

## SB0226S03 compared with SB0226S02

~~{deleted text}~~ shows text that was in SB0226S02 but was deleted in SB0226S03.

inserted text shows text that was not in SB0226S02 but was inserted into SB0226S03.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

~~{Senator Jacob L. Anderegg}~~ Representative Jefferson Moss proposes the following substitute bill:

### HIGHER EDUCATION DATA PRIVACY AND GOVERNANCE

#### REVISIONS

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

House Sponsor: Jefferson Moss

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#### LONG TITLE

##### General Description:

This bill enacts and amends provisions related to higher education data privacy and governance.

##### Highlighted Provisions:

This bill:

- ▶ transfers the Utah Data Resource Center (center) from the Department of Workforce Services to the Utah System of Higher Education;
- ▶ expands the duties of the center by requiring the center to collect and promote access to data from institutions of higher education and collaborate with the Board

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of Higher Education and the State Board of Education to coordinate access to certain student identifier information;

- ▶ requires the commissioner of higher education to:
  - appoint a director of the center~~(f);~~ to~~f~~
  - ~~serve as chair of the Utah Data Research Advisory Board(f);~~ and
  - appoint the member who represents the center to the School Readiness Board;
- ▶ requires the center to include information regarding the center's activities and accomplishments in the center's annual report to the Legislature;
- ▶ provides for higher education student data protection at the state and institution of higher education (institution) levels;
- ▶ requires the state privacy officer to establish a privacy advisory group;
- ▶ enacts requirements for data protection and maintenance for the Utah Board of Higher Education, institutions, and third-party contractors;
- ▶ creates requirements for a third-party contractor's use of student data;
- ▶ creates penalties for an institution that contracts with a third-party contractor that permits unauthorized collecting, sharing, or use of student data;
- ▶ defines terms; and
- ▶ makes technical and conforming changes.

### Money Appropriated in this Bill:

This bill appropriates in fiscal year 2023:

- ▶ to Utah Board of Higher Education -- Administration, as an ongoing appropriation:
  - from the Education Fund, \$770,000; and
- ▶ to Utah Board of Higher Education -- Administration, as a one-time appropriation:
  - from the Education Fund, \$275,000.

### Other Special Clauses:

This bill provides a special effective date.

### Utah Code Sections Affected:

AMENDS:

**35A-15-201**, as last amended by Laws of Utah 2019, Chapters 246, 246 and renumbered and amended by Laws of Utah 2019, Chapters 342, 342 and last amended by Coordination Clause, Laws of Utah 2019, Chapter 342

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**53B-1-109**, as last amended by Laws of Utah 2020, Chapter 365

**53E-1-201**, as last amended by Laws of Utah 2021, Chapters 64, 251, and 351

**53E-4-308**, as last amended by Laws of Utah 2020, Chapter 365

**53E-10-706**, as last amended by Laws of Utah 2019, Chapter 186

**53E-10-707**, as last amended by Laws of Utah 2019, Chapter 186

### ENACTS:

**53B-28-501**, Utah Code Annotated 1953

**53B-28-502**, Utah Code Annotated 1953

**53B-28-503**, Utah Code Annotated 1953

**53B-28-504**, Utah Code Annotated 1953

**53B-28-505**, Utah Code Annotated 1953

**53B-28-506**, Utah Code Annotated 1953

### RENUMBERS AND AMENDS:

**53B-33-101**, (Renumbered from 35A-14-102, as last amended by Laws of Utah 2020, Chapter 365)

**53B-33-201**, (Renumbered from 35A-14-201, as enacted by Laws of Utah 2017, Chapter 375)

**53B-33-202**, (Renumbered from 35A-14-203, as last amended by Laws of Utah 2020, Chapter 365)

**53B-33-203**, (Renumbered from 35A-14-204, as enacted by Laws of Utah 2017, Chapter 375)

**53B-33-301**, (Renumbered from 35A-14-301, as enacted by Laws of Utah 2017, Chapter 375)

**53B-33-302**, (Renumbered from 35A-14-302, as last amended by Laws of Utah 2020, Chapter 365)

**53B-33-303**, (Renumbered from 35A-14-303, as enacted by Laws of Utah 2017, Chapter 375)

**53B-33-304**, (Renumbered from 35A-14-304, as enacted by Laws of Utah 2017, Chapter 375)

### REPEALS:

**35A-14-101**, as enacted by Laws of Utah 2017, Chapter 375

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35A-14-202, as enacted by Laws of Utah 2017, Chapter 375

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*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section 35A-15-201 is amended to read:

### **35A-15-201. Establishment of the School Readiness Board -- Membership --**

#### **Funding prioritization.**

(1) There is created the School Readiness Board within the department composed of:

- (a) the executive director or the executive director's designee;
- (b) one member appointed by the State Board of Education;
- (c) one member appointed by the chair of the State Charter School Board;
- (d) two members who have research experience in the area of early childhood

development, with:

