

1                                   **GOVERNANCE OF THE UTAH EDUCATION AND**  
2                                   **WORKFORCE ALLIANCE**

3                                   2014 GENERAL SESSION

4                                   STATE OF UTAH

5                                   **Chief Sponsor: Howard A. Stephenson**

6                                   House Sponsor: \_\_\_\_\_

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8                                   **LONG TITLE**

9                                   **Committee Note:**

10                                  The Education Task Force recommended this bill.

11                                  **General Description:**

12                                  This bill establishes the Utah Education and Workforce Alliance and amends certain  
13 provisions related to Utah Futures.

14                                  **Highlighted Provisions:**

15                                  This bill:

16                                  ▶ establishes the Utah Education and Workforce Alliance and the Utah Education and  
17 Workforce Alliance Governing Board;

18                                  ▶ requires the Utah Education and Workforce Alliance to provide certain information  
19 from the Utah Education and Workforce Alliance Data Warehouse to the Office of  
20 the Legislative Fiscal Analyst or the Office of Legislative Research and General  
21 Counsel;

22                                  ▶ provides duties for the Utah Education and Workforce Alliance Governing Board,  
23 including:

24    • requiring the governing board to appoint an executive director for the Utah  
25 Education and Workforce Alliance;

26    • providing policy direction to the executive director, the Utah Education and  
27 Workforce Alliance Advisory Committee, and the Utah Futures Advisory



28 Committee;

29           • by August 1, 2014, evaluating and determining whether any, or all, components  
30 of Utah Futures should be outsourced to a private provider; and

31           • reporting the governing board’s determination regarding Utah Futures to the  
32 Education Interim Committee and the Executive Appropriations Committee;

33           ▶ creates the Utah Education and Workforce Alliance Advisory Committee and  
34 provides for the appointment of members to the committee;

35           ▶ amends provisions related to Utah Futures and establishes the Utah Futures  
36 Advisory Committee, which reports to the Utah Education and Workforce Alliance  
37 Governing Board;

38           ▶ defines terms; and

39           ▶ makes technical changes.

40 **Money Appropriated in this Bill:**

41           None

42 **Other Special Clauses:**

43           None

44 **Utah Code Sections Affected:**

45 AMENDS:

46           **53B-17-104**, as last amended by Laws of Utah 2012, Chapter 16

47 ENACTS:

48           **53B-26-101**, Utah Code Annotated 1953

49           **53B-26-201**, Utah Code Annotated 1953

50           **53B-26-202**, Utah Code Annotated 1953

51           **53B-26-203**, Utah Code Annotated 1953

52           **53B-26-204**, Utah Code Annotated 1953

53           **53B-26-205**, Utah Code Annotated 1953

54 RENUMBERS AND AMENDS:

55           **53B-26-102**, (Renumbered from 53B-17-102, as last amended by Laws of Utah 2012,  
56 Chapter 16)

57           **53B-26-301**, (Renumbered from 53A-1-410, as enacted by Laws of Utah 2012, Chapter  
58 392)

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

Section 1. Section **53B-17-104** is amended to read:

**53B-17-104. Responsibilities of the State Board of Regents, the State Board of Education, the University of Utah, KUED - TV, KUER - FM, and UEN related to public broadcasting and telecommunication for education and government.**

(1) Subject to applicable rules of the Federal Communications Commission and Section [~~53B-17-102~~] [53B-26-101](#), the State Board of Regents, the State Board of Education, and the University of Utah, KUED - TV, KUER - FM, and UEN shall:

(a) coordinate statewide services of public radio and television;

(b) develop, maintain, and operate statewide distribution systems for KUED - TV, KUER - FM, and KUEN, the statewide distance learning service, the educational data network, connections to the Internet, and other telecommunications services appropriate for providing video, audio, and data telecommunication services in support of public and higher education, state government, and public libraries;

(c) support the delivery of these services to as many communities as may be economically and technically feasible and lawfully permissible under the various operating licenses;

(d) cooperate with state and local governmental and educational agencies and provide leadership and consulting service for telecommunication for education;

(e) represent the state with privately owned telecommunications systems to gain access to their networks for the delivery of programs and services sponsored or produced by public and higher education;

