Utah Professional Practices
Advisory Commission

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UPPAC NEWS

A BI-ANNUAL NEWSLETTER FROM THE UTAH PROFESSIONAL PRACTICES ADVISORY COMMISSION

TEACHING ABOUT RACE AND EDUCATIONAL EQUITY IN CLASSROOMS

There has been a lot of noise around "critical race theory" in the news and social media, including discussions about what can be taught about race and racism in the classroom. The Utah Legislature even passed resolutions urging the Utah State Board of Education to ban concepts believed to be integral to "critical race theory."[1] The controversy around this issue may cause some Utah teachers to feel confused about what they can say and can't say in the classroom.

In August 2021, the Utah State Board of Education passed an administrative rule to provide guidance to teachers and LEAs on issues of equity, diversity, and inclusion.[2] Administrative Rule R277-328-4 provides that an LEA cannot include instruction that promotes or endorses that one student or educator's "sex, race, religion, sexual orientation, gender identity or membership in any other protected class is inherently superior or inferior to another…" R277-328-3(3)(a). An LEA also cannot teach that someone's membership in one of these protected classes determines their character or values. R277-328-3(3)(b).

An LEA is also prohibited from teaching that "a student or educator bears responsibility for the past actions of individuals from the same sex, race, religion, sexual orientation, gender identity or any other protected class as the student or educator." R277-328-3(c). An example of this would be shaming a white student because there were slave-owning founding fathers, or shaming a male student for historical female voting right issues, or the ongoing gender-wage gap.

Under the new Rule, any curriculum that includes the concepts outlined above must be taught in accordance with state and federal law, be in "alignment with Utah Standards approved by the Board," contain "age-appropriate content," and must "be approved by the LEA in an open and regular public meeting." R277-328-4.

The rule also provides that it does not prohibit "or ban discussions of events, ideas, attitudes, beliefs, or concepts, including those described in this rule, from the general sharing and participation in the marketplace of ideas fostered in a learning environment." R277-328-5(1)(a). The rule should

[1] Senate Resolution on Critical Race Theory, https://le.utah.gov/~2021X1/bills/static/SR0901.html, or read: https://www.kuer.org/politics-government/2021-05-19/utah-legislature-urges-school-board-to-ban-teaching-principles-they-associate-with-critical-race-theory

[2] The new rule, R277-328-3, may be found here: https://www.schools.utah.gov/file/722ef396-b45a-4dbb-a974-00a9d9dbcac0

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also not be interpreted to "promote one idea over another regarding a topic, including those described in this rule." R277-328-5(1)(b).

In other words, while the rule does not prohibit classroom discussion or the sharing of ideas that may be prohibited in this rule, such beliefs cannot be promoted or endorsed as part of the classroom instruction by the educator.

One example of how a teacher may discuss a concept without endorsing or promoting a particular belief of viewpoint may be a teacher using a "Black Lives Matter Sign" or "Make America Great Again" sign as a visual aid in classroom discussion. However, if the teacher were to hang one of these signs up in the classroom throughout the year, this may be seen as endorsing the idea or concept.

The rule requires that LEAs offer equity, diversity, and inclusion training. The State Board is actively working to develop model training to assist your LEAs. Be sure to attend your school's educational equity training for more information on how to create inclusive classrooms while complying with R277-328.

UPPAC EDUCATOR DISCIPLINE
A Summary of Utah State Board of Education Licensing Actions from August to December 2021

Surrender

20-1759
An educator engaged in boundary violations and inappropriate physical contact with students. A student alleged that this included texting, phone calls, gift-giving, after hours meetings, discussing the educator's marriage and sex life, and inappropriately touching the student. The educator voluntarily and permanently surrendered his license prior to completion of the UPPAC investigation.

Revocation

21-1817
An educator was convicted in 2017 of Felony Unlawful Sexual Activity with a Minor. Additionally, in May 2021, the educator was charged with a felony when he failed to appropriately register his social media accounts with the sex offender registry. The educator's license was permanently revoked.

18-1564
An educator pled guilty to aggravated murder, aggravated burglary, and felony discharge of a firearm and was sentenced to prison. The educator shot her ex-husband's girlfriend. The educator's license was permanently revoked.

