means: data derived from the scientific process and is subject to confirmation
144 by experiment.
- 145 XI. “Ethics” means: the promotion of the unenforceable laws of civility and decency necessary
146 for sustaining a free and civil society based on a system of self-governance.
- 147 XII. “Freedom of Association” means the students right to engage freely during the school day
148 with appropriate parental notice, understanding and consent. Freedom of Association for
149 minors is not independent of parental values and consent. “Associations” include, but are
150 not limited to the following:
- 151 A. Clubs
- 152 B. Surveys
- 153 C. Assessments
- 154 D. Content
- 155 E. Instruction
- 156 F. Counseling
- 157 G. Displays
- 158 H. Presentations
- 159 I. Restorative Practices
- 160 J. Racial segregation
- 161 K. Affinity groups
- 162 XIII. “Government-sanctioned or -facilitated racism” means any concept, theory, ideology, action,
163 omission, custom, policy or practice enacted by elected officials or taxpayer-funded entities
164 that:
- 165 A. Supports, promotes, or affirms the adverse treatment of an individual by virtue of the race
166 attributed to them;
- 167 B. Results in the affirmation, adoption, or adherence to viewpoints that treat individuals
168 adversely by virtue of the race attributed to them;

169 C. Reinforces, supports, or affirms the ahistorical and racist ideas promoted by the 1619
170 Project and likeminded endeavors and organizations or otherwise derives or can trace its
171 origins to the essays, curricula, and writings of the 1619 Project and similar endeavors.

172 XIV. “Historically accurate” means: that which is determined by critical processes used in
173 apologetic procedures. The account is verifiable, contextually accurate, and generally reliable
174 as determined by:

175 A. Eye-witness Testimony:

176 1. Testimony attested to by multiple independent witnesses is usually considered
177 stronger than the testimony of one witness.

178 2. Affirmation by a neutral or hostile source is usually considered stronger than affirmation
179 from a friendly source since bias in favor of the person or position is absent.

180 (a) Witnesses usually don't make up details regarding a story that would tend to
181 weaken their position.

182 3. Eyewitness testimony is usually considered stronger than testimony heard from a
183 second or thirdhand source.

184 4. An early testimony from very close to the event in question is usually considered more
185 reliable than one received years after the event.

186 B. Data:

187 1. The data are strongly evidenced.

188 2. The data are granted by virtually all scholars on the subject, even the skeptical ones.

189 C. Original source documentation.

190 XV. “Inclusion” means the practice of engaging each student at the highest cognitive level
191 possible; and

192 A. to the maximum extent appropriate, for students with disabilities, providing access to
193 general curriculum and engagement in regular education classes with peers without
194 disabilities.

195 B. “Inclusive behavior” includes, but is not limited to:

196 1. the practice of welcoming each student to the class;

197 2. giving each child honest compliments over the course of the year;

198 3. asking for and welcoming each child’s point of view in class discussions.

199 4. eliminating from the classroom blatant threats and overtly belittling statements.

200 C. “Inclusion” does not mean the implied or active acceptance, special recognition or
201 promotion of individual/family beliefs; association of special interest groups

202 D. Questionable theories, praxis, or curriculum that is designed to push an ideology, political
203 viewpoint/candidate, or special interest group shall not be displayed or presented in k-12