(f) acquire, produce, coordinate, and distribute a variety of programs and services of an educational, cultural, informative, and entertaining nature designed to promote the public interest and welfare of the state;

(g) coordinate with the state system of higher education to acquire, produce, and distribute broadcast and nonbroadcast college credit telecourses, teleconferences, and other instructional and training services;

(h) coordinate with school districts and public schools to acquire, produce, and distribute broadcast and nonbroadcast telecourses, teleconferences, and other instructional and

90 training services to the public schools;

91 (i) coordinate the development of a clearing house for the materials, courses,  
92 publications, media, software, and other applicable information related to the items addressed  
93 in Subsections (1)(g) and (h);

94 (j) coordinate the provision of the following services to public schools:

95 (i) broadcast, during school hours, of educational and administrative programs  
96 recommended by the State Board of Education;

97 (ii) digitization of programs for broadcast purposes; and

98 (iii) program previewing;

99 (k) share responsibility for Instructional Television (ITV) awareness and utilization;

100 and

101 (l) provide teleconference and training services for state and local governmental  
102 agencies.

103 (2) This section neither regulates nor restricts a privately owned company in the  
104 distribution or dissemination of education programs.

105 Section 2. Section **53B-26-101** is enacted to read:

106 **CHAPTER 26. UTAH EDUCATION NETWORK**

107 **Part 1. Utah Education Network**

108 **53B-26-101. Title.**

109 This chapter is known as the "Utah Education Network."

110 Section 3. Section **53B-26-102**, which is renumbered from Section 53B-17-102 is  
111 renumbered and amended to read:

112 **[53B-17-102]. 53B-26-102. Utah education network.**

113 (1) (a) As used in this [part] chapter, "Utah Education Network" and "UEN" mean a  
114 consortium and partnership between public and higher education established to:

115 (i) coordinate and support the telecommunications needs of public and higher  
116 education, public libraries, and entities affiliated with the state systems of public and higher  
117 education as approved by the Utah Education Network Board, including the statewide  
118 development and implementation of a network for education, utilizing satellite, microwave,  
119 fiber-optic, broadcast, and other transmission media;

120 (ii) coordinate the various telecommunications technology initiatives of public and

- 121 higher education;
- 122 (iii) provide high-quality, cost-effective Internet access and appropriate interface  
123 equipment for schools and school systems;
- 124 (iv) procure, install, and maintain telecommunication services and equipment on behalf  
125 of public and higher education;
- 126 (v) develop or implement other programs or services for the delivery of distance  
127 learning as directed by law; and
- 128 (vi) apply for state and federal funding on behalf of public and higher education.
- 129 (b) In performing the duties under this Subsection (1), UEN shall:
- 130 (i) provide services to schools, school districts, and the public and higher education  
131 systems through an open and competitive bidding process;
- 132 (ii) work with the private sector to deliver high-quality, cost-effective services;
- 133 (iii) avoid duplicating facilities, equipment or services of private providers of public  
134 telecommunications service, as defined under Section [54-8b-2](#);
- 135 (iv) utilize statewide economic development criteria in the design and implementation  
136 of the educational telecommunications infrastructure; and
- 137 (v) assure that public service entities such as educators, public service providers, and  
138 public broadcasters are provided access to the telecommunications infrastructure developed in  
139 the state.
- 140 (2) The University of Utah shall provide administrative management for UEN.
- 141 (3) (a) The Utah Education Network Board, which is the governing board for UEN, is  
142 created.
- 143 (b) The Utah Education Network Board shall be appointed as follows:
- 144 (i) (A) The State Board of Education shall appoint four members to represent the state  
145 system of public education.
- 146 (B) In selecting members to represent the state system of public education, the State  
147 Board of Education shall select members from different regions of the state and both urban and  
148 rural areas.
- 149 (ii) (A) The commissioner of higher education shall appoint four members to represent  
150 the state system of higher education.
- 151 (B) In selecting members to represent the state system of higher education, the

152 commissioner of higher education shall select members from different regions of the state and  
153 both urban and rural areas.

154 (iii) The president of the Utah College of Applied Technology shall appoint one  
155 member to represent the Utah College of Applied Technology.