(i) one member who is not a legislator and is appointed by the speaker of the House of Representatives; and

(ii) one member who represents the Utah Data Research Center created in Section 53B-33-201, appointed by the [~~executive director~~] commissioner of higher education;

(e) one member, who is not a legislator and is appointed by the president of the Senate, who:

(i) has expertise in results-based contracts; or

(ii) represents a financial institution that has experience managing a portfolio that meets the requirements of the Community Reinvestment Act, 12 U.S.C. Sec. 2901 et seq.;

(f) one member, appointed by the executive director, who has expertise in early childhood education;

(g) one member, appointed by the state superintendent, who has expertise in early childhood education;

(h) one member, appointed by the governor, who represents a nonprofit corporation that focuses on early childhood education; and

(i) one member, appointed by the executive director, who owns and operates a licensed child care center located in the state.

(2) (a) A member described in Subsection (1)(b), (c), (d), (e), (f), (g), or (h) shall serve for a term of two years.

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(b) If a vacancy occurs for a member described in Subsection (1)(b), (c), (d), (e), (f), (g), or (h), the individual appointing the member shall appoint a replacement to serve the remainder of the member's term.

(3) (a) A member may not receive compensation or benefits for the member's service.

(b) A member may serve more than one term.

(4) The department shall provide staff support to the board.

(5) (a) The board members shall elect a chair of the board from the board's membership.

(b) The board shall meet upon the call of the chair or a majority of the board members.

(6) In allocating funding received under this chapter, the board shall:

(a) give first priority to repayment of an investor who is a party to a results-based contract under the Laws of Utah, 2014, Chapter 304, Section 10; and

(b) determine prioritization of funding for the remaining programs described in this chapter.

Section 2. Section **53B-1-109** is amended to read:

**53B-1-109. Coordination of higher education and public education information technology systems -- Use of unique student identifier.**

(1) As used in this section [~~,"unique"~~]:

(a) "Center" means the Utah Data Research Center created in Section 53B-33-201.

(b) "Institution of higher education" means an institution of higher education described in Section 53B-1-102.

(c) student identifier" means the same as that term is defined in Section 53E-4-308.

(2) The board and State Board of Education, in collaboration with the center, shall:

(a) coordinate public education and higher education information technology systems to allow individual student academic achievement to be tracked through both education systems in accordance with this section and Section 53E-4-308[-]; and

(b) coordinate access to the unique student identifier of a public education student who later attends an institution of higher education.

(3) Information technology systems used at an institution [~~within the state system~~] of higher education shall use the unique student identifier of all students who have previously been assigned a unique student identifier.

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Section 3. Section **53B-28-501** is enacted to read:

### **Part 5. Higher Education Student Data Protection**

#### **53B-28-501. Definitions.**

As used in this part:

(1) "Advisory group" means the institution of higher education privacy advisory group established by the state privacy officer under Section 53B-28-502.

(2) "Aggregate data" means data that:

(a) are totaled and reported at the group, cohort, class, course, institution, region, or state level, with at least 10 individuals in the level; and

(b) do not reveal personally identifiable student data.

(3) "Data breach" means an unauthorized release of or unauthorized access to personally identifiable student data that an education entity maintains.

(4) "Data governance plan" means an education entity's comprehensive plan for managing education data that:

(a) incorporates reasonable data industry best practices to maintain and protect student data and other education-related data;

(b) describes the role, responsibility, and authority of the board or an institution privacy officer;

(c) provides for necessary technical assistance, training, support, and auditing;

(d) describes the process for sharing student data between the education entity and another person;

(e) describes the education entity's data expungement process, including how to respond to requests for expungement;

(f) describes the data breach response process; and

(g) is published annually and available on the institution's website or the Utah System of Higher Education's website.

(5) "Education entity" means the Utah Board of Higher Education or an institution.

(6) "Higher education privacy officer" means a privacy officer that the board designates under Section 53B-28-503.

(7) "Institution" means an institution of higher education described in Section 53B-1-102.

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(8) "Minor" means a person younger than 18 years old.

(9) (a) "Personally identifiable student data" means student data that identifies or is used by the holder to identify a student.

(b) "Personally identifiable student data" includes:

(i) a student's first and last name;

(ii) the first and last name of a student's family member;

(iii) a student's or a student's family's home or physical address;

(iv) a student's email address or other online contact information;

(v) a student's telephone number;

(vi) a student's social security number;

(vii) a student's biometric identifier;

(viii) a student's health or disability data;

(ix) a student's education entity student identification number;

(x) a student's social media user name and password or alias;

(xi) if associated with personally identifiable student data, the student's persistent identifier, including:

(A) a customer number held in a cookie; or

(B) a processor serial number;

(xii) a combination of a student's last name or photograph with other information that together permits a person to contact the student online;

(xiii) information about a student or a student's family that a person collects online and combines with other personally identifiable student data to identify the student; and

(xiv) information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty.

