

**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

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**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 Utah Futures and determine whether any
- 41 or all 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       This bill coordinates with H.B. 92, Utah Telehealth and Education Network

48 Amendments, by providing substantive and technical amendments.

49 **Utah Code Sections Affected:**

50 AMENDS:

51       **53B-17-104**, as last amended by Laws of Utah 2012, Chapter 16

52 ENACTS:

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

54       **53B-26-201**, Utah Code Annotated 1953

55       **53B-26-202**, Utah Code Annotated 1953

56       **53B-26-203**, Utah Code Annotated 1953

57 **53B-26-204**, Utah Code Annotated 1953

58 **53B-26-205**, Utah Code Annotated 1953

59 RENUMBERS AND AMENDS:

60 **53B-26-102**, (Renumbered from 53B-17-102, as last amended by Laws of Utah 2012,  
61 Chapter 16)

62 **53B-26-301**, (Renumbered from 53A-1-410, as enacted by Laws of Utah 2012, Chapter  
63 392)

64 **Utah Code Sections Affected by Coordination Clause:**

65 **53B-17-101.5**, Utah Code Annotated 1953

66 **53B-17-104**, as last amended by Laws of Utah 2012, Chapter 16

67 **53B-17-105**, Utah Code Annotated 1953

68 **53B-17-106**, Utah Code Annotated 1953

69 **53B-17-107**, Utah Code Annotated 1953

70 **53B-17-202**, as enacted by Laws of Utah 1987, Chapter 167

71 **53B-26-101**, Utah Code Annotated 1953

72 **53B-26-102**, Utah Code Annotated 1953

73 **53B-26-203**, Utah Code Annotated 1953

74 **53B-26-205**, Utah Code Annotated 1953



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

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

78 **53B-17-104. Responsibilities of the State Board of Regents, the State Board of**  
79 **Education, the University of Utah, KUED - TV, KUER - FM, and UEN related to public**  
80 **broadcasting and telecommunication for education and government.**

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

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

85 (b) develop, maintain, and operate statewide distribution systems for KUED - TV,  
86 KUER - FM, and KUEN, the statewide distance learning service, the educational data network,  
87 connections to the Internet, and other telecommunications services appropriate for providing

88 video, audio, and data telecommunication services in support of public and higher education,  
89 state government, and public libraries;

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

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

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

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

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

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

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

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

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

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

114 (iii) program previewing;

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

116 and

117 (l) provide teleconference and training services for state and local governmental  
118 agencies.

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

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

122 **CHAPTER 26. UTAH EDUCATION NETWORK**

123 **Part 1. Utah Education Network**

124 **53B-26-101. Title.**

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

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

128 ~~[53B-17-102].~~ **53B-26-102. Utah education network.**

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

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

136 (ii) coordinate the various telecommunications technology initiatives of public and  
137 higher education;

138 (iii) provide high-quality, cost-effective Internet access and appropriate interface  
139 equipment for schools and school systems;

140 (iv) procure, install, and maintain telecommunication services and equipment on behalf  
141 of public and higher education;

142 (v) develop or implement other programs or services for the delivery of distance  
143 learning as directed by law; and

144 (vi) apply for state and federal funding on behalf of public and higher education.

145 (b) In performing the duties under this Subsection (1), UEN shall:

146 (i) provide services to schools, school districts, and the public and higher education  
147 systems through an open and competitive bidding process;

148 (ii) work with the private sector to deliver high-quality, cost-effective services;

149 (iii) avoid duplicating facilities, equipment or services of private providers of public

150 telecommunications service, as defined under Section 54-8b-2;

151 (iv) utilize statewide economic development criteria in the design and implementation  
152 of the educational telecommunications infrastructure; and

153 (v) assure that public service entities such as educators, public service providers, and  
154 public broadcasters are provided access to the telecommunications infrastructure developed in  
155 the state.

156 (2) The University of Utah shall provide administrative management for UEN.

157 (3) (a) The Utah Education Network Board, which is the governing board for UEN, is  
158 created.

159 (b) The Utah Education Network Board shall be appointed as follows:

160 (i) (A) The State Board of Education shall appoint four members to represent the state  
161 system of public education.

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

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

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

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

172 (iv) The governor shall appoint:

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

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

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

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

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

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

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

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

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

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

190 (a) Section 63A-3-106;

191 (b) Section 63A-3-107; and

192 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
193 63A-3-107.

194 (5) The Utah Education Network Board shall:

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

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

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

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

201 (e) advise UEN in:

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

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

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

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

209 (7) UEN shall locate and maintain educational telecommunication infrastructure  
210 throughout the state.

211 (8) Educational institutions shall manage site operations under policy established by

212 UEN.

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

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

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

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

221 **53B-26-201. Title -- Definitions.**

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

223 (2) As used in this part:

224 (a) "Executive director" means the executive director of the UEWA appointed by the  
225 UEWA Governing Board under Section [53B-26-204](#).

226 (b) "Office" means:

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

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

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

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

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

233 (d) "UEWA" means the Utah Education and Workforce Alliance established in Section  
234 [53B-26-202](#).