20-1757
An educator used social media to engage in sexual conversations and share nude photos with undercover officers posing as a 13-year-old girl. The educator pled guilty to Attempt to Entice a Minor by Internet or Text, a class A misdemeanor, and Dealing in Materials Harmful to a Minor, a third-degree felony. The educator's license was permanently revoked.

20-1791
An educator had sexual intercourse with a 14-year-old student. The educator pled guilty to four counts of first-degree felony Rape. The educator's license was permanently revoked.

Suspension

19-1692
An educator physically dragged a student from the front of the classroom to the back, causing rug burn on multiple places on the student. The educator entered a no contest plea to Child Abuse, a Class B misdemeanor. The educator received a

minimum one-year suspension of his educator's license.

20-1758
An educator engaged in a pattern of inappropriate communications with students and colleagues. The educator repeatedly discussed her personal life with students and discussed inappropriate matters with colleagues within earshot of students. The educator was also convicted of misdemeanors in four separate incidents within a six-week period, including Consuming Alcohol in Public, a class B misdemeanor, Lewdness, a class B misdemeanor (observed naked in a park), Failure to Stop at the Command of an Officer, a class A misdemeanor, and Criminal Trespass of a Dwelling, a class A misdemeanor. The educator received a minimum five-year suspension of her educator's license by default order.

20-1781
An educator brought her ex-father-in-law, a convicted child murderer, onto school premises, without following check in procedures and allowed him befriend and later give a birthday card and treat to an elementary student in her class. The educator's license was suspended for no less than two years by a default order.

20-1790
An educator engaged in several text conversations with a former student, including discussion of a sexual fantasy. The educator also crossed professional boundaries with the student before she graduated. The educator received a minimum one-year suspension of his educator's license by default order.

21-1794
During class time, an educator taught religious doctrine, showed LDS church videos, called students to repentance, and shared his political beliefs. Additionally, he made inappropriate threats to administration during the school-level investigation. The educator's license was suspended for no less than five years by default order.

20-1787
An educator was under the influence of alcohol while working at school. A portable breath test machine showed .412 BAC on the first test and .392 BAC on the second test. Several empty beer cans were found in the bathroom next to her office. The educator's license was suspended for no less than five years by default order.

20-1777
An educator went to school under the influence of alcohol. The educator's BAC was .225. The educator received a minimum two-year suspension of his educator's license.

19-1693
An educator engaged in inappropriate communications with students over a period of time, after being warned by administration to stop. This included calling a student retarded, making a glib comment on committing suicide, and other thoughtless remarks. The educator's license was suspended for no less than one year by default order.

20-1747
An educator texted a student that he wanted to cough on coworkers while he was quarantining for Covid-19 after traveling outside the country. He also engaged in boundary violations with a student, including letting a student drive his car. The educator received a one-year suspension of his educator's license.

20-1770
An educator did not provide truthful information in his licensing application process. The educator failed to disclose that his teaching license was suspended in another jurisdiction in response to more than one question. The educator received a six-month suspension of his educator's license.

20-1718
An educator engaged in inappropriate communications, both verbally and physically, on multiple occasions with female elementary students. The educator would sit the students on his lap and hold their hands while giving instruction. One student alleged that the educator touched her bottom but wasn't sure if it was

intentional. The educator received no less than a two-year suspension by default order.

20-1762
An educator was intoxicated at work with a BAC of .066. The educator received a minimum one-year suspension of her educator's license.

Reprimand

20-1764
An administrator discussed his personal life with a parent and PTA member and continued to make romantic advances towards her after she told him she was not interested. The educator received a reprimand.

20-1773
An educator went to school with various illegal drugs in her system. The level of impairment could not be quantified by the school's testing. The educator received a reprimand.

20-1779
A student cut off an educator in the school parking lot. The educator approached the student and said something like, "I will kick your ass," and made other profane comments." The educator received a reprimand.

20-1782
Over a period of eight months, a school social worker communicated with a student over text messaging and Snapchat relating to his suicidal ideations as well as other topics in his personal life. She then gave the student three rides home after receiving a three-day suspension from the district for her previous boundary violations. The educator received a reprimand.

