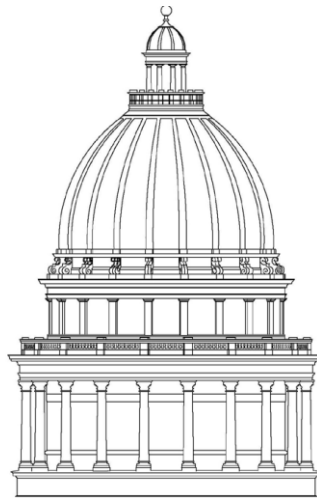


REPORT TO THE
UTAH LEGISLATURE

Number 2022-12



**A Performance Audit of Curriculum and
Teacher Training in Public Education**

October 2022

Office of the
LEGISLATIVE AUDITOR GENERAL
State of Utah



Office of the Legislative Auditor General

Kade R. Minchey, Legislative Auditor
General

W315 House Building State Capitol Complex | Salt Lake City, UT 84114 | Phone: 801.538.1033

October 17, 2022

The Utah State Legislature:

Transmitted herewith is our report, A Performance Audit of Curriculum and Teacher Training in Public Education (Report #2022-12). An audit summary is found at the front of the report. The objectives and scope of the audit are explained in the Introduction.

We will be happy to meet with appropriate legislative committees, individual legislators, and other state officials to discuss any items contained in the report in order to facilitate the implementation of the recommendations.

Sincerely,

A handwritten signature in black ink that reads "Kade minchey".

Kade R. Minchey, CIA, CFE
Auditor General
kminchey@le.utah.gov



PERFORMANCE AUDIT

► AUDIT REQUEST

The Legislative Audit Subcommittee asked if public education teachers are sufficiently trained to be effective and unbiased, and what kind of oversight teachers are receiving regarding the content and discussions being taught in Utah's public schools.

The request also asked that we evaluate teaching occurring in Utah's public education system, especially taking into account components of S.R. 901 and H.R. 901 (2021).

► BACKGROUND

Over the last two years, at least seventeen states nationwide, including Utah, ran bills related to controls over the teaching process, such as transparency requirements, review committees, or limits for CRT in the classroom. Utah passed resolutions (H.R. 901 and S.R. 901), which provide some guidance for how race and discrimination should be addressed in schools.

This audit report summarizes our efforts to review the process used to adopt, manage, and oversee curriculum in Utah's public schools. This report makes no determination on the appropriateness of curriculum, and classroom content; rather, it comments on the structures that could mitigate some of the potentially questionable content from entering the classroom.

Curriculum and Teacher Training in Public Education



KEY FINDINGS

- ✓ One of the greatest risks of student exposure to potentially questionable content lies within the materials selected and how they are presented in the classroom.
- ✓ **Utah Code** is unclear on who should make decisions regarding the appropriateness of addressing emerging social issues in classrooms and whether such decisions are the purview of local control, USBE, or the Legislature.
- ✓ Local governing boards could consider stronger processes to ensure teaching content is more deliberately aligned with standards and community values.
- ✓ **Utah Code**, *Administrative Rule*, and LEA Code of Conduct policies lack comprehensive guidance and training concerning educator neutrality.



RECOMMENDATIONS

- ✓ The Legislature can consider deciding to what level the curriculum establishment process should be uniform from district to district and the appropriate degree for teacher autonomy and accountability.
- ✓ USBE can consider requiring local governing boards to have an official process for filing concerns with curriculum and classroom content.
- ✓ USBE, in collaboration with LEAs, should complete formalization of expectations for balanced content, unbiased teaching, and neutrality.



REPORT SUMMARY

Districts' Curriculum Management Processes Are Different, Allowing a Range of Content to be Taught in Schools

Districts use different methods to select curriculum and instructional materials. There are also differences across districts and schools regarding who reviews content before it is taught in the classroom. These different approaches may make it difficult for policymakers to effectively target policy to those who select curriculum and instructional materials. To address inconsistencies in LEA control, we recommend that the Legislature consider to what level the curriculum establishment process should be uniform from district to district and the appropriate degree for teacher autonomy and accountability.

Both Proactive and Reactive Processes Can Better Ensure Content Is Appropriate for Students

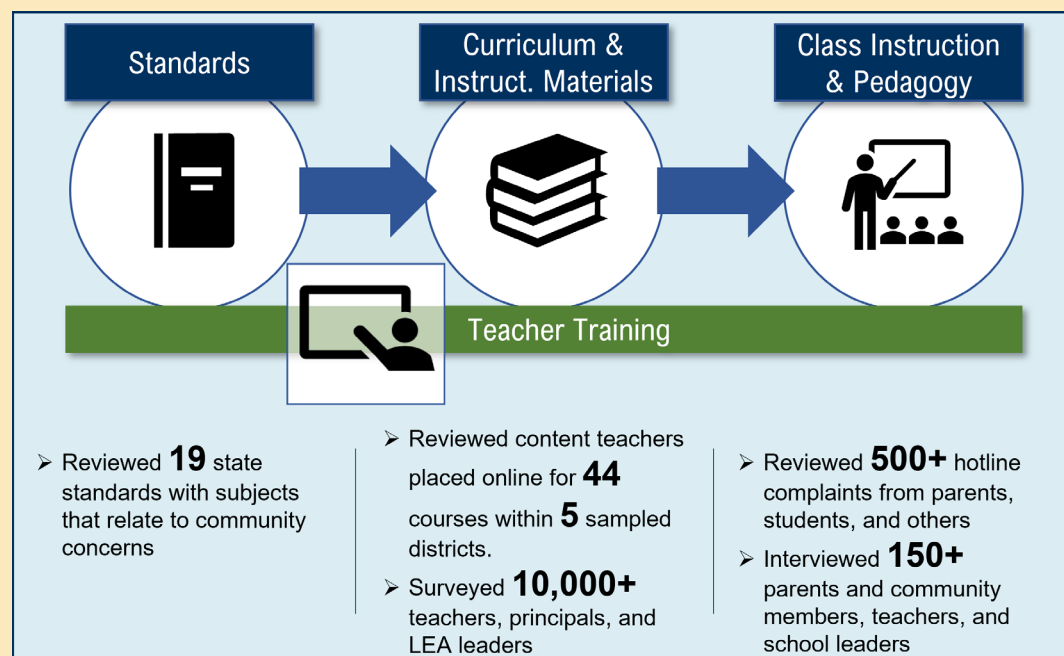
Many LEAs lack strong proactive and reactive processes surrounding curriculum and instructional material selection, management, and oversight. With the many community concerns we reviewed, it is critical to consider whether to provide processes before content is taught and/or after it is taught.

There Have Been Limited Guidelines and Training Concerning Teacher Neutrality

Utah Code and *Administrative Rule* have not provided clear, formalized expectations guiding teacher neutrality. Recently made *Administrative Rule* addresses some related guidance. Furthermore, we did not find evidence of consistent neutrality training. Formalizing and training on neutrality expectations can give educators tools that they need to protect themselves from concerns.

Potentially Questionable Content Can Enter the System at Four Primary Points

This audit assesses the conditions surrounding curriculum and classroom instruction from the state level, to the teacher level. This includes a review of (1) state standards, (2) how curriculum is chosen and implemented, (3) how content is presented, and (4) how teachers should be trained in these areas.



REPORT TO THE UTAH LEGISLATURE

Report No. 2022-12

A Performance Audit of Curriculum and Teacher Training in Public Education

October 2022

Audit Performed By:

Audit Manager	Leah Blevins, CIA
Audit Supervisor	Matthias Boone, CFE
Audit Staff	Jentrie Glines Willey Morgan Hagey

Table of Contents

Chapter I

Introduction1

Definitions Surrounding Curriculum Are Varied..... 1

We Reviewed the Levels at Which Potentially Questionable Content Enters the Classroom 4

Efforts Have Been Made to Provide Curriculum Guidance Amid a Changing Landscape..... 6

The Utah State Board of Education Provides Resources for Curriculum and Content Management..... 7

Audit Scope and Objectives 8

Chapter II

District Curriculum Processes Vary Significantly, Allowing a Range of Content To Be Taught in Schools9

Utah Core Standards Alone Are Insufficient to Prevent Questionable Content..... 9

We Found Potentially Questionable Content From a Sample of Course Materials.. 10

We Reviewed Content for Aspects of Critical Race Theory 12

Districts' Curriculum Management Processes Are Significantly Different, Allowing a Range of Content to Be Taught in Schools..... 14

The Legislature Could Consider Whether to Provide Greater Structure to District Processes 18

Classroom Instruction May Present the Greatest Risk That Controls Cannot Fully Address 21

Recommendations..... 22

Chapter III

Some LEAs Need Stronger Processes for Curriculum and Materials23

Both Proactive and Reactive Processes Can Better Ensure Content Is Appropriate for Students 23

Local Entities Could Strengthen Their Processes and Policies Before Content Is Taught 26

LEAs Need Clearer Reactive Processes for Handling Concerns over Classroom	
Content	30
Recommendations.....	34
Chapter IV	
Teachers Are Inconsistently Trained on Neutrality and Appropriateness of Classroom	
Content	35
Teachers Are Expected to Be Neutral and Balanced, Yet There Have Been Limited	
Guidelines at State and Local Levels.....	36
Educator Trainings Vary Throughout the State.....	38
Educators Can Be Better Informed On Policies Through Training	42
Recommendations.....	45
Appendix	47
Appendix: Complete List of Audit Recommendations	49
Agency Responses	51

Chapter I

Introduction

There is a great deal of interest in the content being taught to students. News and social media reports, hotline complaints, local and state school board meetings, and legislative floor debates have all addressed concerns about what is taught in classrooms. Some teaching materials and content are said to be inappropriate for a public-school setting. In recognition of this landscape, the Legislative Audit Subcommittee tasked our office in October 2021 with evaluating “the appropriateness of the teaching that is occurring in Utah’s public education system.” This audit report summarizes our efforts to review the process used to adopt, manage, and oversee curriculum in Utah’s public schools.

Chapter I introduces the curriculum landscape, how elements of it are not well defined, and how recent efforts and continued resources help it to function. In this report we detail the current curriculum landscape and provide policy recommendations to support Legislative and local efforts to strengthen its processes.

Definitions Surrounding Curriculum Are Varied

There are no commonly accepted definitions for curriculum within Utah’s public education system. Teachers, principals, and district staff often use varying definitions and usage for common terms in the teaching process. Further, *Utah Code* does not define curriculum, which may cause some confusion on how the process should operate.

This Report Clarifies Our Definitions of Common Terms

Throughout this audit report, we use terms and corresponding definitions as follows:

- *Classroom instruction and pedagogy*– how the curriculum and content outlined in the standards are taught to students.
- *Curriculum*– a developed a set of goals and curated content to accomplish successful learning for students.

This audit report summarizes our efforts to review the process used to adopt, manage, and oversee curriculum in Utah’s public schools.

***Utah Code* does not define curriculum, which may cause some confusion on how the process should operate.**

It may be difficult to improve processes without universally accepted definitions for standards and curriculum.

- ***Emerging social issues***– race, Critical Race Theory (CRT) in history and literature courses, gender identity, and other areas.¹
- ***Instructional materials***– textbooks, or materials used in place of textbooks such as workbooks, online materials, computer software, and audio/video.²
- ***Neutrality***– Instruction and content that is balanced and unbiased.
- ***Potentially questionable content***– Content that aligns with concerns expressed by parents.
- ***Standards***– Utah’s core standards that are developed by the Utah State Board of Education (USBE) for most content areas.

Teachers across the state define terms differently, often combining curriculum and instructional materials to mean “what we use to teach the concept.” We therefore recognize that our definitions may not fully encompass the breadth of definitions working across districts and schools.

Utah Code Does Not Define “Curriculum” or Local Control

Within *Utah Code* titles that outline public education operations and funding (53E, 53F, and 53G) curriculum is mentioned 98 times but never defined. “Programs,” “materials,” and “curriculum” appear to be used interchangeably at times, but it is not always clear what the terms are intended to mean. In August 2021, USBE made *Administrative Rule* that included a definition of curriculum. During this audit we asked education stakeholders either for the definition of curriculum or the perceived differences between curriculum and instructional materials. We found varying views and definitions on what these concepts mean and how they are used. It may be difficult to improve processes without universally accepted definitions.

The term “local control” is another important concept related to curriculum, though it too remains largely undefined. *Utah Code* appears to place the responsibility on governing boards of local

¹ In reviewing content in these areas, auditors make no determination as to the appropriateness of classroom content or materials. We merely seek to understand the types of controls in place for classroom content.

² *Utah Code* 53E-4-401

education agencies (LEAs) and schools to oversee classroom content selection and teacher trainings.³ However, there may be a lack of consensus about this responsibility, as discussed in the next section.