(10) "State privacy officer" means the state privacy officer described in Section 67-3-13.

(11) "Student" means an individual enrolled in an institution.

(12) (a) "Student data" means information about a student at the individual student level.

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(b) "Student data" does not include aggregate or de-identified data.

(13) "Third-party contractor" means a person who:

(a) is not an institution or an employee of an institution; and

(b) pursuant to a contract with an education entity, collects or receives student data in order to provide a product or service, as described in the contract, if the product or service is not related to school photography, yearbooks, graduation announcements, or a similar product or service.

Section 4. Section **53B-28-502** is enacted to read:

### **53B-28-502. State student data protection governance.**

(1) The state privacy officer shall establish a higher education privacy advisory group to advise institutions and institution boards of trustees on student data protection.

(2) The advisory group shall consist of:

(a) the state privacy officer;

(b) the higher education privacy officer; and

(c) the following members, appointed by the commissioner of higher education:

(i) at least one Utah system of higher education employee; and

(ii) at least one representative of the Utah Board of Higher Education.

(3) The advisory group shall:

(a) discuss and make recommendations to the board and institutions regarding:

(i) existing and proposed:

(A) board rules; or

(B) board policies of the Utah Board of Higher Education or institutions; and

(ii) training on protecting student data privacy; and

(b) perform other tasks related to student data protection as designated by the Utah Board of Higher Education.

(4) The higher education privacy officer shall:

(a) provide training and support to institution boards and employees; and

(b) produce:

(i) resource materials;

(ii) model data governance plans;

(iii) model forms for institution student data protection governance; and



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(iv) a model data collection notice.

(5) The board shall:

(a) (i) create and maintain a data governance plan; and

(ii) annually publish the data governance plan on the Utah System of Higher Education website; and

(b) establish standards for:

(i) institution policies to protect student data;

(ii) institution data governance plans; and

(iii) a third-party contractor's use of student data.

Section 5. Section **53B-28-503** is enacted to read:

### **53B-28-503. Institution student data protection governance.**

(1) (a) An institution shall adopt policies to protect student data in accordance with this part and board rule, including the standards the board establishes under Subsection ~~53B-8-502~~53B-28-502(5).

(b) The policies described in Subsection (1)(a) shall take into account the specific needs and priorities of the institution.

(2) The board shall designate a higher education privacy officer.

(3) The higher education privacy officer shall:

(a) verify compliance with student privacy laws, rules, and policies throughout the Utah System of Higher Education;

(b) support institutions in developing data governance plans and student data privacy training; and

(c) act as the primary point of contact for the state privacy officer.

(4) An institution shall:

(a) designate an individual to act as the primary contact for the higher education privacy officer;

(b) create and maintain an institution:

(i) data governance plan that complies with the standards the board establishes under Subsection ~~53B-25-502~~53B-28-502(5); and

(ii) record of student data privacy training; and

(c) annually publish the institution's data governance plan on the institution's website.

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Section 6. Section **53B-28-504** is enacted to read:

### **53B-28-504. Notification of significant data breach.**

(1) If a significant data breach occurs at an institution, the institution shall notify each student whose personally-identifiable student data was disclosed.

(2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to define a significant data breach described in Subsection (1).

Section 7. Section **53B-28-505** is enacted to read:

### **53B-28-505. Third-party contractors.**

(1) A third-party contractor shall use personally identifiable student data received under a contract with an education entity strictly for the purpose of providing the contracted product or service within the negotiated contract terms.

(2) When contracting with a third-party contractor, an education entity, or a government agency contracting on behalf of an education entity, shall:

(a) ensure that the contract terms comply with the standards the board establishes under Subsection 53B-28-502(5); and

(b) require the following provisions in the contract:

(i) requirements and restrictions related to the collection, use, storage, or sharing of student data by the third-party contractor that are necessary for the education entity to ensure compliance with the provisions of this part and board rule;

(ii) a description of a person, or type of person, including an affiliate of the third-party contractor, with whom the third-party contractor may share student data;

(iii) provisions that, at the request of the education entity, govern the deletion of the student data received by the third-party contractor;

(iv) except as provided in Subsection (4) and if required by the education entity, provisions that prohibit the secondary use of personally identifiable student data by the third-party contractor; and

(v) an agreement by the third-party contractor that, at the request of the education entity that is a party to the contract, the education entity or the education entity's designee may audit the third-party contractor to verify compliance with the contract.

(3) As authorized by law or court order, a third-party contractor shall share student data as requested by law enforcement.

