

1 **HIGHER EDUCATION DATA PRIVACY AND GOVERNANCE**

2 **REVISIONS**

3 2022 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Jacob L. Anderegg**

6 House Sponsor: Jefferson Moss



8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

14 ▶ transfers the Utah Data Resource Center (center) from the Department of Workforce
15 Services to the Utah System of Higher Education;

16 ▶ expands the duties of the center by requiring the center to collect and promote
17 access to data from institutions of higher education and collaborate with the Board
18 of Higher Education and the State Board of Education to coordinate access to
19 certain student identifier information;

20 ▶ requires the commissioner of higher education to:

21 • appoint a director of the center to serve as chair of the Utah Data Research
22 Advisory Board; and

23 • appoint the member who represents the center to the School Readiness Board;

24 ▶ requires the center to include information regarding the center's activities and
25 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

81

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) "Unique student identifier" means the same as that term is defined in Section
133 [53E-4-308](#).

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

135 (a) coordinate public education and higher education information technology systems
136 to allow individual student academic achievement to be tracked through both education

137 systems in accordance with this section and Section [53E-4-308](#)~~[-];~~ and

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

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

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

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

145 **53B-28-501. Definitions.**

146 As used in this part:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

172 (7) "Institution" means an institution of higher education described in Section
173 53B-1-102.

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

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

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

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

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

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

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

182 (v) a student's telephone number;

183 (vi) a student's social security number;

184 (vii) a student's biometric identifier;

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

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

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

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

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

- 191 (B) a processor serial number;
192 (xii) a combination of a student's last name or photograph with other information that
193 together permits a person to contact the student online;
194 (xiii) information about a student or a student's family that a person collects online and
195 combines with other personally identifiable student data to identify the student; and
196 (xiv) information that, alone or in combination, is linked or linkable to a specific
197 student that would allow a reasonable person in the school community, who does not have
198 personal knowledge of the relevant circumstances, to identify the student with reasonable
199 certainty.
- 200 (10) "State privacy officer" means the state privacy officer described in Section
201 [67-3-13](#).
- 202 (11) "Student" means an individual enrolled in an institution.
- 203 (12) (a) "Student data" means information about a student at the individual student
204 level.
- 205 (b) "Student data" does not include aggregate or de-identified data.
- 206 (13) "Third-party contractor" means a person who:
207 (a) is not an institution or an employee of an institution; and
208 (b) pursuant to a contract with an education entity, collects or receives student data in
209 order to provide a product or service, as described in the contract, if the product or service is
210 not related to school photography, yearbooks, graduation announcements, or a similar product
211 or service.
- 212 Section 4. Section **53B-28-502** is enacted to read:
213 **53B-28-502. State student data protection governance.**
214 (1) The state privacy officer shall establish a higher education privacy advisory group
215 to advise institutions and institution boards of trustees on student data protection.
216 (2) The advisory group shall consist of:
217 (a) the state privacy officer;

- 218 (b) the higher education privacy officer; and
- 219 (c) the following members, appointed by the commissioner of higher education:
- 220 (i) at least one Utah system of higher education employee; and
- 221 (ii) at least one representative of the Utah Board of Higher Education.
- 222 (3) The advisory group shall:
- 223 (a) discuss and make recommendations to the board and institutions regarding:
- 224 (i) existing and proposed:
- 225 (A) board rules; or
- 226 (B) board policies of the Utah Board of Higher Education or institutions; and
- 227 (ii) training on protecting student data privacy; and
- 228 (b) perform other tasks related to student data protection as designated by the Utah
- 229 Board of Higher Education.
- 230 (4) The higher education privacy officer shall:
- 231 (a) provide training and support to institution boards and employees; and
- 232 (b) produce:
- 233 (i) resource materials;
- 234 (ii) model data governance plans;
- 235 (iii) model forms for institution student data protection governance; and
- 236 (iv) a model data collection notice.
- 237 (5) The board shall:
- 238 (a) (i) create and maintain a data governance plan; and
- 239 (ii) annually publish the data governance plan on the Utah System of Higher Education
- 240 website; and
- 241 (b) establish standards for:
- 242 (i) institution policies to protect student data;
- 243 (ii) institution data governance plans; and
- 244 (iii) a third-party contractor's use of student data.