USBE supports local control. While the state provides core standards, "...parents, teachers, and local school boards continue to control the curriculum choices that reflect local values."⁴ The Utah School Superintendents Association (USSA) and the Utah School Boards Association (USBA) also support local control and report a preference for leaving "local control" undefined.

Because there is not a statutory definition or rule codifying the term "local control,"⁵ there is no consensus about which entity—e.g., an LEA governing board, LEA administration, principal, or teacher—gets to decide which curriculum is used and how it is taught to students. This issue was discussed in a previous audit, which stated, "LSBs [local school boards] have the implied rights, powers, and authority of "local control" that are reasonably necessary to practice their delegated powers and meet their responsibilities. [However], some friction has been caused between USBE and LSBs because LSBs claim USBE exercises specific control, rather than general."⁶

We acknowledge that loosely defined terms such as "local control" may provide some benefit to districts, schools, and teachers as it allows for broad interpretation and greater flexibility of guidance found in *Utah Code* and USBE *Administrative Rule*.

"Local control" is an important concept to the overall teaching process.

Although friction exists when local control is not well defined, local entities may appreciate the benefits of keeping the concept flexible.

³ USBE reports that a frequently used term for teacher training is "Professional Learning." We will use "training" throughout this report.

⁴ Utah State Office of Education Core Standards for English Language Arts, p. 1

⁵ In our discussions with the Utah State Board of Education, the Utah School Superintendents Association, and the Office of Legislative Research and General Counsel, we were not able to identify any guiding document related to local control in public education. We conclude that this term is often used but lacks clear definition.

⁶ Audit 2020-11 *A Performance Audit of Public Education's Governance Structure*

While teachers express their effort to align their content with core standards, there is a perception that inappropriate content is widely being taught in schools.

We Reviewed the Levels at Which Potentially Questionable Content Enters the Classroom

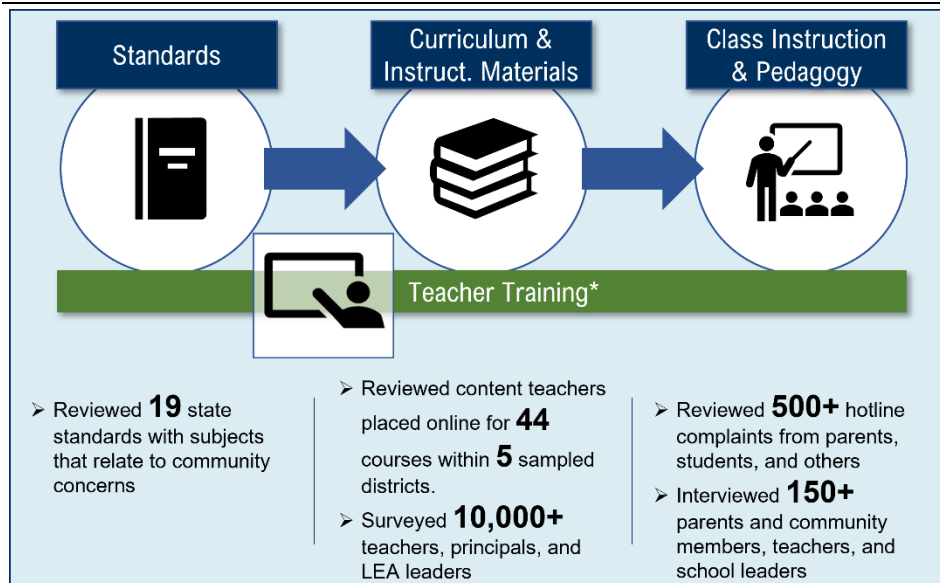
Our statewide review of concerns revealed that there is a common perception that inappropriate content is widely being taught in schools. While we report content that aligns with parent concerns reviewed during this audit, we were not able to document all their concerns. Many teachers in our survey reported that they are professionals, striving to meet Utah Core Standards without bias. However, it also became clear that concerning content for one may not be a concern for others. Because of this, we sought to review a wide array of concerns by interviewing:

- Parents
- Educators and principals
- District staff (curriculum directors and superintendents)
- Legislators

We also reviewed more than 500 hotline submissions logged from 2019 to 2022.⁷ This comprehensive review provided many examples of concerns, allowing us to independently document them through our own content review process. With this lens, we reviewed each step in the teaching content framework (see Figure 1.1) to determine where potentially questionable content may be entering the system.

⁷ Some of these complaints were regarding the same issues reported by multiple people or groups.

Figure 1.1 The Teaching Content Framework Shows that Potentially Questionable Content Can Enter the System at Four Primary Points. We assessed the curriculum landscape primarily through interviews, surveys, and a review of hotline complaints.



Source: Auditor generated summary of our review. *For Teacher Training, we reviewed five sampled districts' trainings (offered and required in addition to their policies and procedures on specific subjects. Three of these districts were nonrural, and two were rural.

Each step of this framework is covered in the following chapters:

- Utah Core Standards - Chapter II
- Curriculum and instructional materials - Chapter II and III
- Classroom instruction and pedagogy - Chapter II and III
- Teacher training - Chapter IV

This report makes no determination or judgement on the appropriateness of curriculum, and classroom content; rather, it comments on the structures (policies, rules, etc.) that could mitigate some of the potentially questionable content from entering the classroom. We make no judgment regarding content because the criteria, standards, and best practices regarding curriculum—which facilitate an objective judgment—are limited. In addition, what is deemed acceptable to local standards in one district may not be acceptable in other districts. This report, therefore, provides examples for policy-maker evaluation that we could independently document and that align with concerns we gathered from stakeholders.

Efforts Have Been Made to Provide Curriculum Guidance Amid a Changing Landscape

The interest and concern surrounding education curriculum are topics of national importance. In fact, a recent survey conducted by National Public Radio and Ipsos,⁸ an international market research and consulting firm, found that parents ranked education as the third most worrying topic in American politics. Many states, including Utah, are grappling with the best way forward, as emerging social issues (and how to handle them), have grown in national visibility.

Utah teachers report being responsible for more than just teaching their topics in the classroom. Teachers report feeling responsible to act as a role model, an advocate, and a mentor for students in many aspects of their lives. In an environment wrought with pressure to 1) navigate emerging social issues in the classroom, 2) respond to parent and community pressure, and 3) work within an absence of clear guidelines,⁹ many Utah teachers feel reticent to tackle these issues and have requested further guidance on how to proceed.

Neighboring States Are Grappling With Emerging Social Issues and Curriculum Oversight

Over the last two years, Arizona, Idaho, Wyoming, and Colorado were among at least seventeen states nationwide, including Utah, that ran bills to put controls over the teaching process. These bills specifically include transparency requirements, review committees, or limits for CRT in the classroom. Of our neighboring states, only Idaho's legislature passed any of these bills into law, both banning CRT from classrooms and requiring LEAs to have curriculum review committees. Utah passed House Resolution (H.R.) 901 and Senate Resolution (S.R.) 901 which provide guidance for how race and discrimination should be addressed in schools. Our audit team used standards from these resolutions to help us understand issues related to CRT and race in classroom content. However, the standards do not provide comprehensive guidance on all of the communities' concerns relating to curriculum that we reviewed.

The current teaching environment often places pressure on teachers who—without clear guidance—are unsure on how to proceed.

At least 17 states nationwide, including Utah, ran bills to put controls over the teaching process.

⁸ <https://www.ipsos.com/en-us/news-polls/NPR-Ipsos-Parent-Child-Education-04282022>

⁹ USBE made *Administrative Rule* (R277-328) in August 2021 and intend to provide more guidance.

Utah Has Made Efforts to Codify Curriculum Implementation and Review Processes

The main concerns and complaints reviewed by our audit relate to curriculum transparency, classroom materials and content, and how teachers handle emerging social issues. In recent sessions, the Legislature has begun to address some concerns about what is being taught in public schools. In 2021, S.R. 901 and H.R. 901 each discouraged any teaching that could be construed as CRT. Those resolutions state that the:

Utah State Board of Education review standards for curriculum and ensure that the following concepts are not included in the curriculum standards: *that one race is inherently superior or inferior to another race; that an individual should be discriminated against or receive adverse treatment because of the individual's race; or that an individual's moral character is determined by the individual's race.*

Despite having no clear definition of “curriculum,” state leaders are making efforts to more clearly define how curriculum is to be reviewed. In 2021 the Legislature created *Utah Code* 53G-4-402-24 which requires local school boards to provide parents’ access to curriculum. At least one other bill aimed at increasing curriculum transparency failed in 2022.

The Utah State Board of Education Provides Resources for Curriculum and Content Management

Currently, USBE provides the following services and resources to support LEAs in selecting content to be taught in the classroom:

- Made *Administrative Rule* R277-328 which provides guidance on educational equity
- Periodically reviews and updates Utah’s Core Standards
- Provides LEAs with model policies
- Manages the Instructional Materials Commission
- Manages a public hotline
- Employs content specialists to provide technical expertise and resources to LEAs

Many concerns reviewed in this audit relate to curriculum transparency, classroom materials and content, and how teachers handle emerging social issues.

- Hosts a state level reporting tool for sensitive materials in response to the passage of the House Bill 374 in the 2022 General Legislative Session

Many of these resources are discussed in depth throughout this report. Additionally, this report identifies necessary improvements to these resources.

Audit Scope and Objectives

This audit assesses the conditions surrounding curriculum and classroom instruction from the state level to the teacher level. This includes a review of (1) how curriculum is chosen, and implemented, (2) how complaints and concerns can be reported, and (3) how teachers should be trained in these issues.

We also summarize our effort to collect input from parents, teachers, and administrators to determine the climate surrounding curriculum and educator professional development and training. The questions we address are as follows:

- Chapter II:** How are curriculum and instructional materials adopted/created?
- What, if any, potentially questionable content is in public education course material?
- What role might the Legislature fulfill in guiding how curriculum is managed at the local level?
- Chapter III:** Are current processes adequate to prevent questionable content from entering public classrooms?
- Are current processes adequate to address questionable content after it has entered the classroom?
- Chapter IV:** Are there sufficient educator neutrality standards established in state and LEA policies?
- Are educators receiving uniform training on neutrality and the appropriateness of classroom content? How can teachers be better informed on updated policies?

Chapter II

District Curriculum Processes Vary Significantly, Allowing a Range of Content To Be Taught in Schools

One of the greatest risks of student exposure to potentially questionable content lies within the materials selected and how they are presented in the classroom. Public education practices for curriculum selection, management, and oversight have varying degrees of strength, and differ among local education agencies (LEAs). We reviewed many LEA practices and content placed online by teachers and found some potentially questionable content. However, of greater concern is the lack of formalized processes in place at the state and local level to facilitate neutral and effective instruction on these issues.

As the primary statewide policymaking body, the Legislature could consider these inconsistent practices and associated risks of potentially questionable content being introduced into the classroom. We recommend the Legislature consider the concerns raised in this chapter¹⁰ and determine to what level the curriculum establishment process should be uniform among districts moving forward.

Utah Core Standards Alone Are Insufficient to Prevent Questionable Content

Utah Code requires content and materials teachers use in the classroom, including content obtained from third-party providers, align with Utah's Core Standards (Standards). We reviewed many of these Standards, but do not believe they present a high risk of introducing questionable content into the classroom. However, they do not prevent this content from entering curricula (which may be

¹⁰ Because of the lack of sufficient criteria, standards, and best practices surrounding curriculum and materials appropriateness, we do not make a determination on the bias or appropriateness of classroom content discussed in this chapter. In speaking with more than 150 education stakeholders throughout the state, reviewing hundreds of hotline complaints, and surveying educators, our goal was to understand the landscape of concerns and the existing systems that govern curriculum. This chapter (and those that follow) recommends areas for improvement in the teaching process to mitigate the chances of introducing questionable content in public school classrooms.

While we found some potentially questionable content in courses we reviewed, of greater concern is the lack of formalized processes to support neutral, effective instruction.



State core standards do not introduce questionable content, but alone are insufficient to prevent it from entering the classroom.



outside their intended function). This highlights the importance of appropriate curriculum and content selection processes (discussed below and in Chapter III).

Utah's content Standards were developed in 1984 and are periodically updated by the Utah State Board of Education (USBE). The Standards outline essential knowledge and skills a student is to learn. They also provide publicly vetted criteria guiding student teaching and learning to accomplish desired outcomes (e.g., student growth and graduation).

We reviewed 19 of Utah's 43 Standards, by content area, to determine whether they introduce or prevent questionable content in the classroom.¹¹ We conclude that the Standards do not introduce specific political, social, religious, or moral content similar to concerns we gathered from parents. However, the Standards do not (and were not intended to) prevent such content. Therefore, it is crucial to have effective selection processes for curriculum and instructional materials.

Because Utah's Standards are publicly vetted and do not present a high risk of introducing concerning content into the classroom, the remainder of this report focuses on the greater risks of materials selection, how teachers present content to students, and how teachers are trained to teach.