- 204 classrooms in any way; nor shall they be presented before a child without a parents
205 express written consent (Utah Code § 53G-10-402)
- 206 XVI. “Instruction” (both verbal and non-verbal) means any course material, computer module unit,
207 class, lesson, activity, discussion, display, redirection, interaction, performance, assembly or
208 presentation that provides instruction, information, counseling or mental health services (in
209 house contracted) to a student.
- 210 XVII. “Learning community” means: the unit closest to the child; those partnered together and best
211 situated to address the student(s) unique learning needs. i.e., Parent, Child, teacher, and/or
212 other experts as agreed upon by the parent and teacher.
- 213 XVIII. “Logic” means: “reasoning conducted or assessed according to strict [proven] principles of
214 validity.”⁸
- 215 XIX. “Meritocracy” means: “A social system in which status or position is achieved through ability
216 and effort (merit) not because of money or social position.”⁹
- 217 XX. “Neo-Marxism” means: “Neo-Marxism is a loose term for various twentieth-century
218 approaches that amend or extend Marxism and Marxist theory, usually by incorporating
219 elements from other intellectual traditions, such as: critical theory, psychoanalysis or
220 Existentialism. As with many uses of the prefix neo-, many theorists and groups designated
221 as neo-Marxist have attempted to supplement the perceived deficiencies of orthodox Marxism
222 or dialectical materialism. Many prominent neo-Marxists, such as Herbert Marcuse and other
223 members of the Frankfurt School, were sociologists and psychologists. Neo-Marxism comes
224 under the broader framework of the New Left. In a sociological sense, neo-Marxism adds Max
225 Weber's broader understanding of social inequality, such as status and power, to Marxist
226 philosophy. Strains of neo-Marxism include critical theory, analytical Marxism and French
227 structural Marxism. The concept arose as a way to explain questions which were not explained
228 in Karl Marx's works. There are many different 'branches' of Neo-Marxism often not in
229 agreement with each other and their theories.”¹⁰
- 230 XXI. “Neo-Segregation” means: “Critical race theorists endorse a new form of racial segregation—
231 often called racial affinity groups” or 'racial caucuses'—with separate meetings, facilities, living
232 quarters, and training programs for whites and racial minorities. The assumption is that whites
233 must 'do the work' to address their 'internalized racial superiority' and racial minorities must
234 be protected from invasive 'whiteness.’”¹¹

⁸ From Oxford Language Dictionary

⁹ From the *Oxford Reference Dictionary and Cambridge Dictionary*.

¹⁰ From <https://www.definitions.net/definition/neo-marxism>

¹¹ From Christopher Rufo, CRT Briefing Book, <https://christopherrufo.com/crt-briefing-book/>

- 235 XXII. “Objective truths”. means: a verifiable fact or event that can be proven with evidence and can
236 be proven true without biases, feelings, ideas, or opinions; the opposite of “subjective truth.”
237 A. i.e., The United States of America was established with the signing of the Declaration of
238 Independence.
- 239 XXIII. “Original source document” means: an authentic, first created form or earliest version of an
240 historical letter, manuscript, book, photo or recording, which verifies an objective truth(s) and
241 is unedited, uncut, and without subjective commentary.
242 A. i.e., US Constitution, Bill of Rights, Military recorded film footage of World War 2,
243 “Democracy in America” by Alexis de Tocqueville
- 244 XXIV. “Postmodernism” means: “[A] late 20th-century movement characterized by broad skepticism,
245 subjectivism, or relativism; a general suspicion of reason; and an acute sensitivity to the role
246 of ideology in asserting and maintaining political and economic power.” The belief system of
247 Postmodernism challenges the principles of objective reality, reason, logic and the scientific
248 method as characterized by the Enlightenment.¹²
- 249 XXV. “Professional Learning” means: any development, capacity building, onboarding, staff meeting
250 instruction and exercises, auxiliary district training (i.e. Google, Adobe, Microsoft, etc.),
251 contracted development, credits earned for required endorsements, etc. that is engaged in
252 and can be implemented in any instructional process.
- 253 XXVI. “Propaganda” means: information, especially of a biased or misleading nature, used to
254 promote or publicize a particular political cause or point of view.
- 255 XXVII. “Proven Principles” means: foundational assertions that have endured the process of
256 established validity through logic, reason, verifiable outcome data and historical accuracy.
- 257 XXVIII. “Racism” means: “the belief that race is the primary determinant of human traits and capacities
258 and that racial differences produce an inherent superiority of a particular race. Racial
259 prejudice or discrimination.”¹³
- 260 XXIX. Race Essentialism” means: “Essentialist conceptions of race hold that the characteristics of
261 physical appearance referred to by racial terms are indicative of more profound characteristics
262 (whether positively or negatively construed) of personality, inclinations, 'culture,' heritage,
263 cognitive ability, or 'natural talents,' that are taken to be shared by all members of a racially
264 defined group. Proponents of non-essentialist views, on the other hand, believe that
265 essentialism about race grants inappropriate and excessive meaning to features that are 'skin
266 deep.’”¹⁴

¹² From Encyclopedia Britannica <https://www.britannica.com/topic/postmodernism-philosophy>