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

246 **53B-28-503. Institution student data protection governance.**

247 (1) (a) An institution shall adopt policies to protect student data in accordance with this
248 part and board rule, including the standards the board establishes under Subsection
249 53B-28-502(5).

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

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

253 (3) The higher education privacy officer shall:

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

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

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

259 (4) An institution shall:

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

262 (b) create and maintain an institution:

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

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

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

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

268 **53B-28-504. Notification of significant data breach.**

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

271 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the

272 board shall make rules to define a significant data breach described in Subsection (1).

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

274 **53B-28-505. Third-party contractors.**

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

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

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

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

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

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

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

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

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

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

298 (4) A third-party contractor may:

299 (a) use student data for adaptive learning or customized student learning purposes;
300 (b) market an educational application or product to a student if the third-party
301 contractor does not use student data, shared by or collected on behalf of an education entity, to
302 market the educational application or product;
303 (c) use a recommendation engine to recommend to a student:
304 (i) content that relates to learning or employment, within the third-party contractor's
305 application, if the recommendation is not motivated by payment or other consideration from
306 another party; or
307 (ii) services that relate to learning or employment, within the third-party contractor's
308 application, if the recommendation is not motivated by payment or other consideration from
309 another party;
310 (d) respond to a student request for information or feedback, if the content of the
311 response is not motivated by payment or other consideration from another party;
312 (e) use student data to allow or improve operability and functionality of the third-party
313 contractor's application; or
314 (f) identify for a student nonprofit institutions of higher education or scholarship
315 providers that are seeking students who meet specific criteria:
316 (i) regardless of whether the identified nonprofit institutions of higher education or
317 scholarship providers provide payment or other consideration to the third-party contractor; and
318 (ii) only if the third-party contractor obtains authorization in writing from:
319 (A) the student's parent, if the student is a minor; or
320 (B) the student.
321 (5) At the completion of a contract with an education entity, if the contract has not
322 been renewed, a third-party contractor shall return or delete upon the education entity's request
323 all personally identifiable student data under the control of the education entity unless a student
324 or a minor student's parent consents to the maintenance of the personally identifiable student
325 data.

- 326 (6) (a) A third-party contractor may not:
327 (i) except as provided in Subsection (6)(b), sell student data;
328 (ii) collect, use, or share student data, if the collection, use, or sharing of the student
329 data is inconsistent with the third-party contractor's contract with the education entity; or
330 (iii) use student data for targeted advertising.
331 (b) A person may obtain student data through the purchase of, merger with, or
332 otherwise acquiring a third-party contractor if the third-party contractor remains in compliance
333 with this section.
- 334 (7) The provisions of this section do not:
335 (a) apply to the use of a general audience application, including the access of a general
336 audience application with login credentials created by a third-party contractor's application;
337 (b) apply if the student data is shared in accordance with the education entity's
338 directory information policy, as described in 34 C.F.R. Sec. 99.37;
339 (c) apply to the providing of Internet service; or
340 (d) impose a duty on a provider of an interactive computer service, as defined in 47
341 U.S.C. Sec. 230, to review or enforce compliance with this section.
- 342 (8) A provision of this section that relates to a student's student data does not apply to a
343 third-party contractor if the education entity or third-party contractor obtains authorization from
344 the following individual, in writing, to waive that provision:
345 (a) the student's parent, if the student is a minor; or
346 (b) the student.
- 347 Section 8. Section **53B-28-506** is enacted to read:
348 **53B-28-506. Penalties.**
349 (1) (a) An institution that contracts with a third-party contractor that knowingly or
350 recklessly permits unauthorized collecting, sharing, or use of student data under this part:
351 (i) except as provided in Subsection (1)(b), may not enter into a future contract with the
352 third-party contractor; and

