

**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

**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 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 to serve as chair of the Utah Data Research Advisory Board; 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;



- 26           ▶ provides for higher education student data protection at the state and institution of
- 27 higher education (institution) levels;
- 28           ▶ requires the state privacy officer to establish a privacy advisory group;
- 29           ▶ enacts requirements for data protection and maintenance for the Utah Board of
- 30 Higher Education, institutions, and third-party contractors;
- 31           ▶ creates requirements for a third-party contractor's use of student data;
- 32           ▶ creates penalties for an institution that contracts with a third-party contractor that
- 33 permits unauthorized collecting, sharing, or use of student data;
- 34           ▶ defines terms; and
- 35           ▶ makes technical and conforming changes.

36 **Money Appropriated in this Bill:**

37           This bill appropriates in fiscal year 2023:

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

42 **Other Special Clauses:**

43           This bill provides a special effective date.

44 **Utah Code Sections Affected:**

45 AMENDS:

46           **35A-15-201**, as last amended by Laws of Utah 2019, Chapters 246, 246 and

47 renumbered and amended by Laws of Utah 2019, Chapters 342, 342 and last

48 amended by Coordination Clause, Laws of Utah 2019, Chapter 342

49           **53B-1-109**, as last amended by Laws of Utah 2020, Chapter 365

50           **53E-1-201**, as last amended by Laws of Utah 2021, Chapters 64, 251, and 351

51           **53E-4-308**, as last amended by Laws of Utah 2020, Chapter 365

52           **53E-10-706**, as last amended by Laws of Utah 2019, Chapter 186

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

54 ENACTS:

55           **53B-28-501**, Utah Code Annotated 1953

56           **53B-28-502**, Utah Code Annotated 1953

57 **53B-28-503**, Utah Code Annotated 1953

58 **53B-28-504**, Utah Code Annotated 1953

59 **53B-28-505**, Utah Code Annotated 1953

60 **53B-28-506**, Utah Code Annotated 1953

61 RENUMBERS AND AMENDS:

62 **53B-33-101**, (Renumbered from 35A-14-102, as last amended by Laws of Utah 2020,  
63 Chapter 365)

64 **53B-33-201**, (Renumbered from 35A-14-201, as enacted by Laws of Utah 2017,  
65 Chapter 375)

66 **53B-33-202**, (Renumbered from 35A-14-203, as last amended by Laws of Utah 2020,  
67 Chapter 365)

68 **53B-33-203**, (Renumbered from 35A-14-204, as enacted by Laws of Utah 2017,  
69 Chapter 375)

70 **53B-33-301**, (Renumbered from 35A-14-301, as enacted by Laws of Utah 2017,  
71 Chapter 375)

72 **53B-33-302**, (Renumbered from 35A-14-302, as last amended by Laws of Utah 2020,  
73 Chapter 365)

74 **53B-33-303**, (Renumbered from 35A-14-303, as enacted by Laws of Utah 2017,  
75 Chapter 375)

76 **53B-33-304**, (Renumbered from 35A-14-304, as enacted by Laws of Utah 2017,  
77 Chapter 375)

78 REPEALS:

79 **35A-14-101**, as enacted by Laws of Utah 2017, Chapter 375

80 **35A-14-202**, as enacted by Laws of Utah 2017, Chapter 375



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

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

84 **35A-15-201. Establishment of the School Readiness Board -- Membership --**

85 **Funding prioritization.**

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

87 (a) the executive director or the executive director's designee;

- 88 (b) one member appointed by the State Board of Education;
- 89 (c) one member appointed by the chair of the State Charter School Board;
- 90 (d) two members who have research experience in the area of early childhood
- 91 development, with:
- 92 (i) one member who is not a legislator and is appointed by the speaker of the House of
- 93 Representatives; and
- 94 (ii) one member who represents the Utah Data Research Center created in Section
- 95 53B-33-201, appointed by the [~~executive director~~] commissioner of higher education;
- 96 (e) one member, who is not a legislator and is appointed by the president of the Senate,
- 97 who:
- 98 (i) has expertise in results-based contracts; or
- 99 (ii) represents a financial institution that has experience managing a portfolio that
- 100 meets the requirements of the Community Reinvestment Act, 12 U.S.C. Sec. 2901 et seq.;
- 101 (f) one member, appointed by the executive director, who has expertise in early
- 102 childhood education;
- 103 (g) one member, appointed by the state superintendent, who has expertise in early
- 104 childhood education;
- 105 (h) one member, appointed by the governor, who represents a nonprofit corporation
- 106 that focuses on early childhood education; and
- 107 (i) one member, appointed by the executive director, who owns and operates a licensed
- 108 child care center located in the state.
- 109 (2) (a) A member described in Subsection (1)(b), (c), (d), (e), (f), (g), or (h) shall serve
- 110 for a term of two years.
- 111 (b) If a vacancy occurs for a member described in Subsection (1)(b), (c), (d), (e), (f),
- 112 (g), or (h), the individual appointing the member shall appoint a replacement to serve the
- 113 remainder of the member's term.
- 114 (3) (a) A member may not receive compensation or benefits for the member's service.
- 115 (b) A member may serve more than one term.
- 116 (4) The department shall provide staff support to the board.
- 117 (5) (a) The board members shall elect a chair of the board from the board's
- 118 membership.