¹³ From the Merriam Webster Dictionary August 8, 2020

¹⁴ Anna Stubfield; Social Theory and Practice, Volume 21, No 3 (Fall 1995) p 341; Florida State University <https://www.jstor.org/stable/23557192>

- 267 XXX. “Race Scapegoating” means: Assigning unwarranted responsibility or blame to an individual
268 or group based on race.
- 269 XXXI. “Race-Stereotyping” means: Assigning specific traits, values, morals, conduct, beliefs or
270 ideology to a group or individual based on race.¹⁵
- 271 XXXII. “[Educational] Resources” means: any item available or visible to a student during the school
272 day. This could also include internet resources, links, lesson plans, etc.
- 273 XXXIII. “Teaching” means the instructional process and/or “the practice of the tenets of.” i.e.,
274 pedagogy, practice, or praxis, etc.
- 275 XXXIV. “Subjective truth” means: that which cannot be verified as fact or proven with evidence devoid
276 of biases feelings, ideas or opinions; the opposite of “objective truth.”
277 A. i.e., America is a systemically racist country.

278 **R277-328-3. Additional Terms**

- 279 I.) Any of the following terms and concepts may, if taught through the framework of Critical Race
280 Theory and other divisive concepts or other prohibited activities as defined, be a violation
281 of this rule. This list of terms and concepts is non-exhaustive and applies to all terms or concepts
282 that violate the provisions enacted herein:
- 283 A. Critical Race Theory (CRT)
 - 284 B. Action Civics
 - 285 C. Social Emotional Learning (SEL)
 - 286 D. Diversity, Equity, and Inclusion (DEI)
 - 287 E. Culturally Responsive Teaching
 - 288 F. Abolitionist teaching
 - 289 G. Agents of social change
 - 290 H. Anti-racism
 - 291 I. Anti-bias training
 - 292 J. Anti-blackness
 - 293 K. Anti-meritocracy
 - 294 L. Obtuse meritocracy
 - 295 M. Centering or de-centering
 - 296 N. Civics Engagement
 - 297 O. Collective guilt
 - 298 P. Colorism
 - 299 Q. Conscious and unconscious bias

¹⁵ From: *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701; *Edmonson v. Leesville Concrete Co.*, 500 U.S. 614 “Quote illustrating Stereotyping”

- 300 R. [Critical ethnic studies](#)
- 301 S. [Critical perspectives](#)
- 302 T. [Critical pedagogy](#)
- 303 U. [Critical self-awareness](#)
- 304 V. [Critical self-reflection](#)
- 305 W. [Culturally appropriate](#)
- 306 X. [Cultural appropriation/misappropriation](#)
- 307 Y. [Cultural awareness](#)
- 308 Z. [Culturally congruent](#)
- 309 AA. [Culturally compatible](#)
- 310 BB. [Cultural competence](#)
- 311 CC. [Cultural proficiency](#)
- 312 DD. [Cultural relevance](#)
- 313 EE. [Cultural relevant pedagogy](#)
- 314 FF. [Cultural responsiveness](#)
- 315 GG. [Culturally responsive practices](#)
- 316 HH. [Culturally responsive-sustaining education](#)
- 317 II. [Culturally sustaining pedagogy](#)
- 318 JJ. [Cultural Synchronization](#)
- 319 KK. [De-centering whiteness](#)
- 320 LL. [Deconstruct knowledges](#)
- 321 MM. [\[Ideas of\] Disruption](#)
- 322 NN. [Disruption of \[perceived\] power dynamics](#)
- 323 OO. [Diversity focused](#)
- 324 PP. [Diversity training](#)
- 325 QQ. [Dominant discourses](#)
- 326 RR. [Educational justice](#)
- 327 SS. [Elevating voices](#)
- 328 TT. [Embracing values](#)
- 329 UU. [Empathy](#)
- 330 VV. [Equitable](#)
- 331 WW. [Equity](#)
- 332 XX. [Examine "systems"](#)
- 333 YY. [Free radical therapy](#)
- 334 ZZ. [Free radical self/collective care](#)