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(4) A third-party contractor, as authorized by contract, may:

(a) use student data for adaptive learning or customized student learning purposes;

(b) market an educational application or product to a student if the third-party

contractor does not use student data, shared by or collected on behalf of an education entity, to market the educational application or product;

(c) use a recommendation engine to recommend to a student:

(i) content that relates to learning or employment, within the third-party contractor's application, if the recommendation is not motivated by payment or other consideration from another party; or

(ii) services that relate to learning or employment, within the third-party contractor's application, if the recommendation is not motivated by payment or other consideration from another party;

(d) respond to a student request for information or feedback, if the content of the response is not motivated by payment or other consideration from another party;

(e) use student data to allow or improve operability and functionality of the third-party contractor's application; or

(f) identify for a student nonprofit institutions of higher education or scholarship providers that are seeking students who meet specific criteria:

(i) regardless of whether the identified nonprofit institutions of higher education or scholarship providers provide payment or other consideration to the third-party contractor; and

(ii) only if the third-party contractor obtains authorization in writing from:

(A) the student's parent, if the student is a minor; or

(B) the student.

(5) At the completion of a contract with an education entity, if the contract has not been renewed, a third-party contractor shall return or delete upon the education entity's request all personally identifiable student data under the control of the education entity unless a student or a minor student's parent consents to the maintenance of the personally identifiable student data.

(6) (a) A third-party contractor may not:

(i) except as provided in Subsection (6)(b), sell student data;

(ii) collect, use, or share student data, if the collection, use, or sharing of the student

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data is inconsistent with the third-party contractor's contract with the education entity; or

(iii) use student data for targeted advertising.

(b) A person may obtain student data through the purchase of, merger with, or otherwise acquiring a third-party contractor if the third-party contractor remains in compliance with this section.

(7) The provisions of this section do not:

(a) apply to the use of a general audience application, including the access of a general audience application with login credentials created by a third-party contractor's application;

(b) apply if the student data is shared in accordance with the education entity's directory information policy, as described in 34 C.F.R. Sec. 99.37;

(c) apply to the providing of Internet service; or

(d) impose a duty on a provider of an interactive computer service, as defined in 47 U.S.C. Sec. 230, to review or enforce compliance with this section.

(8) A provision of this section that relates to a student's student data does not apply to a third-party contractor if the education entity or third-party contractor obtains authorization from the following individual, in writing, to waive that provision:

(a) the student's parent, if the student is a minor; or

(b) the student.

Section 8. Section **53B-28-506** is enacted to read:

### **53B-28-506. Penalties.**

(1) (a) An institution that contracts ~~with a~~ third-party contractor that knowingly or recklessly permits unauthorized collecting, sharing, or use of student data under this part:

(i) except as provided in Subsection (1)(b), may not enter into a future contract with ~~an~~ the third-party contractor; and

(ii) may be required by the board to pay a civil penalty of up to \$25,000.

(b) An education entity may enter into a contract with a third-party contractor that knowingly or recklessly permitted unauthorized collecting, sharing, or use of student data if:

(i) the education entity determines that the third-party contractor has corrected the errors that caused the unauthorized collecting, sharing, or use of student data; and

(ii) the third-party contractor demonstrates:

(A) if the third-party contractor is under contract with the education entity, current

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compliance with this part; or

(B) an ability to comply with the requirements of this part.

(c) The board may assess the civil penalty described in Subsection (1)(a)(ii) in accordance with Title 63G, Chapter 4, Administrative Procedures Act.

(d) The board may bring an action in the district court of the county in which the office of the education entity is located, if necessary, to enforce payment of the civil penalty described in Subsection (1)(a)(ii).

(e) An individual who knowingly or intentionally permits unauthorized collecting, sharing, or use of student data may be found guilty of a class A misdemeanor.

(2) (a) A student or a minor student's parent may bring an action against an institution in a court of competent jurisdiction for damages caused by a knowing or reckless violation of Section 53B-28-505 by a third-party contractor that the institution contracts with under 53B-28-505.

(b) If the court finds that a third-party contractor has violated Section 53B-28-505, the court may order the institution to pay to the parent or student:

(i) damages; and

(ii) costs.

Section 9. Section **53B-33-101**, which is renumbered from Section 35A-14-102 is renumbered and amended to read:

~~[35A-14-102].~~      **53B-33-101. Definitions.**

As used in this chapter:

(1) "Advisory board" means the Utah Data Research Advisory Board created in Section ~~[35A-14-203]~~ 53B-33-203.

(2) "Center" means the Utah Data Research Center created in Section 53B-33-201.

(3) "Data" means any information about a person stored in a physical or electronic record.

(4) "Data research program" means the data maintained by the center in accordance with Section ~~[35A-14-301]~~ 53B-33-301.

(5) "De-identified data" means data about a person that cannot, without additional information, identify the person to another person or machine.

(6) "Director" means the director of the ~~[Workforce Research and Analysis Division]~~

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Utah Data Research Center created in Section 53B-33-201.