156 (iv) The governor shall appoint:

157 (A) one member to represent the state library; and

158 (B) one member to represent the Office of the Governor.

159 (c) Except as required by Subsection (3)(d), members shall be appointed to four-year  
160 terms.

161 (d) The governor, State Board of Education, and commissioner of higher education  
162 shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the  
163 terms of Utah Education Network Board members are staggered so that approximately half of  
164 the Utah Education Network Board is appointed every two years.

165 (e) When a vacancy occurs in the membership for any reason, the replacement shall be  
166 appointed for the unexpired term.

167 (f) (i) The Utah Education Network Board shall elect:

168 (A) a cochair from the members representing the state system of public education; and

169 (B) a cochair from the members representing the state system of higher education.

170 (ii) The cochairs shall set the agenda for Utah Education Network Board meetings.

171 (4) A member of the Utah Education Network Board may not receive compensation or  
172 benefits for the member's service, but may receive per diem and travel expenses in accordance  
173 with:

174 (a) Section [63A-3-106](#);

175 (b) Section [63A-3-107](#); and

176 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
177 [63A-3-107](#).

178 (5) The Utah Education Network Board shall:

179 (a) hire an executive director for UEN, and may terminate the executive director's  
180 employment or assignment;

181 (b) determine the executive director's salary;

182 (c) annually conduct a performance evaluation of the executive director;

183 (d) establish policies the Utah Education Network Board determines are necessary for  
184 the operation of UEN and the administration of UEN's duties;

185 (e) advise UEN in:

186 (i) the development and operation of a coordinated, statewide, multi-option  
187 telecommunications system to assist in the delivery of educational services throughout the  
188 state; and

189 (ii) acquiring, producing, and distributing instructional content; and

190 (f) establish an advisory council to assist the Utah Education Network Board in  
191 performing its responsibilities under Subsection (5)(e).

192 (6) The executive director of UEN shall be an at-will employee.

193 (7) UEN shall locate and maintain educational telecommunication infrastructure  
194 throughout the state.

195 (8) Educational institutions shall manage site operations under policy established by  
196 UEN.

197 (9) Subject to future budget constraints, the Legislature shall provide an annual  
198 appropriation to operate UEN.

199 (10) If the network operated by the Department of Technology Services is not  
200 available, UEN may provide network connections to the central administration of counties and  
201 municipalities for the sole purpose of transferring data to a secure facility for backup and  
202 disaster recovery.

203 Section 4. Section **53B-26-201** is enacted to read:

204 **Part 2. Utah Education and Workforce Alliance**

205 **53B-26-201. Title -- Definitions.**

206 (1) This part is known as "Utah Education and Workforce Alliance."

207 (2) As used in this part:

208 (a) "Executive director" means the executive director of the UEWA appointed by the  
209 UEWA Governing Board as described in Subsection [53A-26-204\(1\)](#).

210 (b) "Office" means:

211 (i) the Office of the Legislative Fiscal Analyst; or

212 (ii) the Office of Legislative Research and General Counsel.

213 (c) "Personally identifiable information" has the same meaning as defined by the

214 Family Educational Rights and Privacy Act in 34 C.F.R. Sec. 99.3.

215 (d) "UEWA" means the Utah Education and Workforce Alliance established in Section  
216 53B-26-202.

217 (e) "UEWA Advisory Committee" means the Utah Education and Workforce Alliance  
218 Advisory Committee created in Section 53B-26-205.

219 (f) "UEWA Data Warehouse" means the Utah Education and Workforce Alliance Data  
220 Warehouse managed and operated by the UEWA.

221 (g) "UEWA Governing Board" means the Utah Education and Workforce Alliance  
222 Governing Board created in Section 53B-26-203.

223 Section 5. Section **53B-26-202** is enacted to read:

224 **53B-26-202. Utah Education and Workforce Alliance established -- Access to**  
225 **UEWA data by legislative staff.**

226 (1) The Utah Education and Workforce Alliance is a consortium and partnership  
227 between the State Board of Education, the Board of Regents, the Utah College of Applied  
228 Technology, the Department of Workforce Services, the Utah Education Network, and the  
229 Utah Education Policy Center.