21-1792
An educator was involved in a domestic violence incident with his ex-wife and receivied criminal charges relating to the incident. The educator had prior domestic violence issues. The educator received a reprimand.

21-1798
An educator used inappropriate human biology terms to describe plant biology, spelled the "n" word for a student when asked, and gave a female student an unwanted side-hug. The educator received a reprimand.

20-1742
An educator used an e-cigarette/vape pen on numerous occasions in her classroom in the presence of students with severe disabilities. The educator received a reprimand.

21-1805
An educator engaged in a sexual relationship with an adult prison inmate working as a tutor in her ESL prison classroom. The educator received a plea in abeyance to Custodial Sexual Relations, a Class A misdemeanor. The educator received a reprimand.

21-1809
An educator put his hands around the neck of an emergency room nurse while he was seeking treatment for a mental health crisis. The educator entered into a plea in abeyance to the reduced charge of Aggravated Assault, a class A misdemeanor. The educator received a reprimand.

Letter of Warning

21-1818
A retired educator was working as a bus driver. While dealing with a bus full of unruly students, the educator struck one student with his hand and allowed another student to ride the bus on the front steps as the bus was moving. The educator received a letter of warning

21-EH22
An educator left students unattended during RISE testing in the Spring of the 2020-2021 school year. The educator received a letter of warning.

21-EH19
An educator posted a video to her "story" on Facebook of a student's worksheet that showed a student's name and the word "dick". The educator included the comment, "Heaven help my 2nd graders" and four (4) laughing emojis. The educator received a letter of warning.

21-1801
An educator's daughter came to his school after her high school confiscated her cell phone and took it to the educator, who taught at an elementary school in the same district. The daughter started to act agitated in his classroom, so the educator was concerned for his class's safety. He confronted his daughter in the hall and a physical altercation ensued as he led her out of the building. The educator entered into a plea in abeyance for disorderly conduct. The educator received a letter of warning.

21-1806
An educator was not properly wearing a face mask and had questionable communications with a student. Finally, the educator distributed "Your Honest-to-God Guide to STDs" to health students without properly screening the curriculum. The materials contain crude language. The educator received a letter of warning.

20-1803
An educator used bullying and profane language with students during a bus trip. The educator also hit students with papers and a ruler, although not with significant force, and threw a highlighter marker in the direction of a student. The educator also violated testing protocols for state CTE exams, leading to his being removed as an examiner for two years. The educator received a letter of warning.

19-1719
An educator thought a crying autistic nonverbal student from another grade needed help getting home and walked with the student a few blocks and became lost. The educator eventually stopped at a house and called the school to send help. The educator was initially charged with felony kidnapping, but was given a plea in abeyance to misdemeanor Unlawful Detention. The educator received a letter of warning.

21-1796
An educator went to work after using marijuana illegally. The educator smelled strongly of marijuana, but there was insufficient evidence to establish that the educator was under the influence. The educator received a letter of warning.

21-EH9
A student was misbehaving and slapped another student. Without thinking, an educator lightly slapped the student. The educator received a letter of warning.

21-EH12
An educator stepped in front of a student who was attempting to leave the gym during class. The student pushed the educator and she reacted by pushing the student against the wall and holding him there for approximately nine (9) seconds before releasing him. The educator received a letter of warning.

21-EH14
An educator grabbed a student by the arm and pulled him out of his classroom. The educator maintained her grip on the students arm and restrained the student for several minutes while the student tried to pull away. The educator received a letter of warning.

21-EH15
An educator picked up a student and tried to force him to sit on the floor. The student locked his knees and remained standing. The educator then put her hand on the child's elbow/arm to keep his body facing her while she knelt down to put her face in front of his. The educator then grabbed the grabbed the student's hand and held it while walking him to the office. The educator received a letter of warning.

QUESTIONS? PLEASE CONTACT US

Our UPPAC team is available if you need to report an ethical violation, have questions about the ethics of a situation, or if you would like us to provide training to your LEA regarding the educator standards. Please email UPPAC at uppac@schools.utah.gov or call (801) 538-7835.