

Senator Howard A. Stephenson proposes the following substitute bill:

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

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Bradley G. Last

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ establishes the Utah Education and Workforce Alliance and the Utah Education and Workforce Alliance Governing Board;
- ▶ requires the Utah Education and Workforce Alliance to provide certain information from the Utah Education and Workforce Alliance Data Warehouse to the Office of the Legislative Fiscal Analyst, the Office of Legislative Research and General Counsel, the Governor's Office of Management and Budget, or the Governor's Office of Economic Development;
- ▶ allows certain entities to refuse to provide data to the Utah Education and Workforce Alliance under certain circumstances;
- ▶ provides duties for the Utah Education and Workforce Alliance Governing Board, including:
 - requiring the governing board to appoint an executive director for the Utah



- 26 Education and Workforce Alliance;
- 27 • providing policy direction to the executive director, the Utah Education and
- 28 Workforce Alliance Advisory Committee, and the Utah Futures Advisory
- 29 Committee;
- 30 • reporting annually to the Education Interim Committee and the Executive
- 31 Appropriations Committee; and
- 32 • conducting a certain study and reporting to the Education Interim Committee;
- 33 ▶ gives rulemaking authority to the Utah Education and Workforce Alliance
- 34 Governing Board;
- 35 ▶ creates the Utah Education and Workforce Alliance Advisory Committee and
- 36 provides for the appointment of members to the committee;
- 37 ▶ amends provisions related to Utah Futures and establishes the Utah Futures
- 38 Advisory Committee, which reports to the Utah Education and Workforce Alliance
- 39 Governing Board;
- 40 ▶ establishes an evaluation panel to evaluate and determine whether any or all
- 41 components of Utah Futures should be outsourced to a private provider;
- 42 ▶ defines terms; and
- 43 ▶ makes technical changes.

44 **Money Appropriated in this Bill:**

45 None

46 **Other Special Clauses:**

47 None

48 **Utah Code Sections Affected:**

49 AMENDS:

50 **53B-17-104**, as last amended by Laws of Utah 2012, Chapter 16

51 ENACTS:

52 **53B-26-101**, Utah Code Annotated 1953

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

54 **53B-26-202**, Utah Code Annotated 1953

55 **53B-26-203**, Utah Code Annotated 1953

56 **53B-26-204**, Utah Code Annotated 1953

57 [53B-26-205](#), Utah Code Annotated 1953

58 RENUMBERS AND AMENDS:

59 [53B-26-102](#), (Renumbered from 53B-17-102, as last amended by Laws of Utah 2012,
60 Chapter 16)

61 [53B-26-301](#), (Renumbered from 53A-1-410, as enacted by Laws of Utah 2012, Chapter
62 392)

63

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

65 Section 1. Section [53B-17-104](#) is amended to read:

66 **[53B-17-104. Responsibilities of the State Board of Regents, the State Board of](#)**
67 **Education, the University of Utah, KUED - TV, KUER - FM, and UEN related to public**
68 **broadcasting and telecommunication for education and government.**

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

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

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

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

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

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

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

88 interest and welfare of the state;

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

92 (h) coordinate with school districts and public schools to acquire, produce, and
93 distribute broadcast and nonbroadcast telecourses, teleconferences, and other instructional and
94 training services to the public schools;

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

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

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

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

102 (iii) program previewing;

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

104 and

105 (l) provide teleconference and training services for state and local governmental
106 agencies.

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

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

110 **CHAPTER 26. UTAH EDUCATION NETWORK**

111 **Part 1. Utah Education Network**

112 **53B-26-101. Title.**

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

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

116 **~~[53B-17-102].~~ 53B-26-102. Utah education network.**

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

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

150 (B) In selecting members to represent the state system of public education, the State
151 Board of Education shall select members from different regions of the state and both urban and
152 rural areas.

153 (ii) (A) The commissioner of higher education shall appoint four members to represent
154 the state system of higher education.

155 (B) In selecting members to represent the state system of higher education, the
156 commissioner of higher education shall select members from different regions of the state and
157 both urban and rural areas.

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

160 (iv) The governor shall appoint:

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

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

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

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

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

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

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

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

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

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

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

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

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

181 63A-3-107.

182 (5) The Utah Education Network Board shall:

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

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

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

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

189 (e) advise UEN in:

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

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

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

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

197 (7) UEN shall locate and maintain educational telecommunication infrastructure
198 throughout the state.