- 335 AAA. [Funds of knowledge](#)
- 336 BBB. [Hegemony](#)
- 337 CCC. [Historical marginalization](#)
- 338 DDD. [Identity deconstruction](#)
- 339 EEE. [Implicit/Explicit bias](#)
- 340 FFF. [Inclusivity education](#)
- 341 GGG. [Institutional bias](#)
- 342 HHH. [Institutional oppression](#)
- 343 III. [Internalized racial superiority](#)
- 344 JJJ. [Internalized racism](#)
- 345 KKK. [Internalized white supremacy](#)
- 346 LLL. [Interrupting racism](#)
- 347 MMM. [Intersection](#)
- 348 NNN. [Intersectionality](#)
- 349 OOO. [Intersectional identities](#)
- 350 PPP. [Intersectional studies](#)
- 351 QQQ. [Land acknowledgment](#)
- 352 RRR. [Linguistically literate and cultural pluralism](#)
- 353 SSS. [\[stereotyped\] “lived experiences”](#)
- 354 TTT. [Marginalized identities](#)
- 355 UUU. [Marginalized/Minoritized/Under-represented communities](#)
- 356 VVV. [Marginalized voices](#)
- 357 WWW. [Microaggressions](#)
- 358 XXX. [Multiculturalism](#)
- 359 YYY. [Neo-segregation](#)
- 360 ZZZ. [Normativity](#)
- 361 AAAA. [Oppressor vs. oppressed](#)
- 362 BBBB. [Patriarchy](#)
- 363 CCCC. [Postmodernism](#)
- 364 DDDD. [Privilege dominant racial groups](#)
- 365 EEEE. [Protect vulnerable identities](#)
- 366 FFFF. [Race essentialism](#)
- 367 GGGG. [Racial healing](#)
- 368 HHHH. [Racialized identity](#)
- 369 IIII. [Racial justice](#)

- 370 JJJJ. [Racial prejudice](#)
- 371 KKKK. [Racial sensitivity training](#)
- 372 LLLL. [Racial supremacy](#)
- 373 MMMM. [Reflective exercises](#)
- 374 NNNN. [Representation and inclusion](#)
- 375 OOOO. [Restorative justice](#)
- 376 PPPP. [Restorative practices](#)
- 377 QQQQ. [Service Learning](#)
- 378 RRRR. [Social Change](#)
- 379 SSSS. [Social justice](#)
- 380 TTTT. [Spirit murdering](#)
- 381 UUUU. [Student centered](#)
- 382 VVVV. [Structural bias](#)
- 383 WWWW. [Structural inequity](#)
- 384 XXXX. [Structural racism](#)
- 385 YYYYY. [Systemic bias](#)
- 386 ZZZZ. [Systemic oppression](#)
- 387 AAAAA. [Systemic racism](#)
- 388 BBBBB. [Systems of power and oppression](#)
- 389 CCCCC. [Transformational \[curricular term\]](#)
- 390 DDDDD. [Voice elevation](#)
- 391 EEEEE. [Validating values](#)
- 392 FFFFF. [Unconscious bias](#)
- 393 GGGGG. [White fragility](#)
- 394 HHHHH. [White guilt](#)
- 395 IIIII. [White privilege](#)
- 396 JJJJJ. [White social capital](#)
- 397 KKKKK. [White supremacy](#)
- 398 LLLLL. [Whiteness Woke](#)
- 399 MMMMM. ["\[doing the\] work"](#)

R277-328-4. Usage of Sex or other Classifications Mentioned in this Enactment

- 400
- 401 I. The usage of sex or other related classifications mentioned in this enactment shall not be
- 402 construed as an endorsement of deviations from biological sex. These classifications are
- 403 intended to prevent, and shall have the effect of preventing, anyone from using any manner

404 of fluidity or impermanence regarding sex to circumvent the purpose and objective of this
405 enactment.

406 **R277-328-5. Educational Excellence and Race/Culture-Based Theories in Professional Learning.**

407 I. Prior to January 1, 2022, local LEAs and USBE shall provide professional learning to board
408 members, leaders, educators and auxiliary employees concerning Educational Excellence
409 and Race/Culture Based Theories in Education.

410 A. These trainings shall be offered through onboarding in each subsequent academic
411 cycle and other individuals employed by the LEA as needed.