353 (ii) may be required by the board to pay a civil penalty of up to \$25,000.
354 (b) An education entity may enter into a contract with a third-party contractor that
355 knowingly or recklessly permitted unauthorized collecting, sharing, or use of student data if:
356 (i) the education entity determines that the third-party contractor has corrected the
357 errors that caused the unauthorized collecting, sharing, or use of student data; and
358 (ii) the third-party contractor demonstrates:
359 (A) if the third-party contractor is under contract with the education entity, current
360 compliance with this part; or
361 (B) an ability to comply with the requirements of this part.
362 (c) The board may assess the civil penalty described in Subsection (1)(a)(ii) in
363 accordance with Title 63G, Chapter 4, Administrative Procedures Act.
364 (d) The board may bring an action in the district court of the county in which the office
365 of the education entity is located, if necessary, to enforce payment of the civil penalty described
366 in Subsection (1)(a)(ii).
367 (e) An individual who knowingly or intentionally permits unauthorized collecting,
368 sharing, or use of student data may be found guilty of a class A misdemeanor.
369 (2) (a) A student or a minor student's parent may bring an action against an institution
370 in a court of competent jurisdiction for damages caused by a knowing or reckless violation of
371 Section [53B-28-505](#) by a third-party contractor that the institution contracts with under
372 [53B-28-505](#).
373 (b) If the court finds that a third-party contractor has violated Section [53B-28-505](#), the
374 court may order the institution to pay to the parent or student:
375 (i) damages; and
376 (ii) costs.
377 Section 9. Section **53B-33-101**, which is renumbered from Section 35A-14-102 is
378 renumbered and amended to read:
379 ~~[35A-14-102].~~ **53B-33-101. Definitions.**

380 As used in this chapter:

381 (1) "Advisory board" means the Utah Data Research Advisory Board created in Section
382 ~~[35A-14-203]~~ 53B-33-203.

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

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

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

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

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

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

394 ~~[(7)]~~ (8) "Participating entity" means:

395 (a) the State Board of Education, which includes the director as defined in Section
396 53E-10-701;

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

398 (c) the Department of Workforce Services; and

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

400 (9) "Unique student identifier" means the same as that term is defined in Section
401 53E-4-308.

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

404 ~~[35A-14-201]~~. **53B-33-201. Utah Data Research Center -- Creation.**

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

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

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

410 **Composition -- Appointment.**

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

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

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

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

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

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

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

424 (4) A member of the advisory board:

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

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

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

430 (ii) Section [63A-3-107](#); and

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

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

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

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

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

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

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

445 ~~[35A-14-301].~~ 53B-33-301. Data research program.

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

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

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

- 453 (a) acquire property or equipment in order to store aggregated, connected, and
454 de-identified data derived from data contributed by the participating entities; or
- 455 (b) contract with a private entity in accordance with Title 63G, Chapter 6a, Utah
456 Procurement Code, or with a state government entity to:
 - 457 (i) store aggregated, connected, and de-identified data derived from data contributed by
458 the participating entities; or
 - 459 (ii) utilize existing aggregated, connected, and de-identified data maintained by a state
460 government entity.

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

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

465 (5) The center shall:

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

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

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

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

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

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

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

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

480 (7) The center may:

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

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

483 (i) collect data from the participating entities;

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

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

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

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

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

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

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

493 ~~[35A-14-302].~~ **53B-33-302. Data research requests.**

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

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

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

- 501 (i) a legislative committee or a legislative staff office;
- 502 (ii) the governor or an executive branch agency;
- 503 (iii) the State Board of Education; and
- 504 (iv) the ~~[Utah Board of Higher Education]~~ board.

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

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

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

- 512 (a) a state government entity;
- 513 (b) a political subdivision of the state;
- 514 (c) a private entity; or

- 515 (d) a member of the public.
- 516 (5) The director, with approval by the advisory board, shall determine, for a data
517 research request described in Subsection (4):
- 518 (a) whether the center has the resources to complete the data research request;
- 519 (b) the order in which the center shall complete the data research request, if at all; and
- 520 (c) a reasonable estimated cost for the request.
- 521 (6) The center, after evaluating a request under Subsection (5), shall:
- 522 (a) provide the person that requested the data research with a cost estimate; and
- 523 (b) require, before accepting a data research request, that the person that submitted the
524 data research request agree to pay, once the data research is complete, the full cost of
525 completing the data research request as determined by the center under Subsection (5).
- 526 (7) The center shall make available to the public, on a website maintained by the
527 center, any data research request that the center completes under this section.
- 528 (8) The center shall ensure that any data contained in a completed data research request
529 is de-identified.
- 530 (9) The center shall:
- 531 (a) establish, by rule made in accordance with Title 63G, Chapter 3, Utah
532 Administrative Rulemaking Act:
- 533 (i) procedures for submitting a data research request under this section;
- 534 (ii) criteria to determine how to prioritize data research requests; and
- 535 (iii) minimum standards for information a person is required to include in a data
536 research request; and
- 537 (b) create a fee schedule in accordance with Section [63J-1-504](#) for completing a data
538 research request.
- 539 (10) In addition to submitting a data research request under Subsection (4), a
540 participating entity, executive branch agency, or legislative staff office may request, and the
541 center may release, a data set from the data research program if the data set is:

- 542 (a) connected;
- 543 (b) aggregated; and
- 544 (c) de-identified.

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

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

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

551 ~~[35A-14-303].~~ **53B-33-303. Data visualization access.**

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

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

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

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

563 ~~[35A-14-304].~~ **53B-33-304. Reporting.**

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

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

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

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

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

574 **53E-1-201. Reports to and action required of the Education Interim Committee.**

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

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

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

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

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

587 (e) the annual report of the Utah Board of Higher Education described in Section
588 53B-1-402;

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

591 (g) the State Superintendent's Annual Report by the state board described in Section
592 53E-1-203;

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

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

596 the Deaf and the Blind;

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

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

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

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

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

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

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

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

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

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

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

621 (f) in 2022 and in 2023, on or before November 30, the report described in Subsection
622 53E-10-309(7) related to the PRIME pilot program;

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

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

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

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

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

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

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

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

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

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

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

647 (a) is not assigned to any former or current student; and

648 (b) does not incorporate personal information, including a birth date or Social Security
649 number.

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

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

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

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

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

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

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

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

671 **53E-10-706. Electronic resources -- Research clearinghouse.**

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

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

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

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

- 704 (b) The director is the chair of the steering committee.
- 705 (2) The steering committee shall consist of the following members each appointed for a
706 term of one year:
- 707 (a) the director;
- 708 (b) one member appointed by the chair of the state board;
- 709 (c) the state superintendent or the state superintendent's designee;
- 710 (d) the staff director of the State Charter School Board or the director's designee;
- 711 (e) one member appointed by the office of the governor;
- 712 (f) one member, appointed by the director, who is a superintendent of a school district;
- 713 (g) one member, appointed by the director, of a local school board;
- 714 (h) two principals or other public school leaders of public schools that are not charter
715 schools, appointed by the director;
- 716 (i) two principals or other public school leaders of charter schools, appointed by the
717 director;
- 718 (j) two educators who hold a current license under Chapter 6, Education Professional
719 Licensure, nominated by LEA leaders and appointed by the director; and
- 720 (k) two members representing citizens or business, nominated by the members of the
721 public and appointed by the director.
- 722 (3) (a) A member of the steering committee may be appointed for more than one term.
- 723 (b) If a midterm vacancy occurs on the steering committee, the appointing individual,
724 as described in Subsection (2), for the vacant position shall appoint an individual for the
725 remainder of the term.
- 726 (4) (a) The steering committee shall hold a meeting at least semi annually in January
727 and July or on dates otherwise chosen by the director.
- 728 (b) The state board shall provide space for the steering committee to meet.
- 729 (5) The steering committee shall:
- 730 (a) discuss prospective and current ULEAD projects and findings;

731 (b) consult with and make recommendations to the director to prioritize ULEAD
732 reports and areas of focused research;

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

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

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

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

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

743 (c) policy-research centers based in Utah.

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

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

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

752 **Section 21. Repealer.**

753 This bill repeals:

754 Section [35A-14-101](#), **Title.**

755 Section [35A-14-202](#), **Utah Data Research Center -- Powers.**

756 **Section 22. Appropriation.**

757 The following sums of money are appropriated for the fiscal year beginning July 1,

758 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
759 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
760 Act, the Legislature appropriates the following sums of money from the funds or accounts
761 indicated for the use and support of the government of the state of Utah.

762 ITEM 1

763 To Utah Board of Higher Education -- Administration

764 From Education Fund \$770,000

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

766 Schedule of Programs:

767 Administration \$1,045,000

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

773 Section 23. **Effective date.**

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