230 (2) The UEWA is established to enhance the quality of educational and workforce data  
231 through building, maintaining, and utilizing an integrated and confidential statewide data  
232 system with public education, higher education, and workforce data.

233 (3) (a) Except as provided in Subsection (3)(b), the UEWA shall, at the request of an  
234 office, provide access to information in the UEWA Data Warehouse to the office.

235 (b) An office may not request and the UEWA may not provide to an office a person's  
236 personally identifiable information.

237 (c) An office that requests information from the UEWA in accordance with this section  
238 shall ensure that the office has a current memorandum of understanding with the UEWA that  
239 details the office's responsibility for ensuring the confidentiality and security of the data that  
240 complies with all federal and state requirements.

241 (d) A person may not request information from an office under Title 63G, Chapter 2,  
242 Government Records Access and Management Act, if that office received the information from  
243 the UEWA in accordance with this Subsection (3).

244 (e) An office that requests information from the UEWA in accordance with this section



245 accepts all liability and responsibility for any data breach or inappropriate access that occurs as  
246 a result of the office having access to the UEWA data.

247 Section 6. Section **53B-26-203** is enacted to read:

248 **53B-26-203. Utah Education and Workforce Alliance Governing Board --**

249 **Members.**

250 (1) There is created the Utah Education and Workforce Alliance Governing Board  
251 within the Utah Education Network, composed of the following members:

252 (a) the governor or the governor's designee;

253 (b) the chief information officer described in Section [63F-1-201](#);

254 (c) six private sector members who represent business, appointed by the governor;

255 (d) one member who represents the Utah Public Education System, appointed by the  
256 State Board of Education;

257 (e) one member who represents the Utah System of Higher Education, appointed by the  
258 Board of Regents;

259 (f) one member who represents the Department of Workforce Services, appointed by  
260 the executive director of the Department of Workforce Services;

261 (g) one member who represents the Utah College of Applied of Technology, appointed  
262 by the Utah College of Applied Technology Board of Trustees;

263 (h) one member who represents the Utah Education Policy Center, appointed by the  
264 Utah Education Policy Center;

265 (i) one member who represents high school students, appointed by the governor; and

266 (j) one member who represents students, appointed by the Utah Student Association.

267 (2) Except as required by Subsection (3), members appointed by the governor, State  
268 Board of Education, State Board of Regents, executive director of the Department of  
269 Workforce Services, or the Utah College of Applied Technology Board of Trustees shall be  
270 appointed to four-year terms.

271 (3) (a) Notwithstanding the requirements of Subsection (2), the length of terms of the  
272 members shall be staggered so that approximately half of the committee is appointed every two  
273 years.

274 (b) The length of terms of the student members described in Subsections (1)(i) and (j):

275 (i) shall be set by the appointing entity; and

276 (ii) may vary as needed.

277 (4) (a) The governor, or the governor's designee, shall serve as chair of the UEWA  
278 Governing Board.

279 (b) The chair shall set the agenda for UEWA Governing Board meetings.

280 (5) When a vacancy occurs in the membership for any reason, the replacement shall be  
281 appointed for the unexpired term.

282 (6) Attendance of a simple majority of the members constitutes a quorum for the  
283 transaction of official committee business.

284 (7) Formal action by the committee requires a majority vote of a quorum.

285 (8) A member may not receive compensation or benefits for the member's service, but  
286 may receive per diem and travel expenses in accordance with:

287 (a) Section [63A-3-106](#);

288 (b) Section [63A-3-107](#); and

289 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
290 [63A-3-107](#).

291 (9) The Utah Education Network shall provide staff support to the UEWA Governing  
292 Board.