412 II. The professional learning provided by an LEA and USBE shall include instruction in:

413 A. Recognizing and eliminating CRT and other similar “divisive concepts,” including their
414 propaganda, as noted and defined within this rule.

415 B. Identifying, defining and discussing practical tools, curriculum and resources that will help
416 promote objective truth, ethics, logic, meritocracy, and constitutional principles and their
417 implementation.

418 C. Providing “historically accurate” instruction.

419 D. Fostering a learning environment and workplace that are respects the dignity and
420 uniqueness of all students and educators; including:

421 1. teacher actions that ensure physical safety, and

422 2. teacher actions that ensure an environment free of blatant threats and overtly belittling
423 statements toward any student or educator.

424 E. Establishing Learning Communities committed to continuous improvement, personal
425 accountability and responsibility encompassing the LEA, teacher, student and
426 parents/guardians, and

427 1. identifying any student in need of supports;

428 2. Parental rights and concerns about their child's education shall be respected and not
429 be treated as a barrier to overcome.

430 F. Acknowledging commonalities and uniqueness

431 1. looking for the good in everyone, including oneself, and

432 2. showing respect for all humans, cultures, traditions and beliefs that encompass the
433 ideals that all are inherently created equal and;

434 G. Collaborating with community members to understand and recognize common interests
435 and goals.

436 1. Parental rights and concerns about their child's education shall be respected and not
437 be treated as a barrier to overcome.

- 438 H. Implementing principles and strategies of foundational respect for all, as they pertain to
439 students and educators with varying abilities and needs.
- 440 I. Model critical thinking by helping students see various viewpoints and making decisions
441 about best ideas using:
- 442 1. empirical data
 - 443 2. objective truths
 - 444 3. proven principals,
 - 445 4. original source documents.
- 446 J. Creating opportunities to recognize personal responsibility and exercises that recognize
447 the rights of all individuals and how to preserve them for future generations; including:
- 448 1. opportunities to helps students see how various actions can affect the constitutional
449 rights of others today, and
 - 450 2. instruction that relates how various individuals and groups in the history of the United
451 States were denied constitutional rights.
- 452 K. Defending:
- 453 1. diversity of thought,
 - 454 2. critical thinking,
- 455 L. Cultivating conditions that focus on optimal academic learning, parent partnerships, and
456 equal opportunities for every student.
- 457 M. Learning how to assess individual student data in order to modify instructions and supports
458 to serve individual learner needs.
- 459 N. Learning how to assess assessment data to identify both effective and ineffective
460 execution in order to modify instructional strategies to better teach isolated concepts.
- 461 O. Section I, 2 above, Utah Code and expectations of education professionals as it applies to
462 the entirety of a child's school experience, this rule and parental rights.
- 463 P. Identifying and reporting infractions:
- 464 1. Office for Civil Rights (OCR), U. S. Department of Education; Region VIII;
465 Address: Cesar E. Chavez Memorial Building
466 1244 Speer Blvd. Suite #310
467 Denver CO 80204-3582
468 11IR-100 Nondiscrimination Policy and Complaint Procedures Page 5 of 8
469 Telephone: (303) 844-4303; TDD-Hearing Impaired (800) 877-8339
 - 470 2. The LEAs formal complaint process pursuant to R277-107.
 - 471 3. The state educational hotline. (801) 538-7813. USBE hotline:
472 <https://schools.utah.gov/internalaudit?mid=892&tid=4>

- 473 III. The professional learning provided by an LEA or USBE may not include instruction that
- 474 promotes or endorses any concepts listed in “Prohibitions.”
- 475 IV. The professional learning provided by an LEA and USBE shall be done in accordance with all
- 476 state and federal laws.
- 477 V. The content of professional learning provided by USBE shall be made freely available to the
- 478 public by posting it to the website 14 days prior to the professional learning date.
- 479 VI. The content of professional learning provided by an LEA shall be made freely available by the
- 480 LEA to all parents or other stakeholders in the LEA no later than 14 days prior to the
- 481 professional learning date in which the learning is offered (finished document or explicit
- 482 outline) upon request and include:
- 483 A. a copy of this rule; and
- 484 B. a copy of the USBE approved compliance rubric, written and established by the Board,
- 485 showing how the professional learning and materials adhere to the requirements of this
- 486 rule and other state codes.
- 487 VII. The professional learning referred to in Subsection (V) does include “coaching.”
- 488 VIII. The professional learning referred to in Subsection (V) does not include formal remediation
- 489 sessions for a specific educator or employee.