(7) "Institution of higher education" means an institution of higher education described in Section 53B-1-102.

~~(7)~~ (8) "Participating entity" means:

(a) the State Board of Education, which includes the director as defined in Section 53E-10-701;

(b) the ~~[Utah Board of Higher Education]~~ board;

(c) the Department of Workforce Services; and

(d) the Department of Health and Human Services.

(9) "Unique student identifier" means the same as that term is defined in Section 53E-4-308.

Section 10. Section **53B-33-201**, which is renumbered from Section 35A-14-201 is renumbered and amended to read:

~~[35A-14-201].~~        **53B-33-201. Utah Data Research Center -- Creation.**

The Utah Data Research Center is created within the ~~[Workforce Research and Analysis Division within the department]~~ Utah system of higher education.

Section 11. Section **53B-33-202**, which is renumbered from Section 35A-14-203 is renumbered and amended to read:

~~[35A-14-203].~~        **53B-33-202. Utah Data Research Advisory Board -- Composition -- Appointment.**

(1) There is created the Utah Data Research Advisory Board ~~[in accordance with this section].~~

(2) The ~~[Utah Data Research Advisory Board]~~ advisory board is composed of the following members:

(a) the state superintendent of the State Board of Education or the state superintendent's designee;

(b) the commissioner ~~[of higher education or the commissioner of higher education's]~~ or the commissioner's designee;

(c) the executive director of the Department of Workforce Services or the executive director's designee; and

(d) the executive director of the Department of Health and Human Services or the

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executive director's designee.

(3) The [~~executive director~~] commissioner shall serve as chair.

(4) A member of the advisory board:

(a) except to the extent a member's service on the advisory board is related to the member's duties outside of the advisory board, may not receive compensation or benefits for the member's service; and

(b) may receive per diem and travel expenses in accordance with:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance under Sections 63A-3-106 and 63A-3-107.

Section 12. Section **53B-33-203**, which is renumbered from Section 35A-14-204 is renumbered and amended to read:

~~[35A-14-204]~~. **53B-33-203**. **Director -- Additional staff -- Administrative support.**

(1) The commissioner shall appoint a director [~~staff~~] to manage the day-to-day operations of the center.

(2) The director may, with the [~~department's~~] commissioner's approval, hire staff, including:

(a) data scientists;

(b) data technology experts; and

(c) data security experts.

Section 13. Section **53B-33-301**, which is renumbered from Section 35A-14-301 is renumbered and amended to read:

~~[35A-14-301]~~. **53B-33-301**. **Data research program.**

(1) The center shall establish a data research program for the purpose of analyzing data that is:

(a) collected over time;

(b) aggregated from multiple sources; and

(c) connected and de-identified.

(2) The center may, in order to establish the data research program described in Subsection (1):

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(a) acquire property or equipment in order to store aggregated, connected, and de-identified data derived from data contributed by the participating entities; or

(b) contract with a private entity in accordance with Title 63G, Chapter 6a, Utah Procurement Code, or with a state government entity to:

(i) store aggregated, connected, and de-identified data derived from data contributed by the participating entities; or

(ii) utilize existing aggregated, connected, and de-identified data maintained by a state government entity.

(3) A participating entity shall contribute data to the data research program described in Subsection (1) within guidelines established by the center.

(4) The center may only release data maintained by the center in accordance with the procedures described in this chapter.

(5) The center shall:

(a) as directed by the board, serve as a repository in the state of data from institutions of higher education;

(b) collaborate with the board and the State Board of Education to coordinate access to the unique student identifier of a public education student who later attends an institution of higher education in accordance with Sections 53B-1-109 and 53E-4-308;

(c) develop, establish, and maintain programs that promote access to data from institutions of higher education;

(d) identify initiatives that leverage education data that will improve a state citizen's ability to:

(i) access services at an institution of higher education; or

(ii) graduate with a postsecondary certificate or degree; and

(e) perform all other duties provided in this chapter.

(6) The director shall identify the resources necessary to successfully implement initiatives described in Subsection (5)(d), in accordance with Section 53B-7-101.

(7) The center may:

(a) employ staff necessary to carry out the center's duties;

(b) purchase, own, create, or maintain equipment necessary to:

(i) collect data from the participating entities;



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(ii) connect and de-identify data collected by the center;

(iii) store connected and de-identified data; or

(iv) conduct research on data stored or obtained by the center; or

(c) contract with a private entity, another state or federal entity, or a political subdivision of the state to carry out the center's duties as provided in this chapter.

~~[(5)]~~ (8) The data research program is not subject to Title 63G, Chapter 2, Government Records Access and Management Act.