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

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

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

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

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

126 **53B-1-109. Coordination of higher education and public education information**  
127 **technology systems -- Use of unique student identifier.**

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

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

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

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

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

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

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

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

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

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

144 **53B-28-501. Definitions.**

145 As used in this part:

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

148 (2) "Aggregate data" means data that:

149 (a) are totaled and reported at the group, cohort, class, course, institution, region, or

150 state level, with at least 10 individuals in the level; and

151 (b) do not reveal personally identifiable student data.

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

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

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

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

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

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

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

165 (f) describes the data breach response process; and

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

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

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

171 (7) "Institution" means an institution of higher education described in Section  
172 [53B-1-102](#).

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

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

176 (b) "Personally identifiable student data" includes:

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

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

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

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

- 181 (v) a student's telephone number;  
182 (vi) a student's social security number;  
183 (vii) a student's biometric identifier;  
184 (viii) a student's health or disability data;  
185 (ix) a student's education entity student identification number;  
186 (x) a student's social media user name and password or alias;  
187 (xi) if associated with personally identifiable student data, the student's persistent  
188 identifier, including:  
189 (A) a customer number held in a cookie; or  
190 (B) a processor serial number;  
191 (xii) a combination of a student's last name or photograph with other information that  
192 together permits a person to contact the student online;  
193 (xiii) information about a student or a student's family that a person collects online and  
194 combines with other personally identifiable student data to identify the student; and  
195 (xiv) information that, alone or in combination, is linked or linkable to a specific  
196 student that would allow a reasonable person in the school community, who does not have  
197 personal knowledge of the relevant circumstances, to identify the student with reasonable  
198 certainty.  
199 (10) "State privacy officer" means the state privacy officer described in Section  
200 [67-3-13](#).  
201 (11) "Student" means an individual enrolled in an institution.  
202 (12) (a) "Student data" means information about a student at the individual student  
203 level.  
204 (b) "Student data" does not include aggregate or de-identified data.  
205 (13) "Third-party contractor" means a person who:  
206 (a) is not an institution or an employee of an institution; and  
207 (b) pursuant to a contract with an education entity, collects or receives student data in  
208 order to provide a product or service, as described in the contract, if the product or service is  
209 not related to school photography, yearbooks, graduation announcements, or a similar product  
210 or service.  
211 Section 4. Section **53B-28-502** is enacted to read:

212 53B-28-502. State student data protection governance.

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

215 (2) The advisory group shall consist of:

216 (a) the state privacy officer;

217 (b) the higher education privacy officer; and

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

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

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

221 (3) The advisory group shall:

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

223 (i) existing and proposed:

224 (A) board rules; or

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

226 (ii) training on protecting student data privacy; and

227 (b) perform other tasks related to student data protection as designated by the Utah

228 Board of Higher Education.

229 (4) The higher education privacy officer shall:

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

231 (b) produce:

232 (i) resource materials;

233 (ii) model data governance plans;

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

235 (iv) a model data collection notice.

236 (5) The board shall:

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

238 (ii) annually publish the data governance plan on the Utah System of Higher Education

239 website; and

240 (b) establish standards for:

241 (i) institution policies to protect student data;

242 (ii) institution data governance plans; and



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

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

245 **53B-28-503. Institution student data protection governance.**

246 (1) (a) An institution shall adopt policies to protect student data in accordance with this  
247 part and board rule, including the standards the board establishes under Subsection  
248 53B-28-502(5).