We Found Potentially Questionable Content From a Sample of Course Materials







It is generally accepted that public education teachers are expected to follow the Standards, are not granted full academic freedom, and should remain neutral or balanced in their teaching. However, neutrality expectations have only recently been defined in USBE *Administrative Rule*.¹² In our efforts to document whether teachers strayed from these general expectations, we found that concerns expressed through the hotline or during interviews with parents

¹¹ The 19 Utah core standards we reviewed are Social Studies (SS) K-2; SS 3-6; SS 7-12; US Government and Citizenship; US History 1, US History 2, Utah History, World Geography, World History, Elementary Language Arts (ELA) and Literacy in History, Social Studies, Science and Technical Subjects, ELA 6-12, ELA 6-12 Supplemental, Literacy in History/Social Studies, Science and Technology Subjects, Library Media K-5, Library Media 6-12, and Health Education.

¹² Neutrality expectations are discussed in greater detail in Chapter IV.

frequently lacked corresponding documentation. Therefore, we sampled 44 secondary school courses in five districts, the majority of which were in the 2021-2022 school year. We reviewed the content the teachers placed online to determine whether they contain questionable material similar to that discussed in concerns we reviewed. We also independently documented other examples from various sources. Below is a list of our findings.

We reviewed the materials of 44 courses posted online to determine whether they contain content that aligns with parent concerns.

TEACHER TRAINING 	<p>One school district's training stated that "the state of Utah has an unrecognized, violent history with the original inhabitants of this land. By having a statewide holiday to honor the pioneers who came to this land, Utah has normalized the settler's privilege...[and] this normalization not only perpetuates indigenous erasure, it is a celebration of white supremacy."</p>
U.S. HISTORY 	<p>One high school history teacher provided a book during the course that stated: "The history of the United States is a history of settler colonialism—the founding of a state based on the ideology of white supremacy, the widespread practice of African slavery, and a policy of genocide and land theft.... part of the Christian colonizers' outlook was a belief in white supremacy."</p>
ENGLISH 	<p>A baccalaureate-level high school English course was heavily focused on racism, cultural erasure, and marginalized minorities, among other topics.</p>
ENGLISH 	<p>An assignment in a middle school English class had student writing prompts that included weighing in on contraceptives for teenagers, a subject disallowed within Utah Code.</p>
PHOTOGRAPHY 	<p>An assignment in a 12th grade Photography class required students to web search a list of names of photographers. This list exposed students to sensitive materials, including nudity, among those images on which they were required to report.</p>
ENGLISH 	<p>A middle school English class had an assignment assessing how "privileged" each student is based on their appearance, gender, native language, and where they live.</p>

Source: Auditor analysis of potentially questionable content documentation from a review of 44 courses posted online within five sampled districts. Three districts were in nonrural and two in rural districts in the state.

We understand that some may or may not see these examples as concerning; however, of greater concern is the lack of processes in some districts that may have mitigated the possibility of questionable content.

Legislative resolutions and USBE Rule guide how certain concepts related to race are to be addressed in the classroom.

These examples, most of which were taken from course content posted online, align with the USBE hotline and other concerns we reviewed.¹³ We understand that some might see these examples as extremely concerning, while others may not be concerned at all. Besides the example that potentially violates state statute, the absence of clear guidance and content standards at the LEA level makes it difficult to definitively assess these findings. We believe many of the hotline complainants would view these examples as inappropriate. However, perhaps of greater concern is the lack of clear, effective, and formalized processes surrounding teaching content and materials. This chapter focuses on the varied and often weak processes surrounding how curriculum and instructional materials are selected, managed, and overseen.

We Reviewed Content for Aspects of Critical Race Theory

The Legislative Audit Subcommittee's request for this audit asked us to take into account components of critical race theory (CRT) and other content that could be regarded as controversial. In the 2021 Extraordinary Legislative Session, the Legislature, in Senate Resolution (S.R.) 901 and House Resolution (H.R.) 901, outlined elements of race that are not allowed to be taught in the classroom. Specifically, the Legislature directed USBE to ensure the following topics are not in curriculum standards:

- That one race is inherently superior or inferior to another race;
- That an individual should be discriminated against or receive adverse treatment because of the individual's race; or
- That an individual's moral character is determined by the individual's race.

In response to the Legislature's resolutions calling for USBE action, USBE drafted and approved *Administrative Rule* R277-328 to implement guidelines surrounding discrimination, race, and equity. However, to date only one of the modules for implementing education equity to guide LEA efforts has been created. Furthermore,

¹³ Those school subjects that received among the highest number of complaints were English Language Arts, History, and Health. Accordingly, we focused our review on these subjects within secondary schools, where we believe the risks of potentially questionable content would be the greatest.

we examined a variety of definitions for CRT and found that the theory does not have a commonly accepted definition.

There have been considerable concerns expressed by parents through USBE's hotline and other sources about CRT being taught in public schools. In our review of the content for 44 courses, we found two examples that may be related to CRT and to the 2021 Legislative resolutions. The first (listed above) is in a book provided by a high school teacher that discusses how America's founding was based on the ideology of "white supremacy." The second, a video shared with students and school leaders, said that "not all of your students are treated equally," and "it's exhausting being young and black in the country we are living in."

Aside from content in materials posted online, we also noted other references to race and issues surrounding racism. One district's training for teachers instructed white persons to "be accountable to" black, indigenous, and people of color. In addition, we noted two classes that had prominent racial and political themes,¹⁴ and it is unclear how these discussions relate to the Standards.

In addition to classroom content we reviewed, individual USBE staff have made errors in their efforts to guide LEAs on CRT issues. One staffer provided a training on USBE-drafted definitions to charter directors that resembled tenets of CRT. USBE reports that they directed staff to immediately dismantle the training link, and it was never shared with teachers. Another shared a book that supported CRT ideology. USBE has since worked on a process to ensure their guidance is appropriate. We recommend that USBE oversee content they share with LEAs and continue to provide guidance on appropriate ways to discuss race moving forward.

Examples at the local and state level indicate that Legislative guidance on topics involving race are not being followed consistently.

¹⁴ One course focused heavily on racism, cultural erasure, marginalized minorities, and other topics.



Curriculum is adopted at varying levels of local control and teaching content may differ within the same grade and content area.

Districts' Curriculum Management Processes Are Significantly Different, Allowing a Range of Content to Be Taught in Schools

Many districts develop, manage, and oversee curriculum¹⁵ and instructional materials differently. For example, we found that curriculum is adopted at varying levels of local control. While some curriculum is chosen by districts for schools and teachers (top down), others use a model where teachers and teacher teams decide the content (bottom up). Teachers across districts, therefore, may teach content differently within the same grade and content area. The Legislature has the authority to determine whether the status quo is appropriate or whether more guidance is needed.

Districts Use Different Methods To Select Curriculum and Instructional Materials

Districts have varying levels of responsibility and involvement in curriculum and material selection.¹⁶ One district with strong processes is the Davis School District. Davis has clear policies and procedures to approve materials at the district level that are pushed down to schools and teachers (top down). For example, Davis outlines the process and procedures to approve materials at the district and school level. If district-wide adopted materials are not available for a particular course, district policy outlines the steps a school must follow. These include obtaining materials approval from the district director over teaching and learning, requiring school principals to develop selection procedures that align with those of the district, and reviewing USBE-approved materials. This approach demonstrates strong district influence over teaching materials and ensures more content uniformity among schools and teachers.¹⁷

¹⁵ In Chapter I we define curriculum as a developed set of goals and curated content intended to accomplish successful learning for students.

¹⁶ There are some similarities among districts we reviewed. For example, curriculum is more commonly *adopted* from existing materials rather than *created* by districts themselves. Some districts develop their own curriculum, but we found this is not a frequent practice. Additionally, districts often adopt district-wide curricula, but these are often for specific subjects (e.g., Math and English) and not for all subjects.

¹⁷ An emerging trend in content selection is one where the curriculum and materials are packaged and teachers at the school in the same subject cover the same content. We found that this is occurring in some schools within the state.

In contrast, we found several districts that engage in minimal vetting and review processes.¹⁸ In some cases, standards are given to teachers for their professional interpretation. We found that state standards are broad and can be interpreted in various ways. When districts delegate content selection to teachers it allows for a potentially wider array of content to be taught in schools.¹⁹ For example, we interviewed two science teachers at the same school that may coordinate but generally do not teach the same content. These different approaches (top-down vs. bottom-up) may make it difficult for policymakers to effectively target policy to those who select curriculum and instructional materials.

There Are Differences in Local Level Curriculum and Material Review

Differences across districts and schools also exist regarding who reviews content before it is taught in the classroom. Many USBE hotline complaints we reviewed were in specific content areas, including English Language Arts and History. We surveyed Utah teachers within USBE's teacher licensing system to assess the level at which content reviews are occurring.²⁰

Teacher responses throughout the state indicate teachers' beliefs that instructional materials are primarily reviewed at their level and not by those at higher levels within the school or district (see Figure 2.1). To view additional trends, including differences among LEA responses to this question, see the accompanying dashboard link.

Differences across districts and schools also exist regarding who reviews content before it is taught.

¹⁸ Some curriculum directors' survey responses demonstrated a mixed model that requires LEA input but also gives teachers autonomy to decide content they teach.

¹⁹ We observed efforts in some districts under this model to collaborate content within schools.

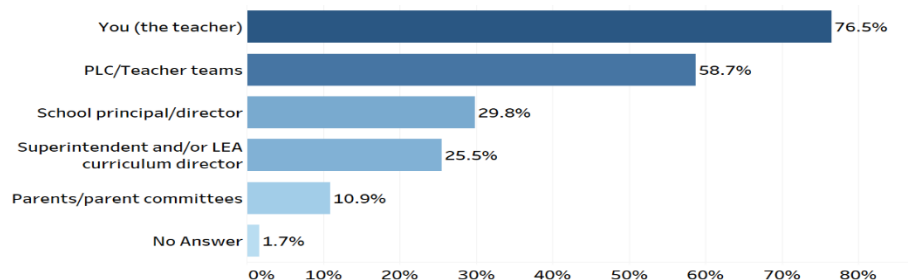
²⁰ We sent a survey to 10,086 secondary educators with a teaching assignment in English Language Arts, Social Studies, History, Science (including Health classes), Math, and other subjects. We received 1,428 responses, which constitutes a 14 percent response rate.

Click or scan to view the survey dashboard.



In some cases, school administrators review teaching materials and content; however, many teachers report that content reviews primarily occur at the teacher and team level.

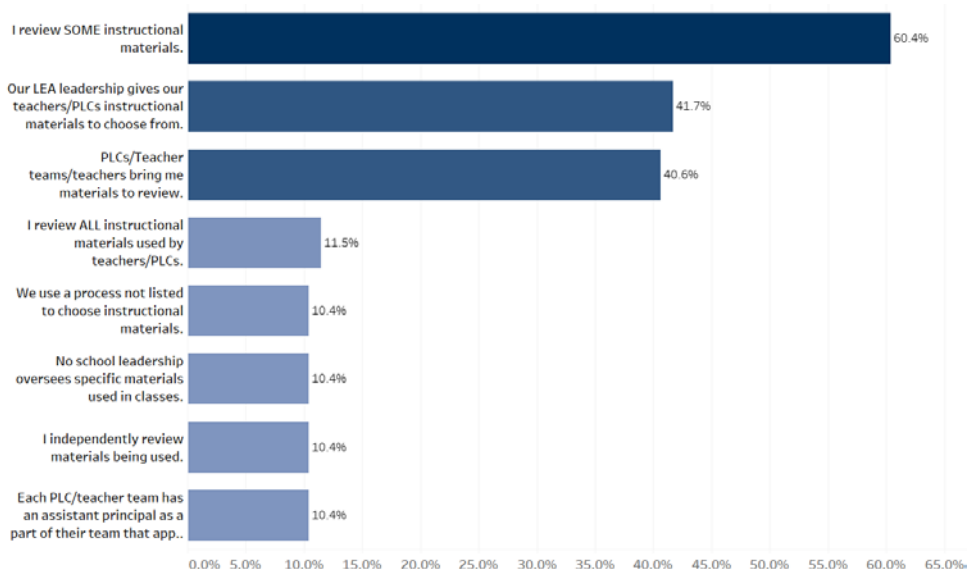
Figure 2.1 Survey Question: Who Reviews Instructional Materials Before You Use Them in the Classroom? Teachers report that content review occurs at varying levels, but primarily at their own level.



Source: OLAG Survey of Teachers. There were 1,428 teachers who responded to this question (14 percent response rate).

Assessing whether school administrators felt the same as teachers, we found that 12 percent of principals/directors in a separate survey, said they review all materials used by teachers, while 60 percent say they review some materials, as shown in Figure 2.2.

Figure 2.2 Survey Question: Do You Make Decisions About What Instructional Materials a Teacher Team or Individual Teacher Can Use in Their Class? Administrators were more likely to report that they review content than teachers believe they are (see Figure 2.1).