Section 14. Section **53B-33-302**, which is renumbered from Section 35A-14-302 is renumbered and amended to read:

~~[35A-14-302].~~        **53B-33-302. Data research requests.**

(1) The center shall use data that the center maintains or that a participating entity contributes to the data research program under Section ~~[35A-14-301]~~ 53B-33-301 to conduct research for the purpose of developing public policy for the state.

(2) The director, with consultation by the advisory board, shall create a prioritized list of data research for the center to conduct using the data research program each year.

(3) (a) In developing the list described in Subsection (2), the center shall accept data research requests from:

(i) a legislative committee or a legislative staff office;

(ii) the governor or an executive branch agency;

(iii) the State Board of Education; and

(iv) the ~~[Utah Board of Higher Education]~~ board.

~~[(b) The department shall begin accepting the data research requests described in Subsection (3)(a) on July 1, 2017.]~~

~~[(c)]~~ (b) The center shall report the list described in Subsection (2) to the Education Interim Committee before December 1 of each year.

(4) In addition to conducting data research in accordance with the prioritized list described in Subsection (2), the center may use additional resources to prepare data research at the request of:

(a) a state government entity;

(b) a political subdivision of the state;

(c) a private entity; or

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(d) a member of the public.

(5) The director, with approval by the advisory board, shall determine, for a data research request described in Subsection (4):

(a) whether the center has the resources to complete the data research request;

(b) the order in which the center shall complete the data research request, if at all; and

(c) a reasonable estimated cost for the request.

(6) The center, after evaluating a request under Subsection (5), shall:

(a) provide the person that requested the data research with a cost estimate; and

(b) require, before accepting a data research request, that the person that submitted the data research request agree to pay, once the data research is complete, the full cost of completing the data research request as determined by the center under Subsection (5).

(7) The center shall make available to the public, on a website maintained by the center, any data research request that the center completes under this section.

(8) The center shall ensure that any data contained in a completed data research request is de-identified.

(9) The center shall:

(a) establish, by rule made in accordance with Title 63G, Chapter 3, Utah

Administrative Rulemaking Act:

(i) procedures for submitting a data research request under this section;

(ii) criteria to determine how to prioritize data research requests; and

(iii) minimum standards for information a person is required to include in a data research request; and

(b) create a fee schedule in accordance with Section 63J-1-504 for completing a data research request.

(10) In addition to submitting a data research request under Subsection (4), a participating entity, executive branch agency, or legislative staff office may request, and the center may release, a data set from the data research program if the data set is:

(a) connected;

(b) aggregated; and

(c) de-identified.

(11) (a) The center shall use any fee the center collects under this section to cover the

## SB0226S03 compared with SB0226S02

center's costs to administer this chapter.

(b) The center shall deposit any fee the center collects under this section not used to cover the center's costs into the General Fund.

Section 15. Section **53B-33-303**, which is renumbered from Section 35A-14-303 is renumbered and amended to read:

**~~[35A-14-303]~~. 53B-33-303. Data visualization access.**

(1) In addition to performing data research and responding to data research requests under Section ~~[35A-14-302]~~ 53B-33-302, the center shall create an online data visualization portal that provides access to the public to connected, aggregated, and de-identified data in the program.

(2) The data visualization portal described in Subsection (1) shall include role-based dashboards that:

- (a) allow a user to query data in the program;
- (b) integrate real-time data; and
- (c) allow a user to view queried data in a customizable environment.

Section 16. Section **53B-33-304**, which is renumbered from Section 35A-14-304 is renumbered and amended to read:

**~~[35A-14-304]~~. 53B-33-304. Reporting.**

(1) The center shall report to the Education Interim Committee:

- (a) before July 1 of each year regarding the center's:
  - (i) research and services priorities for the year; ~~[and]~~
  - (ii) completed research from the previous year; and
  - (iii) activities and accomplishments in the previous year; and

(b) before December 1 of each year, the center's ongoing data research and services priority list described in Subsection ~~[35A-14-302(2)]~~ 53B-33-302(2).

(2) The Education Interim Committee shall provide the center ongoing input regarding the center's activities and data research priorities.

Section 17. Section **53E-1-201** is amended to read:

**53E-1-201. Reports to and action required of the Education Interim Committee.**

(1) In accordance with applicable provisions and Section 68-3-14, the following recurring reports are due to the Education Interim Committee:

## **SB0226S03 compared with SB0226S02**

(a) the report described in Section 9-22-109 by the STEM Action Center Board, including the information described in Section 9-22-113 on the status of the computer science initiative and Section 9-22-114 on the Computing Partnerships Grants Program;

(b) the prioritized list of data research described in Section [~~35A-14-302~~] 53B-33-302 and the report on research and activities described in Section [~~35A-14-304~~] 53B-33-304 by the Utah Data Research Center;

(c) the report described in Section 35A-15-303 by the State Board of Education on preschool programs;

(d) the report described in Section 53B-1-402 by the Utah Board of Higher Education on career and technical education issues and addressing workforce needs;