199 (8) Educational institutions shall manage site operations under policy established by
200 UEN.

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

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

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

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

209 **53B-26-201. Title -- Definitions.**

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

211 (2) As used in this part:

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

214 (b) "Office" means:

215 (i) the Office of the Legislative Fiscal Analyst;

216 (ii) the Office of Legislative Research and General Counsel;

217 (iii) the Governor's Office of Management and Budget; or

218 (iv) the Governor's Office of Economic Development.

219 (c) "Personally identifiable information" has the same meaning as defined by the
220 Family Educational Rights and Privacy Act in 34 C.F.R. Sec. 99.3.

221 (d) "UEWA" means the Utah Education and Workforce Alliance established in Section
222 [53B-26-202](#).

223 (e) "UEWA Advisory Committee" means the Utah Education and Workforce Alliance
224 Advisory Committee created in Section [53B-26-205](#).

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

227 (g) "UEWA Governing Board" means the Utah Education and Workforce Alliance
228 Governing Board created in Section [53B-26-203](#).

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

230 **53B-26-202. Utah Education and Workforce Alliance established -- Access to**
231 **UEWA data by legislative staff.**

232 (1) The Utah Education and Workforce Alliance is a consortium and partnership
233 among the following members:

234 (a) the State Board of Education;

235 (b) the Board of Regents;

236 (c) the Utah College of Applied Technology;

237 (d) the Department of Workforce Services;

238 (e) the Utah Education Network; and

239 (f) the Utah Education Policy Center.

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

243 (b) A member described in Subsection (1) that provides data to the statewide data
244 system described in Subsection (2)(a) may refuse to continue providing data to the system if the
245 entity believes that:

246 (i) the security of the system is not reasonably sufficient to prevent access to the stored
247 data in the system by an unauthorized user; or

248 (ii) when UEWA allows access to the data, the data:

249 (A) overtly discloses personally identifiable information to a data user; or

250 (B) provides enough evidence to a data user to discern personally identifiable
251 information from the data.

252 (c) A member described in Subsection (1) may access the statewide data system
253 described in Subsection (2)(a).

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

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

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

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

265 (e) An office that requests information from the UEWA in accordance with this section
266 accepts all liability and responsibility for any data breach or inappropriate access that occurs as
267 a result of the office having access to the UEWA data.

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

269 **53B-26-203. Utah Education and Workforce Alliance Governing Board --**
270 **Members.**

271 (1) There is created the Utah Education and Workforce Alliance Governing Board
272 within the Utah Education Network, composed of:

273 (a) the following voting members:

274 (i) the governor's education advisor or the governor's education advisor's designee;
275 (ii) four private sector members who represent business, appointed by the governor;
276 (iii) one member who represents the Utah Public Education System, appointed by the
277 State Board of Education;
278 (iv) one member who represents the Utah System of Higher Education, appointed by
279 the Board of Regents;
280 (v) one member who represents the Department of Workforce Services, appointed by
281 the executive director of the Department of Workforce Services;
282 (vi) one member who represents the Utah College of Applied of Technology, appointed
283 by the Utah College of Applied Technology Board of Trustees;
284 (vii) one member who represents high school students, appointed by the governor; and
285 (viii) one member who represents students, appointed by the Utah Student Association;
286 and
287 (b) the following nonvoting members:
288 (i) one member who represents the Utah Education Policy Center, appointed by the
289 Utah Education Policy Center; and
290 (ii) the chief information officer described in Section [63F-1-201](#).
291 (2) Except as required by Subsection (3), members appointed by the governor, State
292 Board of Education, State Board of Regents, executive director of the Department of
293 Workforce Services, or the Utah College of Applied Technology Board of Trustees shall be
294 appointed to four-year terms.
295 (3) (a) Notwithstanding the requirements of Subsection (2), the length of terms of the
296 members shall be staggered so that approximately half of the committee is appointed every two
297 years.
298 (b) The length of terms of the student members described in Subsections (1)(a)(vii) and
299 (viii):
300 (i) shall be set by the appointing entity; and
301 (ii) may vary as needed.
302 (4) (a) The governor shall appoint a chair of the UEWA Governing Board.
303 (b) The chair shall set the agenda for UEWA Governing Board meetings.
304 (5) When a vacancy occurs in the membership for any reason, the replacement shall be

305 appointed for the unexpired term.