Source: OLAG Survey of Principals/Directors. There were 96 responses to this question, a 28 percent response rate.

Interestingly, teacher and school administrator perceptions on who performs content reviews differ significantly. This further demonstrates the varied nature of curriculum selection and review

within the state. Based on our observations, some proactive processes (before content is taught) and reactive processes (after content is taught) are weak within some districts at the local level and warrant further attention. These topics are discussed in greater detail in Chapter III of this report.

Districts Focus on Teaching Different Standards

Some districts we reviewed prioritize “essential standards,” or those state Standards they deem to be most important for student learning. Although this practice may provide uniformity in teaching, it also may explain differences in teaching content throughout the state. From our review of content placed online by teachers for 44 classes, we noted differences in teaching that occurs within the same content area. Although not necessarily concerning, Figure 2.3 shows an example of differences within the same grade and content area between two schools in the same district (districts A and A2) and between two districts (districts A/A2 and B).

Figure 2.3 US History Content Differs Among Districts and Schools. Although not inherently concerning, this figure shows there is variety in teachers’ selection of topics.

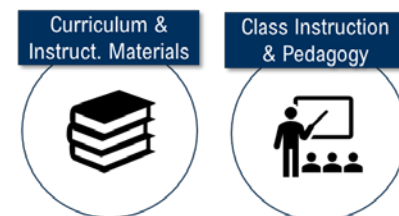
District	Uniform Content Covered	Unique Content
District A	Events leading to Rev. War The U.S. Constitution Citizenship, Civics, and/or Civil Rights Manifest Destiny Native Americans and the Indian Removal Act	Memorizing the Preamble Framers of the Constitution Three Branches of Government Political Party Systems Letter to Representatives
District A2		Washington’s Farewell Address Our First Five Presidents
District B		The 13 Colonies The Dollar Bill

Source: Auditor observation of US History 1 content in various courses posted online within the same grade

To address inconsistencies in LEA control, we recommend that the Legislature consider to what level the curriculum establishment process should be uniform from district to district and the appropriate degree for teacher autonomy and accountability.



The Legislature could consider the desired level of uniformity in curriculum among districts.



The Legislature Could Consider Whether to Provide Greater Structure to District Processes

Utah, along with some of its surrounding states, has varied curriculum processes and no clear standard for how curriculum should be managed at the local level. The Legislature may wish to provide guidance by requiring LEAs to formalize their processes surrounding content selection, management, and oversight. Doing so could ensure more consistency within districts, provide support and give confidence to teachers in their decision making, and create uniformity in how community content concerns are addressed.

Other States Do Not Provide Best Practices For Content Management at the Local Level

In our review of content posted online by teachers from the 2021-2022 school year we noted videos with profanity, cartoons with racial themes, books from a teacher's reading list with "sophisticated themes," and classrooms decorated with various signs, symbols, and flags that could be viewed as controversial. *Utah Code* is somewhat unclear on what curriculum management should look like at the local level, particularly when various entities are seemingly required to do similar tasks. For example,

- *Utah Code* 53G-4-402(1) requires *local school boards* to implement standards "using **instructional materials** that best correlate to core standards."
- *Utah Code* 53E-4-202(6) states that "each *school* may select **instructional materials**" that the school considers most appropriate.
- *Utah Code* 53E-4-202(5) requires *LEA Governing Boards* to "design their **school programs**... to focus on the core standards for Utah public schools."

While statute gives some direction on how the process should work in Utah, surrounding states manage their curriculum and instructional material processes differently.

- **Arizona** Code requires local governing boards to approve courses of study, basic textbooks, and all “units” for courses before they are implemented. The board may approve materials if a textbook is not used in a course.
- **Idaho’s** State Board of Education appoints a committee to select curriculum materials for reading, English, spelling, journalism, languages other than English, art, drama, social studies, music, mathematics, science, health, physical education, and others.
- **Wyoming’s** State Board of Education may prescribe content and performance standards for LEAs but may not “prescribe textbooks or curriculum which the state board is hereby forbidden to do.” School boards appoint superintendents and administrators to make curriculum decisions.

These examples show variability in how other states approach curriculum decisions. We also noted surrounding states’ interest in impacting content in schools. For example, Arizona, Colorado, Idaho, and Wyoming presented bills similar to those proposed in Utah’s 2021 General Legislative Session on either content transparency or CRT. All bills failed except for an Idaho bill banning CRT.

Further, Utah statute is unclear on who should make decisions regarding the appropriateness of addressing emerging social issues in classrooms and whether such decisions are the purview of “local control,” USBE, or the Legislature. With no clear standard or proven model for curriculum management at the local level, we believe this is an area where the Legislature could provide further guidance.

The Legislature Could Decide Whether to Require LEAs to Have a Process for Content Management

With few exceptions,²¹ the Utah Legislature is not involved in managing curriculum and material content within the state. Rather it largely leaves this process to local entities to decide. While the Legislature’s resolutions (SR901 and HR901) regarding CRT and

Other states manage curriculum in a varied manner, including placing more responsibility on local governing boards, state boards of education, and district personnel.

It is unclear who should make decisions regarding emerging social issues.

²¹ The Legislature provides few statutory directives, but has determined to provide guardrails surrounding human sexuality, civic engagement, and financial literacy.

The Legislature has existing options to draw upon including directing LEAs to establish their own policies, requiring state level model policies, or codifying guidance as it does on other subject matter.

The Legislature could consider whether the status quo is acceptable or whether concerns outlined in this report warrant more guidance.

other content that should not be shared are uncommon, they are not without precedent.

The Legislature has options to provide guardrails in *Utah Code* or require existing *Administrative Rule* methods be used to direct LEAs to strengthen their processes for curriculum selection, management, and oversight. For example,

- Since 1988, *Utah Code* has strongly governed how human sexuality is taught in public education and has specified topics that should not be covered.²² Resulting from this, the **Legislature followed a different model that guides how specific, sensitive health curriculum is to be managed.**
- **The Legislature requires USBE to create model policies to share with LEAs**, one of which regulates school employee behavior toward a student.
- Some **USBE *Administrative Rules* require LEAs to create specific policies**, one of which is for the selection and reconsideration of library materials in school libraries consistent with current state and federal law.

In a landscape of varied approaches surrounding curriculum and materials, we recommend that the Legislature consider whether the status quo is acceptable or whether concerns outlined by community members and those identified in this report warrant more guidance. If changes are desired, the Legislature has options (including those listed above) to draw upon. By considering the above options, the Legislature could require stronger processes and allow LEAs to maintain local control by deciding their specific policies and procedures for curriculum.

²² *Utah Code* 53G-10-402

Classroom Instruction May Present the Greatest Risk That Controls Cannot Fully Address

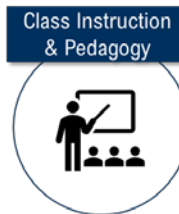
Aside from general teacher appraisal purposes, classroom instruction and pedagogy (or how content is taught) are not closely monitored in many schools. Classroom instruction and pedagogy represent the final piece of the teaching content framework illustrated in Figure 1.1. This area within the teaching content model is the most difficult to observe for potentially inappropriate content. School principal/director evaluations of teachers is a primary way classroom instruction is monitored, though a previous report released by our office found this process to be inadequate.²³ Some superintendents and principals we interviewed believe it is not possible to monitor all that is discussed in the classroom.²⁴

Concerning content does not come from any one source, and individual bias cannot be fully removed. Recent videos (both from national and local school settings) capture instances where teachers inappropriately share their opinions on emerging social issues. These, coupled with hundreds of Utah-specific hotline complaints, suggest that there is some evidence that teachers may be sharing biased content. Some of this content may not be in the teachers' course materials, though it is difficult to know to what extent this is occurring.

In context, most courses we reviewed for this audit did not appear to reflect parent and community concerns gathered from hotlines and interviews. We believe the majority of educators are teaching appropriate content to students. Still, formalized processes before and after content is taught may be necessary to limit teacher biases shared in the classroom. These processes are discussed in greater detail in Chapter III of this report.

²³ Audit 2022-04 *A Performance Audit of Teacher and Principal Performance within Utah's Public Education System*

²⁴ One method for overseeing classroom teaching is to attend classes to observe instruction. However, we did not perform this review due to the possibility that we would influence the content being taught in the classroom.



Evaluating how content is taught in the classroom is the final and most difficult piece to observe, though we found evidence of potentially questionable content in some examples.

While the majority of courses we reviewed did reflect parent concerns, more effective formalized processes may mitigate content concerns in the future.

Recommendations

1. We recommend that the Utah State Board of Education oversee resources they share with LEAs and continue to provide appropriate guidance on discussions surrounding race moving forward.
2. We recommend that the Legislature consider whether the status quo is acceptable or whether concerns outlined by community members and those identified in this report warrant more guidance.
3. We recommend that the Legislature consider deciding to what level the curriculum establishment process should be uniform from district to district and the appropriate degree for teacher autonomy and accountability.

Chapter III

Some LEAs Need Stronger Processes for Curriculum and Materials

Utah Code places responsibility with local governing boards in aligning teaching content and materials with Utah Core Standards (Standards) and ensuring parent access to curriculum.²⁵ However, districts and schools manage curriculum differently and parent concerns about content persist. A lack of guidance has resulted in teachers being uncertain about their own school processes and parents having unresolved concerns. To address this, local governing boards could consider stronger processes to ensure that teaching content is more deliberately aligned with standards and community values.

During this audit we documented parent concerns and teacher uncertainty regarding how to discuss emerging social issues in the classroom, if at all. Further, it is unclear who decides what content is appropriate for students. Stronger proactive processes (prior to teaching content) along with reactive processes (after students are taught) may be needed to address parental concerns to ensure that teachers are adequately supported in their efforts to educate students.

Both Proactive and Reactive Processes Can Better Ensure Content Is Appropriate for Students

Local control naturally yields differences in school operations and administration. These differences may be beneficial as governing boards respond to the priorities and values of their community. However, we could not identify national or statewide comprehensive guidance on how curriculum should be managed at the local level. Without such guidance, districts' processes may be inadequate to ensure that students are taught appropriate content.

During this audit we noted the following examples where more guidance is needed to assist with difficult issues facing teachers, principals, and districts:

***Utah Code* places responsibility on local boards for aligning teaching content to state Core Standards.**

We could not identify any national or statewide standard on how curriculum should be managed at the local level.

²⁵ *Utah Code* 53E-4-202(5), 53G-4-402(1)(a) and (24)

We documented parent concerns and teacher uncertainty on some issues, and it is unclear who should be deciding whether content is appropriate for students.



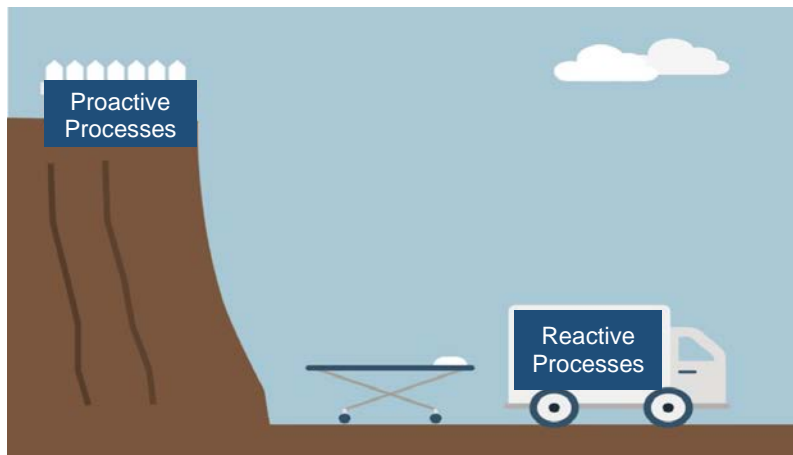
- **Teacher Level:** One secondary school student, testing on singular and plural versions of words, selected “they” as plural. The computer graded the student’s selection as wrong because “they” could be used as an individual’s gender pronoun, and therefore in some cases is used singularly.
- **Teacher Level:** One teacher explained that Columbus Day should not be the name for the holiday as recognized in Utah.
- **Teacher Level:** One book on a teacher’s reading list included descriptions of sex and nudity.
- **District Level:** Content from one district’s teacher training said, “White folks must find ways to ... be accountable to [Black, Indigenous, and People of Color], especially Black and Indigenous communities and individuals.”

In these examples, it is unclear who *is* and who *should be* deciding whether content is appropriate for students. We found that education stakeholders at all levels are challenged with how to handle emerging social issues, how to teach students of different backgrounds, and how to ensure equality.²⁶ Given the risk that content that is not aligned with local values may be introduced into the classroom, it is up to local governing boards to work toward better alignment. One way to do this is to strengthen education practices through the use of proactive and reactive processes. Put another way, local governing boards can do better to ensure content concerns are prioritized through a fence at the top of the cliff and an ambulance at the bottom as illustrated in Figure 3.1.