(e) the annual report of the Utah Board of Higher Education described in Section 53B-1-402;

(f) the reports described in Section 53B-28-401 by the Utah Board of Higher Education regarding activities related to campus safety;

(g) the State Superintendent's Annual Report by the state board described in Section 53E-1-203;

(h) the annual report described in Section 53E-2-202 by the state board on the strategic plan to improve student outcomes;

(i) the report described in Section 53E-8-204 by the state board on the Utah Schools for the Deaf and the Blind;

(j) the report described in Section 53E-10-703 by the Utah Leading through Effective, Actionable, and Dynamic Education director on research and other activities;

(k) the report described in Section 53F-4-203 by the state board and the independent evaluator on an evaluation of early interactive reading software;

(l) the report described in Section 53F-4-407 by the state board on UPSTART;

(m) the reports described in Sections 53F-5-214 and 53F-5-215 by the state board related to grants for professional learning and grants for an elementary teacher preparation assessment; and

(n) the report described in Section 53F-5-405 by the State Board of Education regarding an evaluation of a partnership that receives a grant to improve educational outcomes for students who are low income.

## **SB0226S03 compared with SB0226S02**

(2) In accordance with applicable provisions and Section 68-3-14, the following occasional reports are due to the Education Interim Committee:

(a) the report described in Section 35A-15-303 by the School Readiness Board by November 30, 2020, on benchmarks for certain preschool programs;

(b) the report described in Section 53B-28-402 by the Utah Board of Higher Education on or before the Education Interim Committee's November 2021 meeting;

(c) the reports described in Section 53E-3-520 by the state board regarding cost centers and implementing activity based costing;

(d) if required, the report described in Section 53E-4-309 by the state board explaining the reasons for changing the grade level specification for the administration of specific assessments;

(e) if required, the report described in Section 53E-5-210 by the state board of an adjustment to the minimum level that demonstrates proficiency for each statewide assessment;

(f) in 2022 and in 2023, on or before November 30, the report described in Subsection 53E-10-309(7) related to the PRIME pilot program;

(g) the report described in Section 53E-10-702 by Utah Leading through Effective, Actionable, and Dynamic Education;

(h) if required, the report described in Section 53F-2-513 by the state board evaluating the effects of salary bonuses on the recruitment and retention of effective teachers in high poverty schools;

(i) upon request, the report described in Section 53F-5-207 by the state board on the Intergenerational Poverty Intervention Grants Program;

(j) the report described in Section 53F-5-210 by the state board on the Educational Improvement Opportunities Outside of the Regular School Day Grant Program;

(k) the report described in Section 53G-7-503 by the state board regarding fees that LEAs charge during the 2020-2021 school year;

(l) the reports described in Section 53G-11-304 by the state board regarding proposed rules and results related to educator exit surveys;

(m) the report described in Section 62A-15-117 by the Division of Substance Abuse and Mental Health, the State Board of Education, and the Department of Health regarding recommendations related to Medicaid reimbursement for school-based health services; and

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(n) the reports described in Section 63C-19-202 by the Higher Education Strategic Planning Commission.

Section 18. Section **53E-4-308** is amended to read:

**53E-4-308. Unique student identifier -- Coordination of higher education and public education information technology systems -- Coordination of preschool and public education information technology systems.**

(1) As used in this section, "unique student identifier" means an alphanumeric code assigned to each public education student for identification purposes, which:

(a) is not assigned to any former or current student; and  
(b) does not incorporate personal information, including a birth date or Social Security number.

(2) The state board, through the state superintendent, shall assign each public education student a unique student identifier, which shall be used to track individual student performance on achievement tests administered under this part.

(3) The state board and the Utah Board of Higher Education, in collaboration with the Utah Data Research Center created in Section 53B-33-201, shall:

(a) coordinate public education and higher education information technology systems to allow individual student academic achievement to be tracked through both education systems in accordance with this section and Section 53B-1-109[-]; and

~~[(4)]~~ (b) ~~[The state board and the Utah Board of Higher Education shall]~~ coordinate access to the unique student identifier of a public education student who later attends an institution within the state system of higher education.

~~[(5)]~~ (4) (a) The state board and the Department of Workforce Services shall coordinate assignment of a unique student identifier to each student enrolled in a program described in Title 35A, Chapter 15, Preschool Programs.

(b) A unique student identifier assigned to a student under Subsection ~~[(5)]~~ (4)(a) shall remain the student's unique student identifier used by the state board when the student enrolls in a public school in kindergarten or a later grade.

(c) The state board, the Department of Workforce Services, and a contractor as defined in Section 53F-4-401, shall coordinate access to the unique student identifier of a preschool student who later attends an LEA.

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Section 19. Section **53E-10-706** is amended to read:

### **53E-10-706. Electronic resources -- Research clearinghouse.**

(1) The state board shall publish a ULEAD website containing information provided by the director as described in this part.