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

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

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

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

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

313 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and
314 [63A-3-107](#).

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

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

318 **53B-26-204. Utah Education and Workforce Alliance Governing Board duties --**
319 **Appointment of an executive director -- Reporting requirements.**

320 (1) The UEWA Governing Board shall:

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

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

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

328 (d) report the evaluation panel's determination under Subsection [53B-26-301\(5\)](#) to each
329 of the Education Interim Committee and the Executive Appropriations Committee on or before
330 each committee's September 2014 meeting;

331 (e) develop an extensive dashboard with information accessible by the public;

332 (f) ensure privacy and confidentiality of individual data as required by Section
333 [53A-13-301](#), Section [53A-13-302](#), 20 U.S.C. 1232g, Family Educational Rights and Privacy
334 Act, and 34 C.F.R. Part 99;

335 (g) develop a policy to protect private sensitive information that is stored, processed, or

336 transmitted using UEWA resources;
337 (h) identify appropriate education policy questions that may be addressed or analyzed
338 by the alliance;

339 (i) develop a policy for data requests;

340 (j) develop data use policies;

341 (k) evaluate the quality of the data going into the UEWA Data Warehouse;

342 (l) annually report to both the Education Interim Committee and the Executive

343 Appropriations Committee;

344 (m) before November 30, 2014, conduct a study regarding:

345 (i) how to integrate and interface the data contributed to the statewide data system

346 described in Subsection [53B-26-202\(2\)\(a\)](#); and

347 (ii) an office location for UEWA; and

348 (n) report to the Education Interim Committee before November 30, 2014:

349 (i) recommendations based on the results of the study described in Subsection (1)(m);

350 and

351 (ii) on the results of creating UEWA.

352 (2) The UEWA Governing Board may:

353 (a) hire staff; and

354 (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

355 make rules to administer this part.

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

357 **53B-26-205. Utah Education and Workforce Alliance Advisory Committee.**

358 (1) There is created the Utah Education and Workforce Alliance Advisory Committee

359 to assist the UEWA Governing Board to administer and operate the UEWA.

360 (2) The UEWA Governing Board shall appoint members to the UEWA Advisory

361 Committee.

362 (3) The UEWA Advisory Committee shall include at least one staff member from each

363 of the following entities:

364 (a) the State Board of Education;

365 (b) the State Board of Regents;

366 (c) the Utah College of Applied Technology;

367 (d) the Department of Workforce Services;

368 (e) the Utah Education Network; and

369 (f) the Utah Education Policy Center.

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

371 Section 9. Section **53B-26-301**, which is renumbered from Section 53A-1-410 is

372 renumbered and amended to read:

373 **Part 3. Utah Futures**

374 ~~[53A-1-410].~~ **53B-26-301. Utah Futures.**

375 (1) As used in this section:

376 (a) "Education provider" means:

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

378 (ii) a Utah provider of postsecondary education.

379 (b) "Student user" means:

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

381 (ii) a Utah post secondary education student;

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

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

384 (c) "Other user" means:

385 (i) a jobseeker;

386 (ii) an adult user;

387 (iii) a Utah business user; or

388 (iv) any Utah citizen.

389 (d) "Utah Futures" means a career planning program developed and administered by

390 the ~~[Department of Workforce Services, the State Board of Regents, and the State Board of~~

391 ~~Education]~~ UEWA Governing Board.

392 (e) "Utah Futures ~~[Steering]~~ Advisory Committee" means a committee of members

393 designated by the ~~[governor]~~ UEWA Governing Board to administer and manage Utah Futures

394 in collaboration with the Department of Workforce Services, the State Board of Regents, and

395 the State Board of Education.

396 (2) The Utah Futures ~~[Steering]~~ Advisory Committee, under the direction of the

397 UEWA Governing Board, shall ensure, as funding allows and is feasible, that Utah Futures

398 will:

399 (a) allow a student user to:

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

401 (ii) electronically allow the student user to give access to the student user's academic

402 record and related information to an education provider as allowed by law;

403 (iii) access information about different career opportunities and understand the related

404 educational requirements to enter that career;

405 (iv) access information about education providers;

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

407 (vi) apply for entrance to multiple schools without having to fully replicate the

408 application process;

409 (vii) apply for loans, scholarships, or grants from multiple education providers in one

410 location without having to fully replicate the application process for multiple education

411 providers; and

412 (viii) research open jobs from different companies within the user's career interest and