²⁶ The Legislature and USBE recently passed policy to guide some of these decisions. The Legislature passed Senate Resolution 901 and House Resolution 901 in the 2021 Senate/House Extraordinary Session and USBE subsequently made rule R277-328. However, these new policies and resolutions may not be sufficient to guide all issues that local entities encounter.

Figure 3.1 Local Curriculum Management Could Use Proactive Processes (Fence) to Prevent Reactive Processes (Ambulance) to Remedy.

Local governing boards are authorized to determine whether to place stronger student protections before content is taught and/or after it is taught.



Source: Auditor Adaptation from "A Fence or an Ambulance" by Joseph Malins.

In this context proactive processes refer to formalized policies and procedures to guide curriculum and instructional materials and classroom instruction. Reactive processes refer to grievance policies for parents and the public regarding curriculum, instructional materials, and classroom instruction concerns. Both kinds of processes may be needed to ensure education stakeholders are aligned on teaching content. As Figure 3.2 suggests, the use of these kinds of controls is inconsistent from district to district.

Figure 3.2 Our Review Of 41 Districts' Practices Shows Variation in The Use of Some Proactive and Reactive Processes.

Governing boards could assess whether stronger processes are needed to ensure classroom content is aligned with local values.

Districts' Use of Proactive Controls	
# Districts with instructional materials policies	35
# Districts with approved materials lists	8
Districts' Use of Reactive Controls	
# Districts with formal grievance policies	31
# Grievance processes specific to instructional materials	8
# Districts with hotlines listed on their webpage that invite curriculum-specific complaints	1

Source: Auditor review of specific processes of all districts.

While we did not perform a comprehensive review of all district practices, this chapter focuses on a few selected proactive and reactive

This chapter outlines select proactive and reactive processes for local school boards to strengthen protections for student learning.

While some districts have some controls in place, others could do better to ensure content is appropriate and aligns with local values.

processes for governing boards to consider improving. We use emerging social issues as a case study to demonstrate areas where local control is needed to help teachers make important decisions that arise.

Local Entities Could Strengthen Their Processes and Policies Before Content Is Taught

While LEAs and schools demonstrate efforts to provide proactive processes for classroom content, some current processes could be strengthened.²⁷ We reviewed many community complaints and interviewed teachers throughout the state to determine where more guidance is needed. Although we were not able to document best practices in local curriculum management, we observed some areas where governing boards can better mitigate potentially concerning content. These include neutrality standards, LEA use of USBE recommended materials, and clearer guidance on materials and emerging social issues.

Boards Should Strengthen Processes for the Selection of Curriculum and Instructional Materials

Utah Code outlines one process to help districts access vetted materials. The Instructional Materials Commission, which is housed within USBE, curates the Recommended Instructional Materials System (RIMS). RIMS provides recommended textbooks for teaching Utah Core Standards. The textbooks are vetted through selection criteria posted on USBE's website. However, some teachers report moving away from the use of textbooks altogether, preferring primary sources and internet resources.²⁸ As some districts do not appear to be using RIMS as a resource, we reviewed whether many of these have their own processes to select, manage, and oversee curriculum and instructional materials.

²⁷ During this audit we noted effective proactive practices used in some districts such as invitations for the community to review curriculum before it is adopted, course content disclosures, and course material posted online. Although some districts are doing well in some areas, this chapter addresses opportunities for further improvement.

²⁸ Based on our interview data, some rural districts rely heavily on USBE resources. However, USBE told us they have no way of knowing whether districts are using these recommendations as a resource or to what degree districts have their own process.



USBE's Recommended Instructional Materials System is one resource for districts to access vetted materials.

We found areas where local governing boards could strengthen proactive processes before content is shared in the classroom.

Many LEAs Lack Neutrality Standards. Aside from a recently made USBE *Administrative Rule*, LEAs lack standards and training to guide teachers about how to teach with balance and neutrality. There are also few corresponding procedures on how to enforce neutrality violations that occur.²⁹

Many Districts Lack Their Own Processes to Guide the Selection of Curriculum and Instructional Materials. Each district creates their policies for curriculum and instructional materials; however, many of these policies do not include the way materials might be vetted before they are taught in a classroom. We found the following:

- One district we reviewed has very clear processes for the selection of curriculum and instructional material. The district also has an approved book list. Policy requires school-level adoption when district-level materials are not available.³⁰
- Some principals report that they review some instructional materials, while others review materials brought to them by teacher and teacher teams.
- One district allows for curriculum choice at the teacher-team level, within secondary schools, with little required oversight from the district.
- One small charter middle school has only one English teacher who typically makes the decisions on what to teach.

These examples show a spectrum of involvement in how districts guide and select curriculum and instructional material. For instance, while **85%** of districts have some form of policy guidance for instructional materials, only eight districts, or **20%** have approved

²⁹ Neutrality standards and training are discussed in greater detail in Chapter IV.

³⁰ Smaller districts have fewer resources which limits their ability to hire more staff. As a result, we observed that the responsibilities that curriculum directors are often shifted to superintendents to perform.

Teacher Training



District processes for curriculum and materials selection vary widely, while some districts do not have a process at all.

Curriculum & Instruct. Materials



85 percent of districts do not have an approved materials list to guide teachers' selection of materials.

Although library processes were not part of the scope of this audit, we noted weaknesses in this area that relate to the materials selection process.

HB374 was directed at ensuring parent committees and the consideration of local values were considered when selecting library books. A similar model could be used for curriculum and instructional material selection.

books/materials lists and website lists or criteria that guide teachers' selection of material. These findings suggest that schools and teachers have autonomy and accountability to select materials that they believe align with the district and local values. Without clear guidance, teachers are not protected by the guardrails that policies provide. Likewise, parents and students are not protected from teacher content that may not be aligned with school, district, or local values.

Some Library Processes Are Weak and Create Inefficiencies, But Recent Improvements Could Guide Curriculum Management.

Some of the issues we reviewed during this audit were concerns about the appropriateness of books in school libraries. Although a review of library books was not within the scope of this audit, we noted weaknesses in this area that may relate to curriculum and content management. For example, one district has procedures for how to deal with books that are challenged by students and parents but does not have strong policies to scrutinize books before they are placed in the library. The district's curriculum director explained that the district went through legal proceedings, spent more than 100 hours for each book challenged to be removed from the library, and absorbed financial costs. The outcome was that most books that were challenged were not removed from the library. We believe the difficulties the district faced could have been mitigated were stronger proactive procedures in place for vetting library materials.

We also noted Legislative and USBE efforts during the audit to strengthen processes related to content. HB374 from the 2022 General Legislative Session and USBE *Administrative Rule* R277-628 which followed, require LEAs to review library books for sensitive materials and allows for community-specific values to be taken into consideration for materials in school libraries. This deliberate approach could also be applied to how curriculum and materials are managed at the local level. We recommend that the Legislature consider requiring local governing boards to assess the new library materials selection process to determine if there are relevant steps that could be applied to their current practices over curriculum and instructional materials.

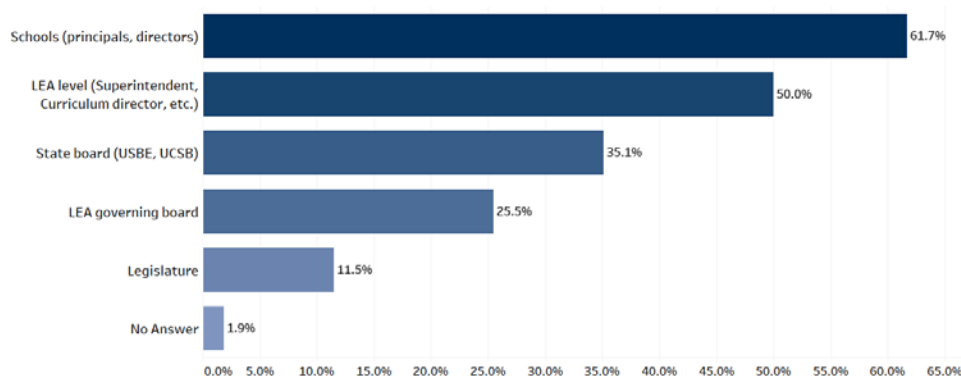
Overall, some districts currently do not use all processes mentioned in Figure 3.2, which contributes to a lack of uniformity in teaching and could lead to the introduction of potentially questionable content in the classroom. Local level entities could utilize the new library materials vetting process to strengthen local control and its local values

in the general content selection and management process. *Utah Code* designates local governing boards as having ultimate accountability for alignment with Standards. Therefore, we recommend that the Legislature consider requiring local governing boards to implement stronger proactive processes for the selection of curriculum and instructional materials used in their classrooms.

Teachers Need More Proactive Guidance On Emerging Social Issues

Many of the current concerns with teaching content are related to politics and emerging social issues. Teachers expressed the need to help students feel safe. Accordingly, there is some hesitation about whether and how to address emerging social issues in the classroom. In our survey of teachers, we found varying expectations about where guidance on these issues should come, as shown in Figure 3.3.

Figure 3.3 Interview Question: At What Level Do You Believe Guidance Should Come on Emerging Social Issues? Teachers indicated that guidance should come from their school administrators and LEAs.



Source: OLAG Survey to teachers. There were 1,425 teachers who responded to this question (14 percent response rate).

Recently, USBE was working on guidance for addressing emerging social issues. However, after engaging in the public comment process, the Board elected to not release the guidance. This presents a challenge for local entities who often look to USBE for guidance on the evolving issues in education.

By providing clear guidance and strengthening processes for what can be taught, governing boards can better protect teachers and school administrators. While teachers need flexibility to teach to their professional judgment, we believe that strong, formal processes are

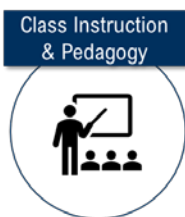
There is some hesitation on what emerging social issues to address in the classroom, or how they should be addressed, if at all.

Click or scan to view the survey dashboard.



While teachers need flexibility to teach to their professional judgment, formal processes are also needed. The goal should not be to “teacher proof” the classroom.

Local grievance tools, such as hotlines, are not specifically designed to address classroom content concerns.



also needed. Put another way, we believe the goal is not to “teacher proof” the classroom but to demonstrate greater support to teachers by providing clearer guidance. We recommend that the Legislature consider requiring local governing boards provide guidance on emerging social issues and other topics that teachers are hesitant to address.

LEAs Need Clearer Reactive Processes for Handling Concerns over Classroom Content

Even with strong proactive processes, educators cannot anticipate all potential concerns from parents about teaching content. Reactive controls, such as grievance processes, are often used to receive and understand such concerns. However, we found that local grievance tools, such as hotlines are set up to report fraud, abuse, and noncompliance and are not explicitly designed for concerns about classroom content. Similarly, district grievance and complaint policies are written to address general concerns. Only four districts have policies that address instructional material concerns. Additionally, the *Utah Code* requirements for curriculum selection do not address how to handle parent concerns about content. Including all education stakeholders in adjusting current grievance policies could ensure state-wide usage of new processes.

State and Local Level Hotlines Are Not Specifically Designed To Address Curriculum Concerns

As discussed in Chapter 2, there is some evidence that teachers may be sharing potentially questionable content, some of which may not be in their course materials, though to what extent it is difficult to know. Hotlines are one method for receiving and processing concerns, especially those offered anonymously. *Administrative Rule*³¹ requires LEAs to have a hotline but does not specifically mention using the hotline for curriculum concerns.

³¹ *Administrative Rule* R277-113

In contrast, USBE's state-level hotline acts as a catch-all *"for citizens, educators, employees, and other stakeholders to report concerns and share alleged violations of statute or Board rule."* We found that many parents and other citizens use the hotline to file complaints about curriculum and classroom content. Our review examined more than 500 of these school or teacher specific complaints received by USBE over the last three years.

USBE forwards complaints about specific LEAs, teachers, leadership, or content to the LEA's relevant contact. In USBE's Policies and Procedures for the Hotline, there is limited guidance of state-level follow-up regarding LEA specific complaints.³² USBE reports uncertainty about how or whether LEAs are following up on these concerns and if their contact person is independent of the issues and able to make corrective action.

LEAs are required by USBE *Administrative Rule* to have a hotline for public concerns to be reported.³³ We reviewed hotlines at the LEA level and some at the school level and found that they are not specifically designed to collect concerns about curriculum or classroom content. Instead, some websites explain that the hotlines are to be used to report fraud, waste, and non-compliance. From our review, only one district website specifically states that the hotline can be used for curriculum complaints.

Some LEAs utilize only USBE's hotline, instead of having their own hotline to collect concerns. Smaller districts use this option frequently. USBE reports that it drafted this usage in Rule in consideration of resource constraints at the LEA level. This means that districts using USBE's hotline are relying on USBE to forward all complaints to them, including those related to inappropriate class content. Because there is no requirement for follow-up at the state or

Considered a reactive process, many parents use USBE's hotline to file curriculum and classroom content complaints.

