Utah State Board of Education

BOARD RULE R277-328 REQUIRED PROFESSIONAL LEARNING TOPICS CHECKLIST

A UTAH STATE BOARD OF EDUCATION (USBE) TECHNICAL ASSISTANCE DOCUMENT

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The purpose of this checklist is to assist Local Education Agencies (LEAs) in meeting the professional learning requirements for educators and relevant staff regarding students' constitutionally protected rights in Board Rule R277-328, Equal Opportunity in Education. It may be used to plan, review, or document professional learning to help ensure required content is addressed consistently with Board Rule.

REQUIRED TOPICS FOR PROFESSIONAL LEARNING

The professional learning being provided shall include the following topics:

- ☐ recognizing that students do not forfeit constitutionally protected and unalienable rights to religious expression or religious exercise while attending public schools;
- ☐ including instruction regarding applicable federal and state constitutional protections, including protections recognized under Utah Code Section 53G-10-205 and recent federal and state judicial decisions interpreting religious liberty protections in public education;
- ☐ emphasizing the obligation of public schools to remain neutral toward religion, neither promoting nor inhibiting religious expression protected by law; and
- ☐ providing educators with guidance regarding lawful accommodation of religious beliefs and religious expression consistent with constitutional requirements and maintaining an orderly educational environment; and
- ☐ promoting effective instructional practices and inclusive teaching applications that include intentionally and purposely creating, designing, and developing learning opportunities that ensure all students, regardless of their background, skill or developmental level, can benefit from the least restrictive learning environment, including:
    - ☐ that a student with a disability is educated with peers without a disability to the maximum extent appropriate, consistent with the Individuals with Disabilities Education Act (IDEA); and
    - ☐ that specially designed instruction is provided in addition to, not instead of, high-quality core instruction as consistent with the IDEA.

Prohibited Discriminatory Practices

The professional learning provided by an LEA shall include instruction that educators may not promote prohibited discriminatory practices as described in Utah Code Section 53H-1-504:

- ☐ one personal identity characteristic is inherently superior or inferior to another personal identity characteristic;
- ☐ an individual, by virtue of the individual's personal identity characteristics, is inherently privileged, oppressed, racist, sexist, oppressive or a victim, whether consciously or unconsciously;
- ☐ an individual should be discriminated against in violation of Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973, receive adverse treatment, be advanced or receive beneficial treatment because of the individual's personal identity characteristics;
- ☐ an individual's moral character is determined by the individual's personal identity characteristics;
- ☐ an individual, by virtue of the individual's personal identity characteristics, bears responsibility for actions committed in the past by other individuals with the same personal identity characteristics;
- ☐ an individual should feel discomfort, guilt, anguish or other psychological distress solely because of the individual's personal identity characteristics;
- ☐ asserts that meritocracy is inherently racist or sexist;
- ☐ asserts that socio-political structures are inherently a series of power relationships and struggles among racial groups;
- ☐ promotes resentment between, or resentment of, individuals by virtue of their personal identity characteristics;
- ☐ ascribes values, morals, or ethical codes, privileges or beliefs to an individual because of the individual's race, color, ethnicity, sex, sexual orientation, national origin or gender identity;
- ☐ is referred to or named diversity, equity and inclusion, used in conjunction; or

- [ ] includes or relates to a prohibited submission as outlined in Utah Code Section 53H-1-502.

LEA REQUIREMENTS

- [ ] Prohibited instruction does not include training on policies or procedures required by board rule, state or federal law, including laws relating to prohibited discrimination or harassment.
- [ ] The professional learning provided by an LEA shall be done in accordance with all state and federal laws.
- [ ] The content of professional learning provided by an LEA shall be made freely available by the LEA within a reasonable amount of time from when the training is offered upon request and include a copy of this rule.