413 apply for those jobs without having to leave the website to do so;

414 (b) allow an other user to:

415 (i) access information about different career opportunities and understand the related

416 educational requirements to enter that career;

417 (ii) access information about education providers;

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

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

420 application process;

421 (v) apply for loans, scholarships, or grants from multiple education providers in one

422 location without having to fully replicate the application process for multiple education

423 providers; and

424 (vi) research open jobs from different companies within the user's career interest and

425 apply for those jobs without having to leave the website to do so;

426 ~~(b)~~ (c) allow an education provider to:

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

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

- 429 (iii) connect with student users within the Utah Futures website;
- 430 ~~[(e)]~~ (d) allow a Utah business to:
- 431 (i) research and find student users who are pursuing educational outcomes that are
- 432 consistent with jobs the Utah business is trying to fill now or in the future; and
- 433 (ii) market jobs and communicate with student users through the Utah Futures website
- 434 as allowed by law;
- 435 ~~[(d)]~~ (e) allow the Department of Workforce Services to analyze and report on student
- 436 user interests, education paths, and behaviors within the education system so as to predictively
- 437 determine appropriate career and educational outcomes and results; and
- 438 ~~[(e)]~~ (f) allow all users of the Utah Futures' system to communicate and interact
- 439 through social networking tools within the Utah Futures website as allowed by law.
- 440 (3) On or before ~~[May 15, 2012]~~ October 1, 2014, the ~~[State Board of Education]~~
- 441 UEWA Governing Board, in consultation with the Utah Futures ~~[Steering]~~ Advisory
- 442 Committee, may select a technology provider, through a request for proposals process, to
- 443 provide technology and support for Utah Futures.
- 444 (4) In evaluating proposals under Subsection (3), the ~~[State Board of Education]~~
- 445 UEWA Governing Board and the Utah Futures ~~[Steering]~~ Advisory Committee shall ensure
- 446 that the technology provided by a proposer:
- 447 (a) allows Utah Futures to license ~~[and host]~~ the selected service oriented architecture
- 448 technologies ~~[on Utah Futures' servers];~~
- 449 (b) allows Utah Futures to protect ~~[and control]~~ all user data within the system by
- 450 leveraging role architecture;
- 451 (c) allows Utah Futures to ~~[directly control and]~~ update the user interface, APIs, and
- 452 web services software layers as needed; ~~[and]~~
- 453 (d) provides the ability for a student user to have a secure profile and login to access
- 454 and to store personal information related to the services listed in Subsection (2) via the
- 455 Internet~~[-];~~
- 456 (e) protects all user data within Utah Futures;
- 457 (f) allows the UEWA Governing Board to license the technology of the selected
- 458 technology provider; and
- 459 (g) provides technology able to support application programming interfaces to integrate

460 technology of other third party providers, which may include cloud-based technology.

461 (5) (a) On or before August 1, 2014, the evaluation panel described in Subsection
462 (5)(b), using the criteria described in Subsection (5)(c), shall evaluate Utah Futures and
463 determine whether any or all components of Utah Futures, as described in this section, should
464 be outsourced to a private provider or built in-house by the participating state agencies.

465 (b) The evaluation panel described in Subsection (5)(a) shall consist of the following
466 members, appointed by the governor:

467 (i) five members who represent business, including:

468 (A) one member who has extensive knowledge and experience in information
469 technology; and

470 (B) one member who has extensive knowledge and experience in human resources;

471 (ii) one member who is a user of the information provided by Utah Futures;

472 (iii) one member who is a parent of a student who uses Utah Futures;

473 (iv) one member who is:

474 (A) an educator as defined in Subsection [53A-6-103](#); and

475 (B) teaches students who use Utah Futures; and

476 (v) one member who is a high school counselor licensed under Title 53A, Chapter 6,
477 Educator Licensing and Professional Practices Act.

478 (c) The evaluation panel described in Subsections (5)(a) and (b) shall consider at least
479 the following criteria to make the determination described in Subsection (5)(a):

480 (i) the complete functional capabilities of a private technology provider versus an
481 in-house version;

482 (ii) the cost of purchasing privately developed technology versus continuing to develop
483 or build an in-house version;

484 (iii) the data and security capabilities of a private technology provider versus an
485 in-house version;

486 (iv) the time frames to implementation; and

487 (v) the best practices and examples of other states who have implemented a tool similar
488 to Utah Futures.