490 **R277-328-6. Educational Excellence and Race/Culture-Based Theories Curriculum and**

491 **Instruction.**

- 492 1) An LEA may only provide curriculum and instruction that includes concepts as described in
- 493 Section R277-328:
- 494 a) in accordance with state and federal law; and
- 495 b) that contains age-appropriate content for the developmental age of the student.
- 496 i. Each individual under the employ of the LEA shall acknowledge that “age appropriate”
- 497 is under the authority of the parent/guardian. (Utah Code § 53E-2-201-2(a), Utah Code
- 498 § 62A-4a-201)
- 499 c) Promotes loyalty and commitment to constitutional government. (Utah Code § 53E-2-301)
- 500 2) If an LEA provides “content” that includes concepts as described in “prohibitions” the content
- 501 shall:
- 502 a) be sent to parents of every registered student in the school in each instance (recurring if
- 503 content is repeatedly introduced) with full and complete disclosure of content, tools, and
- 504 teaching strategies at least 7 days before an open and regular public meeting of the LEA’s
- 505 governing board where parents are given ample time to write in and/or give public
- 506 comment regarding said content, resources, assessments, etc.

- b) be approved in an open and regular public meeting of the LEA's governing board as described in R277-468;
 - c) as applicable, contain content in accordance with the professional learning guidelines and requirements established in R277-328.
- 3) As a part of impartial presentation or display, any individual under the employ of a public school shall not, while delivering services, denigrate people, parents, family member(s), faith traditions or current political leaders with which or whom disagree.

R277-328-7. Prohibitions.

- I. The tenets outlined in the definition of “divisive concepts” often found in “critical race theory,” undermine a free society and sound education and otherwise exacerbate and inflame divisions on the basis of sex, race, ethnicity, religion, color, national origin, or other criteria in ways contrary to the unity of the nation, the founding principles of the nation, and the well-being of the citizens of Utah.
- II. Therefore, no state education agency, school district, or public school, including a public charter school, shall direct or otherwise compel students to personally affirm, adopt, or adhere to any of the following tenets:
 - B. That any sex, race, ethnicity, color, or national origin is inherently superior or inferior;
 - C. That individuals should be discriminated against or receive adverse or preferential treatment solely or partly because of the sex, race, ethnicity, religion, color, or national origin attributed to them;
 - D. That an individual, by virtue of the sex, race, ethnicity, religion, color, or national origin attributed to them, are inherently responsible for actions committed in the past by other members of the same (or any other) sex, race, ethnicity, religion, color, or national origin;
 - E. That an individual, by virtue of the sex, race, ethnicity, religion, color, or national origin attributed to them is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
 - F. That an individual’s moral character is necessarily determined by the sex, race, ethnicity, religion, color, or national origin attributed to them;
 - G. That an individual should be targeted and made to feel discomfort, guilt, anguish, or any other form of psychological, physical, or any other kind(s) of distress due to the sex, race, ethnicity, religion, color, or national origin attributed to them;
 - H. That meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race; or
 - I. That the United States is fundamentally or systemically racist or sexist;