(2) The director shall within two years of appointment:

(a) develop and maintain a research clearinghouse publicly available through the website described in Subsection (1); and

(b) include in the research clearinghouse:

(i) research on K-12 education, including peer-reviewed research;

(ii) information on K-12 education innovation and best practices;

(iii) an index and explanation of academic, state, federal, or other K-12 education research repositories;

(iv) K-12 education research and policy briefs generated by Utah public and private institutions of higher education, including participating institutions, categorized and searchable by topic;

(v) access points to and explanation of currently available K-12 education data, including data managed by the Utah Data Research Center created in Section [~~35A-14-201~~] 53B-33-201 and data maintained by the state board;

(vi) other K-12 education information as determined by the director, including information regarding efforts by institutions or other individuals to promote innovative and effective education practices in Utah; and

(vii) each innovative practice report prepared by ULEAD, categorized and searchable by topic, location of the studied LEA, and socioeconomic and demographic profile.

(3) The director shall publish:

(a) an electronic directory of K-12 education experts identified in ULEAD research and reports; and

(b) a monthly report to LEAs, via electronic channels provided by the state board, highlighting ULEAD activities and soliciting proposals from education practitioners for ULEAD research and reports.

(4) The director may provide electronic seminars or forums for professional learning regarding subjects of ULEAD research and reports to K-12 practitioners.

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Section 20. Section **53E-10-707** is amended to read:

### **53E-10-707. ULEAD Steering Committee.**

- (1) (a) There is created the ULEAD Steering Committee.
- (b) The director is the chair of the steering committee.
- (2) The steering committee shall consist of the following members each appointed for a term of one year:
  - (a) the director;
  - (b) one member appointed by the chair of the state board;
  - (c) the state superintendent or the state superintendent's designee;
  - (d) the staff director of the State Charter School Board or the director's designee;
  - (e) one member appointed by the office of the governor;
  - (f) one member, appointed by the director, who is a superintendent of a school district;
  - (g) one member, appointed by the director, of a local school board;
  - (h) two principals or other public school leaders of public schools that are not charter schools, appointed by the director;
  - (i) two principals or other public school leaders of charter schools, appointed by the director;
  - (j) two educators who hold a current license under Chapter 6, Education Professional Licensure, nominated by LEA leaders and appointed by the director; and
  - (k) two members representing citizens or business, nominated by the members of the public and appointed by the director.
- (3) (a) A member of the steering committee may be appointed for more than one term.
- (b) If a midterm vacancy occurs on the steering committee, the appointing individual, as described in Subsection (2), for the vacant position shall appoint an individual for the remainder of the term.
- (4) (a) The steering committee shall hold a meeting at least semi annually in January and July or on dates otherwise chosen by the director.
- (b) The state board shall provide space for the steering committee to meet.
- (5) The steering committee shall:
  - (a) discuss prospective and current ULEAD projects and findings;
  - (b) consult with and make recommendations to the director to prioritize ULEAD



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reports and areas of focused research;

(c) facilitate connections between the director and Utah's political, business, education technology, and academic communities; and

(d) make recommendations to improve gathering, retaining, and disseminating education data and research and evaluation findings for use by participating institutions and other education policy researchers, including data managed by the Utah Data Research Center created in Section [~~35A-14-201~~] 53B-33-201.

(6) In order to determine research priorities for ULEAD, the director shall consult with:

(a) members of the Legislature responsible for public education;

(b) members of Utah professional education associations, including principals and LEA governing board members; and

(c) policy-research centers based in Utah.

(7) The state board or state superintendent may request that the director arrange with a participating institution to prepare a report on a specific LEA or area of practice meeting the criteria established in this part.

(8) A member of the steering committee may not receive compensation except a member who is a legislator shall receive compensation for travel and other expense reimbursements in accordance with Section 36-2-2.

(9) The steering committee shall hold a meeting described in this section in accordance with Title 52, Chapter 4, Open and Public Meetings Act.

### Section 21. **Repealer.**

This bill repeals:

Section **35A-14-101, Title.**

Section **35A-14-202, Utah Data Research Center -- Powers.**

### Section 22. **Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

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### To Utah Board of Higher Education -- Administration

From Education Fund \$770,000

From Education Fund, One-time \$275,000

#### Schedule of Programs:

Administration \$1,045,000

The Legislature intends that Utah Board of Higher Education use the appropriation provided under this item to pay for up to seven full-time positions and up to two full-time temporary positions, including related costs, for the purposes of implementing the data research program established by the Utah Data Research Center in accordance with Section 53B-33-301 and restructuring the storage system for data maintained by the Utah Data Research Center.

#### Section 23. **Effective date.**

This bill takes effect on July 1, 2022, except that Section 53B-28-506 takes effect on January 1, 2024.