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

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

252 (3) The higher education privacy officer shall:

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

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

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

258 (4) An institution shall:

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

261 (b) create and maintain an institution:

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

264 (ii) record of student data privacy training; and

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

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

267 **53B-28-504. Notification of significant data breach.**

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

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

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

273 **53B-28-505. Third-party contractors.**

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

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

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

281 (b) require the following provisions in the contract:

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

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

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

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

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

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

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

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

299 (b) market an educational application or product to a student if the third-party  
300 contractor does not use student data, shared by or collected on behalf of an education entity, to  
301 market the educational application or product;

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

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

305 another party; or  
306 (ii) services that relate to learning or employment, within the third-party contractor's  
307 application, if the recommendation is not motivated by payment or other consideration from  
308 another party;  
309 (d) respond to a student request for information or feedback, if the content of the  
310 response is not motivated by payment or other consideration from another party;  
311 (e) use student data to allow or improve operability and functionality of the third-party  
312 contractor's application; or  
313 (f) identify for a student nonprofit institutions of higher education or scholarship  
314 providers that are seeking students who meet specific criteria:  
315 (i) regardless of whether the identified nonprofit institutions of higher education or  
316 scholarship providers provide payment or other consideration to the third-party contractor; and  
317 (ii) only if the third-party contractor obtains authorization in writing from:  
318 (A) the student's parent, if the student is a minor; or  
319 (B) the student.  
320 (5) At the completion of a contract with an education entity, if the contract has not  
321 been renewed, a third-party contractor shall return or delete upon the education entity's request  
322 all personally identifiable student data under the control of the education entity unless a student  
323 or a minor student's parent consents to the maintenance of the personally identifiable student  
324 data.  
325 (6) (a) A third-party contractor may not:  
326 (i) except as provided in Subsection (6)(b), sell student data;  
327 (ii) collect, use, or share student data, if the collection, use, or sharing of the student  
328 data is inconsistent with the third-party contractor's contract with the education entity; or  
329 (iii) use student data for targeted advertising.  
330 (b) A person may obtain student data through the purchase of, merger with, or  
331 otherwise acquiring a third-party contractor if the third-party contractor remains in compliance  
332 with this section.  
333 (7) The provisions of this section do not:  
334 (a) apply to the use of a general audience application, including the access of a general  
335 audience application with login credentials created by a third-party contractor's application;

336 (b) apply if the student data is shared in accordance with the education entity's  
337 directory information policy, as described in 34 C.F.R. Sec. 99.37;  
338 (c) apply to the providing of Internet service; or  
339 (d) impose a duty on a provider of an interactive computer service, as defined in 47  
340 U.S.C. Sec. 230, to review or enforce compliance with this section.

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

- 344 (a) the student's parent, if the student is a minor; or
- 345 (b) the student.

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

347 **53B-28-506. Penalties.**

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

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

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

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

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

357 (ii) the third-party contractor demonstrates:

358 (A) if the third-party contractor is under contract with the education entity, current  
359 compliance with this part; or

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

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

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

366 (e) An individual who knowingly or intentionally permits unauthorized collecting,

367 sharing, or use of student data may be found guilty of a class A misdemeanor.

368 (2) (a) A student or a minor student's parent may bring an action against an institution  
 369 in a court of competent jurisdiction for damages caused by a knowing or reckless violation of  
 370 Section 53B-28-505 by a third-party contractor that the institution contracts with under  
 371 53B-28-505.

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

374 (i) damages; and

375 (ii) costs.

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

378 ~~[35A-14-102].~~ **53B-33-101. Definitions.**

379 As used in this chapter:

380 (1) "Advisory board" means the Utah Data Research Advisory Board created in Section  
 381 ~~[35A-14-203]~~ 53B-33-203.

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

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

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

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

389 (6) "Director" means the director of the ~~[Workforce Research and Analysis Division]~~  
 390 Utah Data Research Center created in Section 53B-33-201.

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

393 ~~[(7)]~~ (8) "Participating entity" means:

394 (a) the State Board of Education, which includes the director as defined in Section  
 395 53E-10-701;

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

397 (c) the Department of Workforce Services; and

398 (d) the Department of Health and Human Services.

399 (9) "Unique student identifier" means the same as that term is defined in Section  
400 [53E-4-308](#).

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

403 ~~[35A-14-201]~~. **53B-33-201. Utah Data Research Center -- Creation.**

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

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

408 ~~[35A-14-203]~~. **53B-33-202. Utah Data Research Advisory Board --**  
409 **Composition -- Appointment.**

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

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

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

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

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

420 (d) the executive director of the Department of Health and Human Services or the  
421 executive director's designee.