USBE reports that it is unclear how districts follow up on hotline complaints.

³²Internal Policies and Procedures of the Internal Audit Department of the Utah State Board of Education 2.3.7 Resubmission. "In accordance with R277-123, an individual whose alleged violation was originally reported to the Public Education Hotline and was referred to an LEA, state agency, or other entity for resolution, may resubmit the alleged violation to the Hotline if the alleged violation is not resolved AND is within the jurisdiction or authority of the Board."

³³ Hotline information must include: a hotline phone number, email, online complaint form, or a requirement to post a link on the school's website in a readily accessible location with contact information for the Board's hotline.

The breadth of curriculum concerns or how LEAs handle the concerns are unclear due to lack of follow-up requirements.



Click or scan to view the survey dashboard.

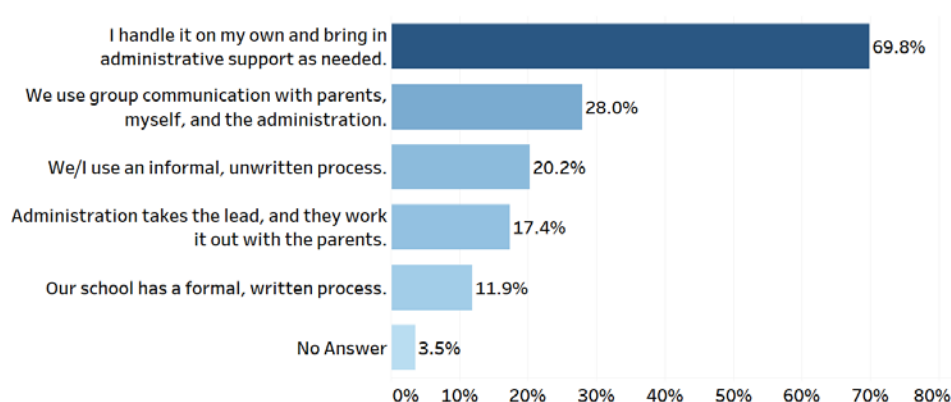


local level, tracking the process for dealing with the complaints is challenging. Furthermore, the breadth of curriculum concerns and LEAs' understanding of these concerns is unclear. We recommend that the Legislature consider requiring local governing boards to provide stronger procedures for the use of school level hotlines as a resource for receiving and understanding classroom content concerns.

Current Grievance Practices for Addressing Classroom Concerns Are Varied Across LEAs

With regard to the overall grievance process, *Utah Code*³⁴ and USBE *Administrative Rule*³⁵ require LEAs to have a formal process for hotline complaints. However, these requirements are not detailed or specific to curriculum. From our interviews with teachers, we found that even within the same district there are various grievance practices and policies depending on the school and principals. It is unclear to what degree schools are prioritizing the grievance process. Most school-level personnel we spoke with said they do not have a formal process (although what they are currently doing may work well for them on a case-by-case basis). Our survey of more than 1,400 teachers shows that teachers often handle complaints on their own, and that formal, written processes to address complaints are uncommon (see Figure 3.4).

Figure 3.4 Survey Question: Do You Have a Formal Process for Handling Parent Concerns Regarding Instructional Materials and Classroom Content? Most teachers report handling these complaints on their own.



Source: OLAG Survey of Teachers There were 1,434 teachers who responded to this question (14 percent response rate).

³⁴ *Utah Code* 53E-3-401

³⁵ *Administrative Rule* R277-113

While a small percentage (12 percent) report having a formal process for handling parent complaints, 59 percent of principals (not shown) report that their school has a written, formal process for handling parent concerns. This discrepancy may indicate that processes have not been appropriately communicated from leadership to teachers. Regardless, this is an example of processes that could be strengthened and become more effective.

Teachers we interviewed for additional detail about formal processes for parent complaints reported a variety of practices, ranging from “I don’t know” [about a formal process], to “They follow a practice,” and “There is probably a process somewhere, but teachers don’t know what it is. Neither do parents.” To ensure that complaints are received and handled appropriately, local governing boards should assess to what degree formal grievance processes surrounding classroom content are needed and then train teachers on those processes going forward.

Curriculum Requirements in *Utah Code* Do Not Address Processes for Handling Specific Parent Concerns

Utah Code and USBE *Administrative Rule* outline the provision for parents to review curriculum. *Utah Code*³⁶ requires that a school district must clearly display on their website and how parents can review curriculum. However, in our review of district websites, we found many that do not appear to have this information clearly displayed.

Furthermore, while *Utah Code* gives parents the ability to review curriculum, it does not specify a process for filing a complaint regarding it. USBE *Administrative Rule*³⁷ states that parents should be included in reviewing complaints specific to curriculum materials. However, no teachers’ interviews reported any procedures that would facilitate this process.

Local boards should assess to what degree grievance processes for classroom content are needed.



³⁶ *Utah Code* 53G-4-402(24)

³⁷ *Administrative Rule* R277-468.

The Legislature may be best positioned to determine whether to require stronger processes at the local level.

In conclusion, many LEAs lack strong proactive and reactive processes regarding the selection, management, and oversight of surrounding curriculum and instructional materials. Based on the many community concerns we reviewed (some of which we were able to independently document) it is critical to consider whether to provide processes before content is taught (a fence per Figure 3.1) and/or after it is taught (an ambulance). The Legislature is best positioned to determine whether to further standardize and strengthen these processes. The Legislature could consider whether to require local governing boards to strengthen such processes in this area going forward.

Recommendations

1. We recommend that the Legislature consider requiring local governing boards to assess the new library materials selection process to determine whether aspects of it should be applied to their current practices over curriculum and instructional materials.
2. We recommend that the Legislature consider requiring local governing boards to provide guidance on how to approach emerging social issues and other topics that teachers are hesitant to address.
3. We recommend that the Utah State Board of Education consider requiring local governing boards to have an official process for filing concerns with curriculum and classroom content.
4. We recommend the Legislature consider whether to require local governing boards to have stronger processes related to content before and after it is taught to students in the classroom.

Chapter IV

Teachers Are Inconsistently Trained on Neutrality and Appropriateness of Classroom Content

A lack of formalized neutrality standards and inconsistent neutrality training could lead educators to introduce potentially questionable content to students. The Legislative Audit Subcommittee asked us to determine whether teachers are sufficiently trained to be unbiased on an ongoing basis. Throughout the audit, education stakeholders expressed that neutrality was a known expectation. However, educator standards and trainings at the state, Utah State Board of Education (USBE), and local education agency (LEA) levels do not contain comprehensive guidelines that specify how educators should remain unbiased and neutral in the classroom. Given the differences resulting from local control, we did not find evidence of consistent neutrality training, or training that address how best to remain neutral in classroom settings. Furthermore, there are limited guidelines about the appropriateness of content presented in educator trainings.

Training is multifaceted and is variably delivered throughout the state.³⁸ Beyond the required state trainings, local control allows LEAs to manage training delivery and content. School leadership and teachers also make decisions about educator training. Educators also reported the need for better guidance and training on emerging social issues and sensitive topics. As policies are updated, especially regarding emerging social issues, trainings on these changes can help inform educators.

Throughout this audit, we interviewed more than 100 teachers and principals, as well as surveyed educators throughout the state. The results from these interviews and surveys are reported in this chapter.

³⁸ In our review, we considered professional development, state and district offered professional learning (including those required for teacher re-licensure), elective professional learning, and conferences as educator trainings. This chapter will refer to these collective opportunities as “training.”

The Legislative Audit Subcommittee asked us to determine whether teachers were sufficiently trained to be unbiased on an ongoing basis.

Training is multifaceted and variably delivered throughout the state.

Teachers Are Expected to Be Neutral and Balanced, Yet There Have Been Limited Guidelines at State and Local Levels

We did not find adequate, formalized standards guiding teacher neutrality among LEAs.

Our review did not find adequate consistent, formalized expectations or standards guiding neutrality among LEAs. This is despite education stakeholders' reports that teachers are expected to be neutral and balanced during instructional time. Specifically, educators noted the expectation to leave out political and personal opinions, to be unbiased and culturally sensitive, and to teach with appropriate materials. However, given the lack of formal guidance, we question whether there is a sufficient foundation to expect teachers to adhere to neutrality standards. We recommend that a standard for remaining neutral be formalized through USBE guidance and LEA policies.

There Have Been Few Formal Standards for Educators Regarding Neutrality in the Classroom

Policies and training can provide teachers support and protection.

Utah Code and USBE *Administrative Rule* (including rules focusing on Educator Standards and Codes of Conduct) do not provide clear, formalized expectations guiding teacher neutrality. Further, in our review of LEA policies we did not find uniform or comprehensive expectations on neutrality (see next section).

During this audit, educators repeatedly reported that they are professionals who can be trusted to do what is best for students. We concur with teachers' stated opinion that they are professionals who are dedicated to their students. USBE *Administrative Rule* echoes this sentiment in the educator standards, recognizing that educators are professionals who share common professional standards, expectations, and general role model responsibilities.³⁹ However, with the lack of guidelines and standards in some important areas, there may be significant differences on what is considered "best for students." Formalizing and training on neutrality expectations gives these professionals the tools that they need to protect themselves from concerns.

USBE Educator Standards Have Provided Limited Guidance for Being Unbiased and Neutral in the Classroom. Teacher "neutrality"

³⁹ *Administrative Rule* R277-217

and “balance” are not formalized expectations within public education. The “Educator Standards and LEA Reporting” Rule⁴⁰ provides the clearest guidance but focuses on age appropriateness, prejudice, harassment, and oppressive work environments. The *Administrative Rule* establishes ethical standards for educators and reporting requirements for educators and LEAs, recognizing that educators are professionals who share common professional standards, expectations, and role model responsibilities. Additionally, *Utah Code* 53G-10-202 provides some guidance related to educator neutrality but is primarily focused on constitutional and religious freedom in public schools.⁴¹ New *Administrative Rule* outlines some required training topics that relate to neutrality.⁴²

Beyond the examples above, there is limited educator neutrality guidance, particularly as it relates to emerging social issues and matters of race addressed in 2021 House Resolution 901 and Senate Resolution 901. Given that neutrality expectations are limited, we recommend that USBE, in collaboration with LEAs, complete formalization of standards for balanced content, unbiased teaching, and neutrality.

Expectations for Some Classroom Topic Areas Are Outlined in District Policy

In general, district policies lack comprehensive guidance on neutrality, some districts lack any related guidance. However, some LEAs provide guidance on bias, neutrality, and navigating political topics. These policies establish limited formal expectations for educators in certain districts. For example:

- One district has political involvement guidelines that require employees, while interacting with students in their official

New *Administrative Rule* outlines some required training topics that relate to neutrality.

Some LEAs provide guidance; however, district policies generally lack comprehensive guidance on bias, neutrality, and navigating political topics

⁴⁰ Administrative Rule R277-217

⁴¹ “Any instructional activity, performance, or display which includes examination of presentations about religion, political or religious thought or expression, or the influence thereof on music, art, literature, law, politics, history, or any other element of the curriculum, including the comparative study of religions, which is designed to achieve secular educational objectives included within the context of a course or activity and conducted in accordance with applicable rules or policies of the state and LEA governing boards, may be undertaken in the public schools.”

⁴² *Administrative Rule* R277-328

We question whether there is a sufficient foundation to expect teachers to adhere to neutrality standards.

capacity, must not advocate for a specific candidate or initiative. Additionally, employees may not use contract time for political advocacy purposes.

- Another district provides guidance for controversial speakers. It requires that administrators fully investigate those presenting and encourage the presenters to represent various approaches or points of view.

Additionally, each LEA in Utah is required to draft its own code of conduct for educators, and then train teachers on these codes of conduct. Codes of conduct provide guidance for ethical teacher behavior. Policies from 12 districts contain related guidance, similar to the following:

District staff are further expected to act professionally. This includes communicating in a civil manner and not promoting personal opinions, issues, or political positions as part of the instructional process in a manner inconsistent with law.

Although some limited guidance was found in a third of district code of conduct policies, our review did not find comprehensive guidance concerning teacher neutrality in any district's code of conduct policies. Without clearly formalized neutrality expectation in *Utah Code*, *USBE Administrative Rule*, and LEA policies, we question whether there is a sufficient foundation to expect teachers to adhere to neutrality standards. We recommend that LEAs formalize neutrality expectations for educators in LEA policies and procedures.

Educator Trainings Vary Throughout the State

LEAs' training practices vary from district to district due to local control. Specifically, the required trainings, delivery of trainings, and available opportunities for educators may change, depending on the LEA in which they teach. Overall, state guidance lacks standards for the appropriateness and neutrality of educator training content. Furthermore, given the differences resulting from local control, we did not find evidence of consistent neutrality training, or training that demonstrates how educators can best remain neutral in classroom

Teacher Training



settings. However, USBE does have an optional training that addresses some teacher neutrality topics.