293 Section 7. Section **53B-26-204** is enacted to read:

294 **53B-26-204. Utah Education and Workforce Alliance Governing Board duties --**  
295 **Appointment of an executive director -- Reporting requirements.**

296 (1) The UEWA Governing Board shall:

297 (a) appoint an executive director to act on behalf of the UEWA Governing Board to  
298 administer and operate the UEWA;

299 (b) provide policy direction to the executive director, the UEWA Advisory Committee,  
300 and the Utah Futures Advisory Committee;

301 (c) hire employees or contract with participating state agencies to administer and  
302 operate the UEWA, including the state's UEWA Data Warehouse and other data reporting  
303 programs;

304 (d) by August 1, 2014, using the criteria described in Subsection (2), evaluate and  
305 determine whether any, or all, components of Utah Futures, described in Section [53B-26-301](#),  
306 should be outsourced to a private provider;

307 (e) report the UEWA Governing Board's determination regarding the determination  
308 described in Subsection (1)(d) to each of the Education Interim Committee and the Executive  
309 Appropriations Committee on or before each committees' September 2014 meetings;

310 (f) develop an extensive dashboard with information accessible by the public;

311 (g) ensure privacy and confidentiality of individual data as required by Section  
312 53A-13-301, Section 53A-13-302, 20 U.S.C. 1232g, Family Educational Rights and Privacy  
313 Act, and 34 C.F.R. Part 99;

314 (h) develop a policy to protect private sensitive information that is stored, processed, or  
315 transmitted using UEWA resources;

316 (i) identify appropriate education policy questions that may be addressed or analyzed  
317 by the alliance;

318 (j) develop a policy for data requests;

319 (k) develop data use policies;

320 (l) evaluate the quality of the data going into the UEWA Data Warehouse; and

321 (m) annually report to both the Education Interim Committee and the Executive  
322 Appropriations Committee.

323 (2) The UEWA Governing Board shall consider at least the following criteria to  
324 evaluate and determine whether any, or all, components of Utah Futures, as required in  
325 Subsection (1)(d), should be outsourced to a private provider or continue to be developed or  
326 built in-house by the participating state agencies:

327 (a) comparing the complete functional capabilities of a private technology provider  
328 versus an in-house version;

329 (b) evaluating a cost analysis of purchasing privately developed technology versus  
330 continuing to develop or build an in-house version;

331 (c) evaluating the data and security capabilities of a private technology provider versus  
332 an in-house version;

333 (d) comparing the time frames to implementation; and

334 (e) considering the best practices and examples of other states who have implemented a  
335 tool similar to Utah Futures.

336 Section 8. Section **53B-26-205** is enacted to read:

337 **53B-26-205. Utah Education and Workforce Alliance Advisory Committee.**

338 (1) There is created the Utah Education and Workforce Alliance Advisory Committee  
 339 to assist the UEWA Governing Board to administer and operate the UEWA.

340 (2) The UEWA Governing Board shall appoint members to the UEWA Advisory  
 341 Committee.

342 (3) The UEWA Advisory Committee shall include at least one staff member from each  
 343 of the following entities:

344 (a) the State Board of Education;

345 (b) the State Board of Regents;

346 (c) the Utah College of Applied Technology;

347 (d) the Department of Workforce Services;

348 (e) the Utah Education Network; and

349 (f) the Utah Education Policy Center.

350 (4) The executive director shall serve as the chair of the UEWA Advisory Committee.

351 Section 9. Section **53B-26-301**, which is renumbered from Section 53A-1-410 is  
 352 renumbered and amended to read:

353 **Part 3. Utah Futures**

354 ~~[53A-1-410].~~ **53B-26-301. Utah Futures.**

355 (1) As used in this section:

356 (a) "Education provider" means:

357 (i) a Utah institution of higher education as defined in Section [53B-2-101](#); or

358 (ii) a Utah provider of postsecondary education.

359 (b) "Student user" means:

360 (i) a Utah student in kindergarten through grade 12;

361 (ii) a Utah post secondary education student;

362 (iii) a parent or guardian of a Utah public education student; or

363 (iv) a Utah potential post secondary education student.

364 (c) "Other user" means:

365 (i) a jobseeker;

366 (ii) an adult user;

367 (iii) a Utah business user; or

368 (iv) any Utah citizen.

369 (d) "Utah Futures" means a career planning program developed and administered by  
370 the [~~Department of Workforce Services, the State Board of Regents, and the State Board of~~  
371 ~~Education~~] UEWA Governing Board.