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

423 (4) A member of the advisory board:

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

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

428 (i) Section [63A-3-106](#);

429 (ii) Section [63A-3-107](#); and  
430 (iii) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).  
431 Section 12. Section **53B-33-203**, which is renumbered from Section 35A-14-204 is  
432 renumbered and amended to read:

433 ~~[35A-14-204]~~. **53B-33-203. Director -- Additional staff -- Administrative**  
434 **support.**

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

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

- 439 (a) data scientists;
- 440 (b) data technology experts; and
- 441 (c) data security experts.

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

444 ~~[35A-14-301]~~. **53B-33-301. Data research program.**

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

- 447 (a) collected over time;
- 448 (b) aggregated from multiple sources; and
- 449 (c) connected and de-identified.

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

- 452 (a) acquire property or equipment in order to store aggregated, connected, and  
453 de-identified data derived from data contributed by the participating entities; or
- 454 (b) contract with a private entity in accordance with Title 63G, Chapter 6a, Utah  
455 Procurement Code, or with a state government entity to:

- 456 (i) store aggregated, connected, and de-identified data derived from data contributed by  
457 the participating entities; or
- 458 (ii) utilize existing aggregated, connected, and de-identified data maintained by a state  
459 government entity.

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

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

464 (5) The center shall:

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

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

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

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

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

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

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

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

479 (7) The center may:

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

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

482 (i) collect data from the participating entities;

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

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

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

486 (c) contract with a private entity, another state or federal entity, or a political

487 subdivision of the state to carry out the center's duties as provided in this chapter.

488 [~~5~~] (8) The data research program is not subject to Title 63G, Chapter 2, Government  
489 Records Access and Management Act.

490 Section 14. Section **53B-33-302**, which is renumbered from Section 35A-14-302 is



491 renumbered and amended to read:

492 ~~[35A-14-302].~~ 53B-33-302. Data research requests.

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

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

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

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

501 (ii) the governor or an executive branch agency;

502 (iii) the State Board of Education; and

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

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

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

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

511 (a) a state government entity;

512 (b) a political subdivision of the state;

513 (c) a private entity; or

514 (d) a member of the public.

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

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

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

519 (c) a reasonable estimated cost for the request.

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

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

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

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

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

529 (9) The center shall:

530 (a) establish, by rule made in accordance with Title 63G, Chapter 3, Utah  
531 Administrative Rulemaking Act:

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

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

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

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

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

541 (a) connected;

542 (b) aggregated; and

543 (c) de-identified.

544 (11) (a) The center shall use any fee the center collects under this section to cover the  
545 center's costs to administer this chapter.

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

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

550 ~~[35A-14-303].~~ **53B-33-303. Data visualization access.**

551 (1) In addition to performing data research and responding to data research requests  
552 under Section ~~[35A-14-302]~~ [53B-33-302](#), the center shall create an online data visualization

553 portal that provides access to the public to connected, aggregated, and de-identified data in the  
554 program.

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

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

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

562 ~~[35A-14-304]~~. **53B-33-304. Reporting.**

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

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

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

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

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

573 **53E-1-201. Reports to and action required of the Education Interim Committee.**

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

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

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

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

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

586 (e) the annual report of the Utah Board of Higher Education described in Section  
587 53B-1-402;

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

590 (g) the State Superintendent's Annual Report by the state board described in Section  
591 53E-1-203;

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

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

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

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

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

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

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

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

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

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

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

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

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

620 (f) in 2022 and in 2023, on or before November 30, the report described in Subsection  
621 53E-10-309(7) related to the PRIME pilot program;

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

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

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

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

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

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

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

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

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

641 **53E-4-308. Unique student identifier -- Coordination of higher education and**  
642 **public education information technology systems -- Coordination of preschool and public**  
643 **education information technology systems.**

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

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

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

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

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

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

660 ~~[(5)] (4) (a)~~ The state board and the Department of Workforce Services shall  
661 coordinate assignment of a unique student identifier to each student enrolled in a program  
662 described in Title 35A, Chapter 15, Preschool Programs.