Questions have been raised regarding educator training content that may lead educators to be biased. We found some examples of teacher trainings that some questioned as biased (discussed in Chapter II).⁴³ The potential of training content creating bias was not a primary focus of this audit. However, our review found limited guidelines concerning neutrality and the appropriateness of training content. These limited guidelines do not clearly prevent biased material from being taught to educators.

Educator Trainings Vary Across LEAs

Local control allows for differences in how LEA's train their educators and other school staff. *Utah Code*, USBE *Administrative Rule*, and Utah educator licensures all require trainings. Federal law also requires some trainings for school employees. These training requirements are summarized below.

- Federally required trainings include harassment and student records (FERPA).
- *Utah Code* requires training on child sexual abuse and human trafficking, and youth suicide prevention. USBE provides some training resources for required trainings.
- LEAs and schools may also offer or require additional trainings. LEAs have flexibility in how they deliver required training.

Furthermore, training formats and the entities that develop the training material vary from district to district both for required and elective trainings. Principals throughout the state also reported that training is created by many different entities. In a survey question about who develops content for training and professional learning, principals reported that school leadership is the most frequent source

Local control allows for differences in how LEA's train their educators.

⁴³ One teacher training highlighted Utah's Pioneer Day "because the state of Utah has an unrecognized, violent history with the original inhabitants of this land. By having a statewide holiday to honor the pioneers who came to this land, Utah has normalized the settler's privilege." Another training, presented by staff at USBE to some charter schools, resembled some of CRT's tenets.

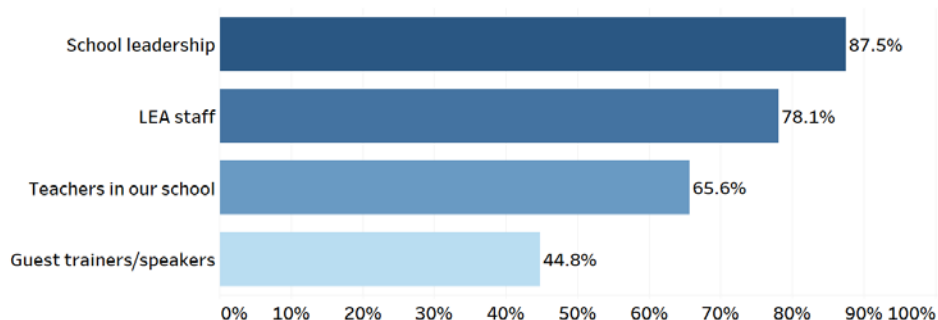
Click or scan to view
the survey dashboard.



Available guidance
generally does not
address the
appropriateness of
teacher training
content.

of training content. Figure 4.1 shows the other main sources for training content.

Figure 4.1 Survey Question: Who Develops the Content for Training/Professional Learning that Happens at Your School?
Nearly 88 percent of principals reported that their school leadership develops content for trainings at their school.



Source: OLAG Survey of District School Principals and Charter School Directors. There were 96 principals who responded to this question (28 percent response rate).

Guidelines for Developing Teachers Trainings Are Limited

Available guidance generally neglects to mention the appropriateness of teacher training content. In 2021, the Legislature passed a resolution recommending that no training or training material that the USBE or an LEA provides include concepts outlined in the resolution:⁴⁴

- That one race is inherently superior or inferior to another race;
- That an individual should be discriminated against or receive adverse treatment because of the individual's race; or
- That an individual's moral character is determined by the individual's race.

*Administrative Rule*⁴⁵ outlines similar guidance for LEAs providing educational equity training. However, these guidelines do not currently apply to teacher trainings in general. Other guidelines for educator trainings, including professional learning standards, lack

⁴⁴ HR 901 and SR 901, 2021 First House/Senate Extraordinary Sessions

⁴⁵ *Administrative Rule* R277-328, Educational Equity in Schools

detailed requirements for the appropriateness of training material. Although not a main focus of this audit, some questions were raised regarding teacher training that may encourage educator bias. Potentially related educator training examples are discussed in Chapter II. Given the variety in educator trainings, as well as limited standards for the appropriateness of training content, we recommend that USBE provide guidance concerning neutrality and unbiased standards for educator training content.

We Did Not Find Uniform Training On Teacher Neutrality in the State

As explained earlier in the chapter, there is limited guidance concerning teacher neutrality. We also did not find evidence of consistent training concerning teacher neutrality within many LEAs. Interestingly, given the lack of consistent training, 57 percent of teachers reported in our survey that they feel sufficiently trained in neutrality expectations in the classroom.

Seeing the need for neutrality guidance at the local level, USBE created and started a training for LEAs in July 2021. This is an optional training resource that addresses some educator neutrality topics, including bias and countering misinformation. USBE has presented this resource to LEAs and to other groups that have requested the training. In addition, *Administrative Rule*, made in 2021, requires education equity training that includes instruction on some neutrality topics.⁴⁶ Because the *Administrative Rule* is relatively new, we were not able to review educational equity trainings in districts. However, we expect that this training requirement, when implemented, will provide some related neutrality training across the state.

Without established standards or current comprehensive training, it is not surprising that there have been inconsistencies in how related topics, such as emerging social issues and sensitive topics, have been handled. Some required training, such as LEA required training on

We did not find evidence of consistent training concerning teacher neutrality.

⁴⁶ *Administrative Rule* R277-328 requires educational equity training to include instruction in: collaborating with diverse community members, including acknowledging diverse cultures, languages, traditions, values, needs and lived experience, as well as demonstrating role model responsibilities through the examination of various counterpoints to a topic in an impartial manner.

Teachers reported that they would appreciate better guidance regarding emerging social issues.



code of conducts/acceptable behavior policies, may touch on related topics, but are not uniformly required to do so.

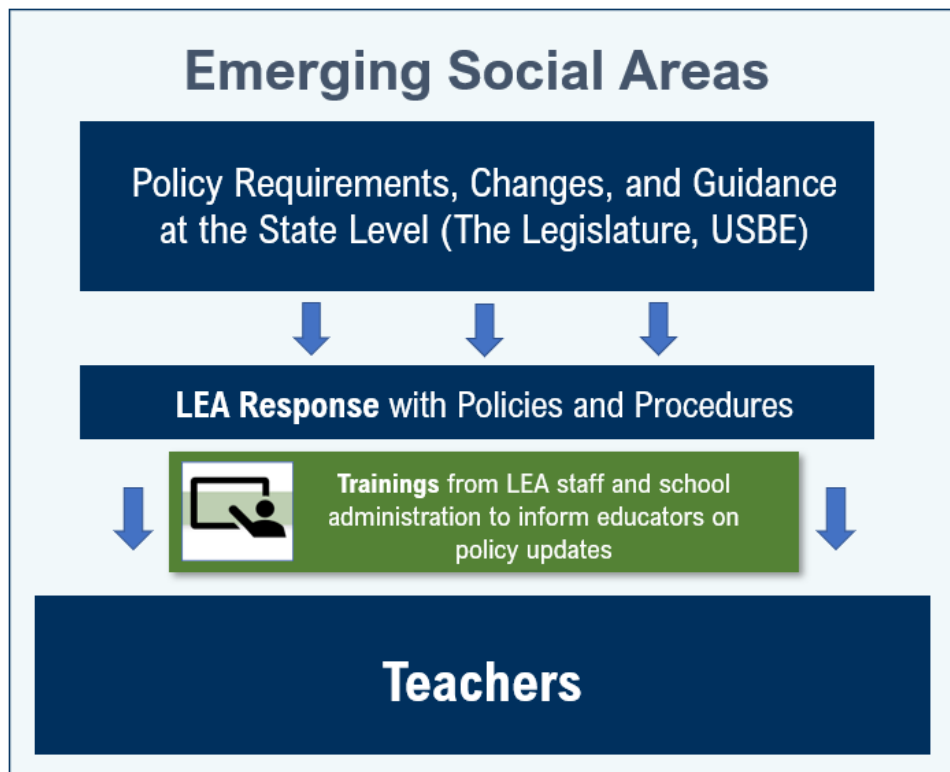
Educators Can Be Better Informed On Policies Through Training

As state, district, and school-level policies and procedures are updated, trainings can help inform and implement changes. Trainings on topics such as emerging social issues, where policies and procedures are developing and changing quickly, could be especially beneficial. Throughout this audit, teachers reported that they would appreciate better guidance regarding emerging social issues, including how to address them, if at all. USBE can better provide model policies for LEAs to utilize in the creation of their own guidance.

Trainings Can Help Communicate Updated Guidance On Emerging Issues to Educators

We observed that new *Utah Code*, USBE, district, and school policies are primarily communicated to educators through trainings. As laws and policies develop, trainings can be used to communicate and inform educators of changes. For example, one district trains on key policies during its annual training. A similar practice of training on updated policies during annual mandatory trainings, could keep educators informed on key policies, longstanding or recently updated. Figure 4.2 suggests how updates to policies and procedures could flow to educators. Because there is no formal requirement, we recommend that the Legislature consider whether to require LEAs to annually train educators on updated LEA policies related to neutrality and emerging social issues. This could be added to LEAs annually-required training.

Figure 4.2 Teacher Training Could Help Better Inform Teachers of Policy Updates. Such trainings, especially during mandatory annual trainings, could help communicate updated guidance on emerging social issues to educators.



Source: Auditor generated

Many Educators Reported a Need for Better Guidance Related to Emerging Social Issues

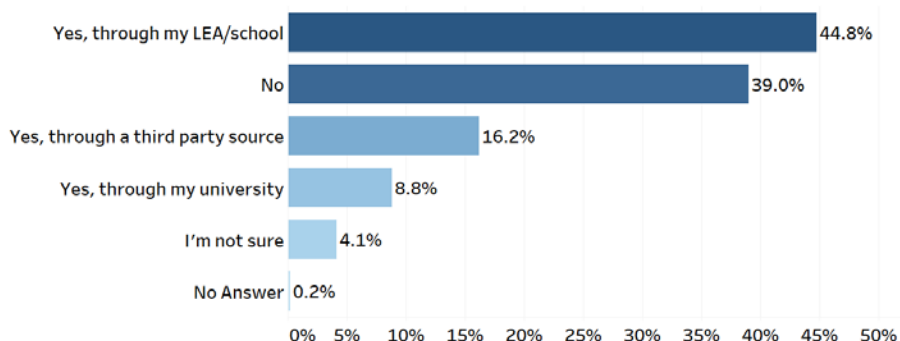
Teachers were asked if they have participated in any trainings regarding emerging social issues. Less than half of teachers reported that they have participated in related trainings through their LEAs or schools, as shown in Figure 4.3.

Training could help communicate updated guidance on emerging social issues to educators.

Click or scan to view the survey dashboard.



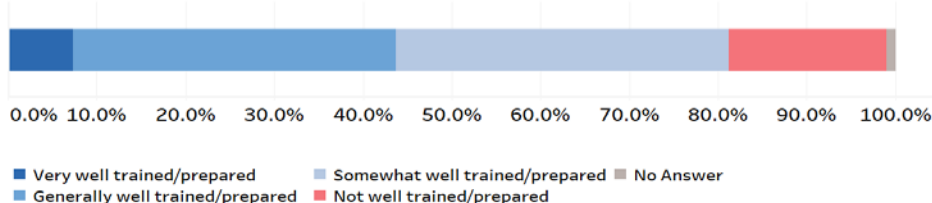
Figure 4.3 Survey Question: Have you Participated in any Trainings Regarding Emerging Social Issues? In rural districts, 53 percent of teachers reported that they had not participated in any emerging social issue training, compared with 37 percent of teachers in urban districts and 34 percent of charter teachers.



Source: OLAG Survey of Teachers. There were 1,449 teachers who responded to this question (14% response rate).

Furthermore, less than 10 percent of principals reported that their teachers are very well trained/prepared in emerging social issues. Principal responses are shown in Figure 4.4.

Figure 4.4 Survey Question: To What Degree Do You Feel like Your Teachers Are Trained and Prepared in Emerging Social Issues? Nearly 60 percent of principals reported their teachers are either somewhat- or not-well trained in this area.



Source: OLAG Survey of Principals and Charter School Directors. There were 96 responses to this question (28 percent response rate).

Teacher most often said that they believe guidance regarding emerging social issues should come from the school and LEA leadership staff.

Teachers most often said that they believe guidance regarding emerging social issues should come from the school and LEA leadership staff. When principals were asked who should be setting policies for teacher training and school responses concerning emerging social issues, they aligned with teacher surveys by reporting most frequently that guidance should come from LEA leadership staff (75 percent).

Some LEAs expressed a desire for USBE to provide guidance about emerging social issues. USBE determined not to provide some guidance in this area, which is difficult for some LEAs who have limited legal resources to make these decisions. Given the overall limited guidance, we recommend that the Legislature consider whether to require local governing boards to strengthen guidance on emerging social issues and request further guidance from USBE when needed. This will also help maintain local control and values.