372 (e) "Utah Futures [~~Steering~~] Advisory Committee" means a committee of members  
373 designated by the [~~governor~~] UEWA Governing Board to administer and manage Utah Futures  
374 in collaboration with the Department of Workforce Services, the State Board of Regents, and  
375 the State Board of Education.

376 (2) The Utah Futures [~~Steering~~] Advisory Committee, under the direction of the  
377 UEWA Governing Board, shall ensure, as funding allows and is feasible, that Utah Futures  
378 will:

379 (a) allow a student user to:

380 (i) access the student user's full academic record;

381 (ii) electronically allow the student user to give access to the student user's academic  
382 record and related information to an education provider as allowed by law;

383 (iii) access information about different career opportunities and understand the related  
384 educational requirements to enter that career;

385 (iv) access information about education providers;

386 (v) access up to date information about entrance requirements to education providers;

387 (vi) apply for entrance to multiple schools without having to fully replicate the  
388 application process;

389 (vii) apply for loans, scholarships, or grants from multiple education providers in one  
390 location without having to fully replicate the application process for multiple education  
391 providers; and

392 (viii) research open jobs from different companies within the user's career interest and  
393 apply for those jobs without having to leave the website to do so;

394 (b) allow an other user to:

395 (i) access information about different career opportunities and understand the related  
396 educational requirements to enter that career;

397 (ii) access information about education providers;

398 (iii) access up-to-date information about entrance requirements to education providers;

399 (iv) apply for entrance to multiple schools without having to fully replicate the

400 application process;

401 (v) apply for loans, scholarships, or grants from multiple education providers in one  
402 location without having to fully replicate the application process for multiple education  
403 providers; and

404 (vi) research open jobs from different companies within the user's career interest and  
405 apply for those jobs without having to leave the website to do so;

406 ~~[(b)]~~ (c) allow an education provider to:

407 (i) research and find student users who are interested in various educational outcomes;

408 (ii) promote the education provider's programs and schools to student users; and

409 (iii) connect with student users within the Utah Futures website;

410 ~~[(e)]~~ (d) allow a Utah business to:

411 (i) research and find student users who are pursuing educational outcomes that are  
412 consistent with jobs the Utah business is trying to fill now or in the future; and

413 (ii) market jobs and communicate with student users through the Utah Futures website  
414 as allowed by law;

415 ~~[(d)]~~ (e) allow the Department of Workforce Services to analyze and report on student  
416 user interests, education paths, and behaviors within the education system so as to predictively  
417 determine appropriate career and educational outcomes and results; and

418 ~~[(e)]~~ (f) allow all users of the Utah Futures' system to communicate and interact  
419 through social networking tools within the Utah Futures website as allowed by law.

420 (3) On or before ~~[May 15, 2012]~~ October 1, 2014, the ~~[State Board of Education]~~  
421 UEWA Governing Board, in consultation with the Utah Futures ~~[Steering]~~ Advisory  
422 Committee, may select a technology provider, through a request for proposals process, to  
423 provide technology and support for Utah Futures.

424 (4) In evaluating proposals under Subsection (3), the ~~[State Board of Education]~~  
425 UEWA Governing Board and the Utah Futures ~~[Steering]~~ Advisory Committee shall ensure  
426 that the technology provided by a proposer:

427 (a) allows Utah Futures to license ~~[and host]~~ the selected service oriented architecture  
428 technologies ~~[on Utah Futures' servers];~~

429 (b) allows Utah Futures to protect ~~[and control]~~ all user data within the system by  
430 leveraging role architecture;

431 (c) allows Utah Futures to [~~directly control and~~] update the user interface, APIs, and  
432 web services software layers as needed; [~~and~~]

433 (d) provides the ability for a student user to have a secure profile and login to access  
434 and to store personal information related to the services listed in Subsection (2) via the  
435 Internet[-];

436 (e) protects all user data within Utah Futures;

437 (f) allows the UEWA Governing Board to license the technology of the selected  
438 technology provider; and

439 (g) provides technology able to support application programming interfaces to integrate  
440 technology of other third party providers, which may include cloud-based technology.

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**Legislative Review Note**  
**as of 12-10-13 1:20 PM**

**Office of Legislative Research and General Counsel**