- 541 III. No distinction among or classification of students shall be made or manufactured on account
542 of race, color, or national origin.
- 543 IV. No course of instruction, unit of study, or any other curricular or extracurricular offerings
544 directing, facilitating, enabling, permitting, sponsoring, supporting or otherwise compelling
545 students to personally affirm, adopt, or adhere to any of the tenets identified shall be used or
546 introduced in any school within the jurisdiction of this board of education. Nor shall students,
547 directly or indirectly, be encouraged or incentivized in any manner to do so.
- 548 V. All training programs relating to diversity, equity, or inclusion must adhere to the provisions
549 outlined and shall, before being used, be reviewed by the board of education for full
550 compliance with this subchapter. This review shall also be available for discussion in a public
551 format to provide parents, guardians, and residents with a meaningful opportunity to
552 participate, review, and provide input on any proposed guidelines relating to diversity, equity,
553 or inclusion training for school district employees.
- 554 VI. Notwithstanding any other provision of law, this section does not prohibit schools, or entities
555 under the jurisdiction of the board of education, from including, as part of a course of
556 instruction or in a curriculum or instructional program, or from allowing teachers or other
557 employees to use supplemental instructional materials that include:
- 558 C. The history of an ethnic group, as described in textbooks and instructional materials
559 adopted in accordance with approved curriculum;
- 560 D. The discussion of otherwise controversial aspects of history, *only if* done so without
561 violating the provisions outlined within this rule and *only if* done so by presenting, from a
562 holistic point of view, a complete, neutral, and unbiased perspective of the subject matter
563 or prism;
- 564 E. The instruction on the historical oppression of a particular group of people based on race,
565 ethnicity, class, nationality, religion, or geographic region; or
- 566 F. Primary source documents relevant to such a discussion if otherwise approved for use in
567 curriculum or trainings, and otherwise comports with the provisions of above sections.
- 568 IV. The concepts and actions prohibited by this rule and this section apply to and include any
569 combination of standards, frameworks, curriculum, instruction, assessments, theories,
570 attitudes, instructional materials, resources, practices, processes of assessment and
571 assessment tools including those that center on student’s culture, identities, and context.

572 **R277-328-8. Applicability to Local Education Agencies and the USBE organization**

- 573 I. Notwithstanding any other provision of law, the provisions outlined in “prohibitions” shall also
574 be applied to all employees, advisory committees, coalitions, task forces, etc., as outlined.

- 575 A. An LEA or USBE shall not teach, instruct, or train any employee, contractor, staff member,
576 administrator, supervisor, assistant, part-time employee, parent volunteer, or any other
577 individual or group, to adopt, support, or promote critical race theory, divisive concepts, or
578 government-sanctioned or -facilitated racism as defined by the provisions herein enacted.
579 B. No employee of the LEA or USBE board of education shall face any direct or indirect
580 adverse consequences, penalty or discrimination on account of his or her refusal to
581 support, believe, endorse, embrace, confess, act upon, or otherwise assent to critical race
582 theory, divisive concepts, or government-sanctioned or -facilitated racism as defined.
583 1. The fair and equal treatment of individuals is an inviolable principle that must be
584 maintained in the state workplace.
585 2. The administrative head of each school shall use his or her authority to ensure that the
586 school employees during work hours, and any contractors hired by the local LEA or
587 USBE to provide training, workshops, forums, or similar programming, for purposes of
588 this section, to employees do not teach, advocate, act upon, or promote in any training
589 to employees critical race theory, divisive concepts, or government-sanctioned or -
590 facilitated racism as defined.
591 3. No funds shall be expended by the LEA or UBSE board of education, or any entity
592 under the board of education's jurisdiction, for any purpose prohibited herein.

593 **R277-328-9. Compliance and Interpretation.**

- 594 I. The USBE is committed to values of individual civil rights and liberties, and individual human
595 dignity.
596 a) Neither USBE nor an LEA shall promote any values or ideology inconsistent with those
597 values.
598 II. Teachers, students, or others who video or record curriculum or teachers/administrators
599 violating this rule shall have full whistleblower immunity from any form of discipline.
600 III. An LEA shall ensure a formal complaint process is in place pursuant to R277-107.
601 IV. Violations should be reported to the state educational hotline. (801) 538-7813.
602 USBE hotline: <https://schools.utah.gov/internalaudit?mid=892&tid=4>
603 V. Violations should be reported to the Office for Civil Rights
604 VI. Once training is complete for USBE and all local Boards of Education and subordinate
605 personnel or auxiliary employees (including state and local Board Members,
606 Superintendencies, auxiliary employees, faculty, staff, specialists, task forces, advisory
607 committees, etc.), the educational leaders of each LEA and USBE are subject to the provisions
608 enacted herein and must enforce those provisions.

609 VII. All previously constructed rules, resolutions, strategic plan(s), standards and other local and
610 state board policies and documents shall come under this rule and be modified accordingly
611 for compliance.

612 **KEY: educational excellence; race/culture-based theories; professional learning; instruction**
613 **Date of Enactment or Last Substantive Amendment: 2021**
614 **Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53E-3-401(4)**