Recommendations

1. We recommend that the Utah State Board of Education, in collaboration with Local Educational Agencies, complete formalization of expectations for balanced content, unbiased teaching, and neutrality.
2. We recommend that the Utah State Board of Education provide more guidance concerning neutrality and unbiased standards for educator training content.
3. We recommend that the Legislature consider requiring Local Governing Boards to annually train educators on updated LEA policies related to neutrality and emerging social issues.
4. We recommend that the Legislature consider requiring Local Governing Boards to strengthen guidance on emerging social issues and request further guidance from USBE when needed.

Appendix A

Appendix A: Complete List of Audit Recommendations

This report made the following eleven recommendations. The numbering convention assigned to each recommendation consists of its chapter followed by a period and recommendation number within that chapter.

- 2.1 We recommend that the Utah State Board of Education oversee resources they share with LEAs and continue to provide appropriate guidance on discussions surrounding race moving forward.
- 2.2 We recommend that the Legislature consider whether the status quo is acceptable or whether concerns outlined by community members and those identified in this report warrant more guidance.
- 2.3 We recommend that the Legislature consider deciding to what level the curriculum establishment process should be uniform from district to district and the appropriate degree for teacher autonomy and accountability.
- 3.1 We recommend that the Legislature consider requiring local governing boards to assess the new library materials selection process to determine whether aspects of it should be applied to their current practices over curriculum and instructional materials.
- 3.2 We recommend that the Legislature consider requiring local governing boards to provide guidance on how to approach emerging social issues and other topics that teachers are hesitant to address.
- 3.3 We recommend that the Utah State Board of Education consider requiring local governing boards to have an official process for filing concerns with curriculum and classroom content.
- 3.4 We recommend the Legislature consider whether to require local governing boards to have stronger processes related to content before and after it is taught to students in the classroom.
- 4.1 We recommend that the Utah State Board of Education, in collaboration with Local Educational Agencies, complete formalization of expectations for balanced content, unbiased teaching, and neutrality.
- 4.2 We recommend that the Utah State Board of Education provide more guidance concerning neutrality and unbiased standards for educator training content.

- 4.3 We recommend that the Legislature consider requiring Local Governing Boards to annually train educators on updated LEA policies related to neutrality and emerging social issues.
- 4.4 We recommend that the Legislature consider requiring Local Governing Boards to strengthen guidance on emerging social issues and request further guidance from USBE when needed.

Agency Responses



UTAH STATE BOARD OF EDUCATION

Mark Huntsman, Chair

Laura Belnap, First Vice Chair
Cindy Davis, Second Vice Chair

Randy Boothe
Janet A. Cannon
Natalie Cline
Jennie Earl

Scott L. Hansen
Molly Hart
Stacey Hutchings
Matt Hymas

Carol Barlow Lear
James Moss Jr.
Kristan Norton
Brent J. Strate

Sydnee Dickson, State Superintendent of Public Instruction
Cybil Child, Secretary to the Board

October 11, 2022

Kade Minchey, CIA, CFE
Auditor General
Office of the Legislative Auditor General
W315 State Capitol Complex
Salt Lake City, UT 84114

Mr. Minchey:

Thank you for the opportunity to respond to report 2022-12 "A Performance Audit of Curriculum and Teacher Training in Public Education." We appreciate the professionalism and courtesy of your staff in conducting the review and in communicating with the various stakeholders of public education.

The overall purpose of the audit, as stated in Chapter 1, was to look at curriculum adoption and management processes in Utah public schools. The Utah State Board of Education (USBE) has the responsibility of setting statewide performance standards related to content; the audit (pg. 11) indicates that the standards "do not...present a high risk of introducing questionable content into the classroom." Local education agencies (LEAs) have the responsibility to select materials to meet the standards, except in some rare cases related to programs and topics deemed sensitive in nature, when USBE is directed by Utah Code to review and recommend materials. USBE understands and expects differences in how LEAs review and select materials. We concur with Utah Code that curriculum and instructional materials are best selected at the local level, as this provides for more parent and educator input.

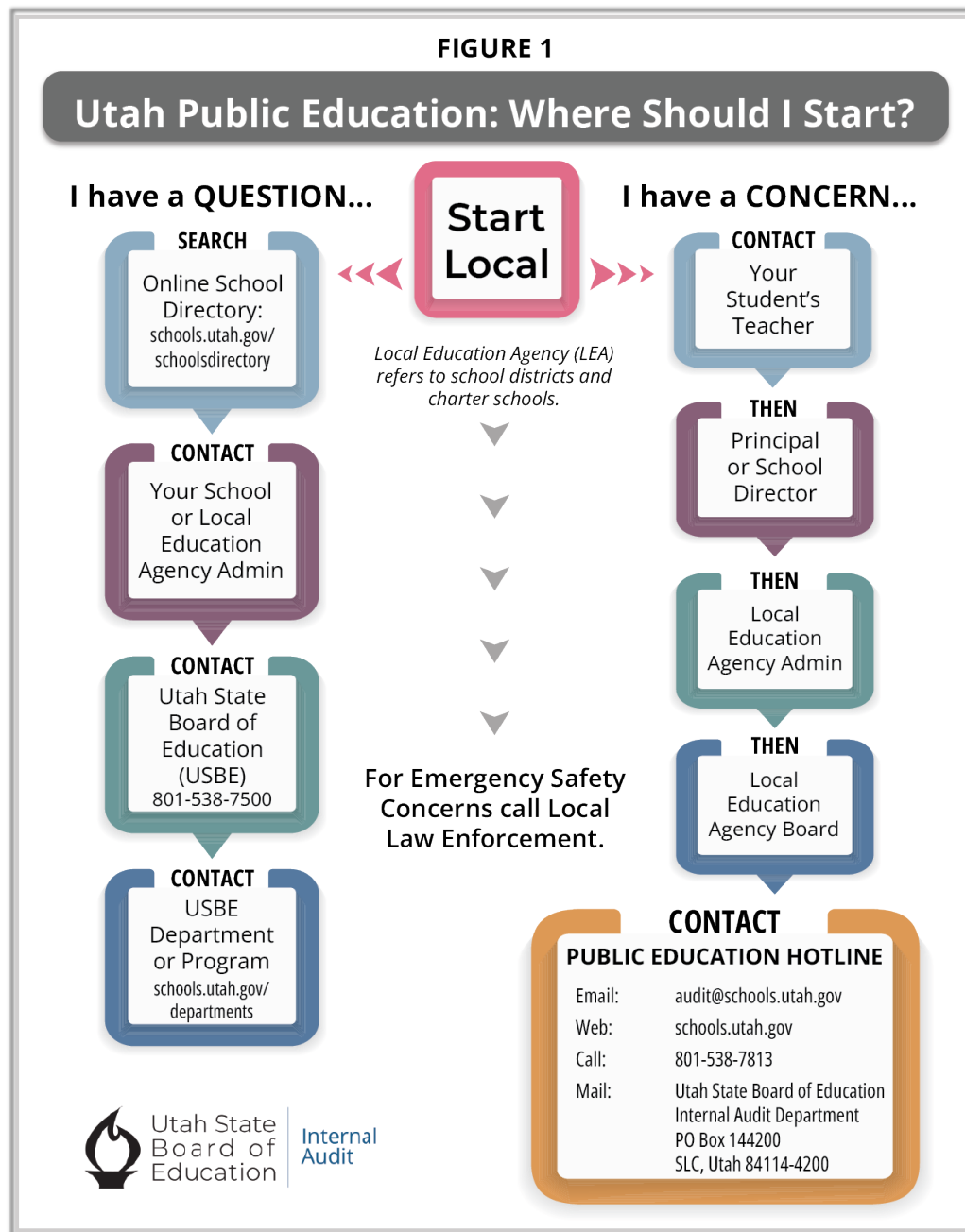
As shared by the auditors, there was also an expectation for the audit to consider if there is evidence of widespread use of "questionable content" and specifically, Critical Race Theory. While a few related items were identified in the audit (pgs. 13-15), there were no conclusions of widespread issues. We highlight this and share appreciation for the comprehensive manner of conducting interviews, content examinations, and surveys to come to this conclusion.

USBE has a process in place to ensure our own materials and resources shared with LEAs comply with Board rule 277-328. We also support each LEA having transparent processes in place for adopting content that is expected to be used throughout the LEA, (e.g., math, English language arts, social studies, science), noting that most classroom materials are personalized by the teacher, based on the needs of the students and the context of the community.

Chapter III includes a recommendation that the Legislature consider applying the library materials selection process to other materials. We do not concur with this recommendation. Rather we believe the

recommendation is better suited to each LEA having a clear and transparent process for LEA wide and school wide adoption of policies and procedures as was noted in the case of Davis School District (pg.16). We concur that more can be done to provide guidance and training for teachers in engaging with students on sensitive topics. At the same time, we promote and support a process that includes engaging with the local school first when sharing concerns about content. See Figure 1 below or online at:

<https://schools.utah.gov/file/6d4f6d75-03f1-4fbf-b571-eef8fc6f3d96>.

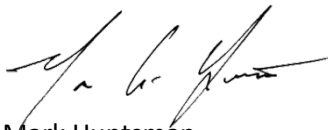


We believe starting locally with teachers and administrators can help promote stronger relationships between home and school.

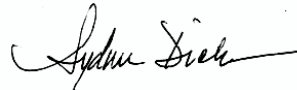
We look forward to our continued work with LEAs and teacher education programs to strengthen expectations and process for teaching balanced, unbiased, and neutral content. At the same time, the findings of a recent [Utah Civic Learning Collaborative](#) listening tour, reaffirm the challenges our teachers are facing. Many social studies, civics, and English language arts teachers are expressing the default to less engaging classroom pedagogy and relevant topics due to self-censorship and fear of saying something that may or may not be construed as biased. This may have a negative effect on the teaching of civic engagement and dialogue when we need it most. HCR15 Concurrent Resolution Condemning Antisemitism, R277-328 Educational Equity in Schools, and a new ethnic studies bill offer parameters, guardrails, and opportunities for our students and teachers to engage in content that is relevant and meaningful for all.

The Utah State Board of Education is taking a proactive approach to supporting our educators, families, and most importantly, our students, while acknowledging we can do more to strengthen and support our locally elected boards in their efforts.

With appreciation,



Mark Huntsman
Utah State Board of Education, Chair



Sydnee Dickson
State Superintendent of Public Instruction

cc: Cindy Davis, USBE Vice Chair and Audit Committee Vice Chair
Patty Norman, Deputy Superintendent of Student Achievement
Darin Nielsen, Assistant Superintendent of Student Learning
Jennifer Throndsen, Director of Teaching and Learning
Debbie Davis, Chief Audit Executive



Utah School Superintendents Association

860 E. 9085 S. Sandy, UT 84094
(801) 878-0660

October 6, 2022

Kade Minchey, CIA, CFE
Auditor General
Office of the Legislative Auditor General
W315 State Capitol Complex
Salt Lake City, UT 84114

Dear Mr. Minchey:

Thank you for the opportunity to respond to report 2022-12, *A Performance Audit of Curriculum and Teacher Training in Public Education*. The Utah School Superintendents Association (USSA) appreciates the time and effort that went into this report, and we look forward to studying the recommendation to determine how we can work collaboratively with USBE and the Legislature as they review potential legislation and rule changes.

The report states that “the majority of educators are teaching appropriate content to students.” USSA believes teachers throughout the state are working hard to provide engaging, thought-provoking lessons to all students. Micromanaging the teaching/learning process legislatively or by any other means that distrusts the autonomy of individual teachers, already held accountable by building level and district administration under the oversight of locally elected school boards, will be both detrimental and exhausting to all involved. USSA will continue to support teachers and honor the work they do each day.

USSA supports the idea of a loosely defined definition for “local control.” We believe that locally elected boards are in the best position to make decisions for districts and schools. This loosely defined definition allows superintendents and board members to maintain the flexibility necessary to make decisions and address issues as they arise in their individual districts. A formalized definition might take away the ability to make decisions in real-time and jeopardize the work that is taking place in districts.

The report addresses the potential need for training on emerging social issues and neutrality. While this training may be necessary, we would ask that consideration be given to the number of trainings that teachers are asked to complete yearly. Each year teachers are asked to complete more training and attend more meetings. This is taking teachers away from planning,



Utah School Superintendents Association

860 E. 9085 S. Sandy, UT 84094
(801) 878-0660

collaborating, and working with students. If it becomes necessary to add new trainings, USSA requests that other trainings be removed.

Again, thank you for the opportunity to read and respond to this report. USSA is committed to working collaboratively with the Utah Legislature and USBE. This report will be shared with our members.

Respectfully,

Larry Bergeson
USSA President

Lexi Cunningham
USSA Executive Director

cc: Cade Douglas, USSA, 1st Vice President
John Dodds, USSA, 2nd Vice President
Ben Dalton, USSA, Past President