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

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

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

670 **53E-10-706. Electronic resources -- Research clearinghouse.**

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

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

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

676 (b) include in the research clearinghouse:

- 677 (i) research on K-12 education, including peer-reviewed research;  
678 (ii) information on K-12 education innovation and best practices;  
679 (iii) an index and explanation of academic, state, federal, or other K-12 education  
680 research repositories;
- 681 (iv) K-12 education research and policy briefs generated by Utah public and private  
682 institutions of higher education, including participating institutions, categorized and searchable  
683 by topic;
- 684 (v) access points to and explanation of currently available K-12 education data,  
685 including data managed by the Utah Data Research Center created in Section [~~35A-14-201~~]  
686 [53B-33-201](#) and data maintained by the state board;
- 687 (vi) other K-12 education information as determined by the director, including  
688 information regarding efforts by institutions or other individuals to promote innovative and  
689 effective education practices in Utah; and
- 690 (vii) each innovative practice report prepared by ULEAD, categorized and searchable  
691 by topic, location of the studied LEA, and socioeconomic and demographic profile.
- 692 (3) The director shall publish:
- 693 (a) an electronic directory of K-12 education experts identified in ULEAD research and  
694 reports; and
- 695 (b) a monthly report to LEAs, via electronic channels provided by the state board,  
696 highlighting ULEAD activities and soliciting proposals from education practitioners for  
697 ULEAD research and reports.
- 698 (4) The director may provide electronic seminars or forums for professional learning  
699 regarding subjects of ULEAD research and reports to K-12 practitioners.
- 700 Section 20. Section **53E-10-707** is amended to read:
- 701 **53E-10-707. ULEAD Steering Committee.**
- 702 (1) (a) There is created the ULEAD Steering Committee.
- 703 (b) The director is the chair of the steering committee.
- 704 (2) The steering committee shall consist of the following members each appointed for a  
705 term of one year:
- 706 (a) the director;
- 707 (b) one member appointed by the chair of the state board;

- 708 (c) the state superintendent or the state superintendent's designee;
- 709 (d) the staff director of the State Charter School Board or the director's designee;
- 710 (e) one member appointed by the office of the governor;
- 711 (f) one member, appointed by the director, who is a superintendent of a school district;
- 712 (g) one member, appointed by the director, of a local school board;
- 713 (h) two principals or other public school leaders of public schools that are not charter
- 714 schools, appointed by the director;
- 715 (i) two principals or other public school leaders of charter schools, appointed by the
- 716 director;
- 717 (j) two educators who hold a current license under Chapter 6, Education Professional
- 718 Licensure, nominated by LEA leaders and appointed by the director; and
- 719 (k) two members representing citizens or business, nominated by the members of the
- 720 public and appointed by the director.
- 721 (3) (a) A member of the steering committee may be appointed for more than one term.
- 722 (b) If a midterm vacancy occurs on the steering committee, the appointing individual,
- 723 as described in Subsection (2), for the vacant position shall appoint an individual for the
- 724 remainder of the term.
- 725 (4) (a) The steering committee shall hold a meeting at least semi annually in January
- 726 and July or on dates otherwise chosen by the director.
- 727 (b) The state board shall provide space for the steering committee to meet.
- 728 (5) The steering committee shall:
- 729 (a) discuss prospective and current ULEAD projects and findings;
- 730 (b) consult with and make recommendations to the director to prioritize ULEAD
- 731 reports and areas of focused research;
- 732 (c) facilitate connections between the director and Utah's political, business, education
- 733 technology, and academic communities; and
- 734 (d) make recommendations to improve gathering, retaining, and disseminating
- 735 education data and research and evaluation findings for use by participating institutions and
- 736 other education policy researchers, including data managed by the Utah Data Research Center
- 737 created in Section [~~35A-14-201~~] [53B-33-201](#).
- 738 (6) In order to determine research priorities for ULEAD, the director shall consult with:



- 739 (a) members of the Legislature responsible for public education;
- 740 (b) members of Utah professional education associations, including principals and
- 741 LEA governing board members; and
- 742 (c) policy-research centers based in Utah.
- 743 (7) The state board or state superintendent may request that the director arrange with a
- 744 participating institution to prepare a report on a specific LEA or area of practice meeting the
- 745 criteria established in this part.
- 746 (8) A member of the steering committee may not receive compensation except a
- 747 member who is a legislator shall receive compensation for travel and other expense
- 748 reimbursements in accordance with Section 36-2-2.
- 749 (9) The steering committee shall hold a meeting described in this section in accordance
- 750 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

To Utah Board of Higher Education -- Administration

<u>From Education Fund</u>	<u>\$770,000</u>
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<u>From Education Fund, One-time</u>	<u>\$275,000</u>
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Schedule of Programs:

<u>Administration</u>	<u>\$1,045,000</u>
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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

770 program established by the Utah Data Research Center in accordance with Section [53B-33-301](#)  
771 and restructuring the storage system for data maintained by the Utah Data Research Center.

772 Section 23. **Effective date.**

773 This bill takes effect on July 1, 2022, except that Section [53B-28-506](#) takes effect on  
774 January 1, 2024.