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

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

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

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

242 **53B-26-202. Utah Education and Workforce Alliance established -- Access to**



243 **UEWA data by legislative and executive staff.**

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

- 246 (a) the State Board of Education;  
247 (b) the Board of Regents;  
248 (c) the Utah College of Applied Technology;  
249 (d) the Department of Workforce Services;  
250 (e) the Utah Education Network; and  
251 (f) the Utah Education Policy Center.

252 (2) (a) The UEWA is established to enhance the quality of educational and workforce  
253 data through building, maintaining, and utilizing an integrated and confidential statewide data  
254 system with public education, higher education, and workforce data, known as the UEWA Data  
255 Warehouse.

256 (b) A member described in Subsection (1) that provides data to the UEWA Data  
257 Warehouse may refuse to continue providing data to the UEWA Data Warehouse if the entity  
258 believes that:

259 (i) the security of the UEWA Data Warehouse is not reasonably sufficient to prevent  
260 access to the stored data in the UEWA Data Warehouse by an unauthorized user; or

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

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

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

265 (c) A member described in Subsection (1) may access the UEWA Data Warehouse.

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

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

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

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

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

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

281 **53B-26-203. Utah Education and Workforce Alliance Governing Board --**

282 **Members.**

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

285 (a) the following voting members:

286 (i) the governor's education advisor or the governor's education advisor's designee;

287 (ii) five private sector members who represent business, appointed by the governor;

288 (iii) one member who represents the Utah Public Education System, appointed by the  
289 State Board of Education;

290 (iv) one member who represents the Utah System of Higher Education, appointed by  
291 the Board of Regents;

292 (v) one member who represents the Department of Workforce Services, appointed by  
293 the executive director of the Department of Workforce Services;

294 (vi) one member who represents the Utah College of Applied Technology, appointed  
295 by the Utah College of Applied Technology Board of Trustees;

296 (vii) one member who represents the Governor's Office of Economic Development,  
297 appointed by the governor;

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

299 (ix) one member who represents students, appointed by the Utah Student Association;

300 and

301 (b) the following nonvoting members:

302 (i) one member who represents the Utah Education Policy Center, appointed by the  
303 Utah Education Policy Center; and

304 (ii) the chief information officer described in Section [63F-1-201](#).

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

309 (3) (a) Notwithstanding the requirements of Subsection (2), the length of terms of the  
310 members shall be staggered so that approximately half of the board is appointed every two  
311 years.

312 (b) The length of terms of the student members described in Subsections (1)(a)(viii)  
313 and (ix):

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

315 (ii) may vary as needed.

316 (4) (a) The governor shall appoint a chair of the UEWA Governing Board.

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

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

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

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

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

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

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

327 (c) rules made by the Division of Finance pursuant to Sections [63A-3-106](#) and  
328 [63A-3-107](#).

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

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

332 **53B-26-204. Utah Education and Workforce Alliance Governing Board duties --**  
333 **Appointment of an executive director -- Reporting requirements.**

334 (1) The UEWA Governing Board shall:

335 (a) appoint an executive director to act on behalf of the UEWA Governing Board to

336 administer and operate the UEWA;

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

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

342 (d) report the evaluation panel's determination under Subsection 53B-26-301(5) to the  
343 Education Interim Committee and the Executive Appropriations Committee on or before each  
344 committee's September 2014 meeting;

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

346 (f) ensure privacy and confidentiality of individual data as required by Section  
347 53A-13-301, Section 53A-13-302, 20 U.S.C. 1232g, Family Educational Rights and Privacy  
348 Act, and 34 C.F.R. Part 99;

349 (g) develop a policy to protect private sensitive information that is stored, processed, or  
350 transmitted using UEWA resources;

351 (h) identify appropriate education policy questions that may be addressed or analyzed  
352 by the UEWA;

353 (i) develop a policy for data requests;

354 (j) develop data use policies;

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

356 (l) annually report to the Education Interim Committee and the Executive  
357 Appropriations Committee;

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

359 (i) how to integrate and interface the data contributed to the UEWA Data Warehouse;

360 and

361 (ii) an office location for UEWA; and

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

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

364 and

365 (ii) on the results of creating UEWA.

366 (2) The UEWA Governing Board may:

367           (a) hire staff; and  
 368           (b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
 369 make rules to administer this part.

370           Section 8. Section **53B-26-205** is enacted to read:  
 371           **53B-26-205. Utah Education and Workforce Alliance Advisory Committee.**

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

374           (2) The UEWA Governing Board shall appoint members to the UEWA Advisory  
 375 Committee.

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

- 378           (a) the State Board of Education;
- 379           (b) the State Board of Regents;
- 380           (c) the Utah College of Applied Technology;
- 381           (d) the Department of Workforce Services;
- 382           (e) the Utah Education Network; and
- 383           (f) the Utah Education Policy Center.

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

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

**Part 3. Utah Futures**

388           ~~**[53A-1-410].**~~           **53B-26-301. Utah Futures.**

389           (1) As used in this section:

390           (a) "Education provider" means:

- 391           (i) a Utah institution of higher education as defined in Section 53B-2-101; or
- 392           (ii) a Utah provider of postsecondary education.

393           (b) "Student user" means:

- 394           (i) a Utah student in kindergarten through grade 12;
- 395           (ii) a Utah post secondary education student;
- 396           (iii) a parent or guardian of a Utah public education student; or
- 397           (iv) a Utah potential post secondary education student.

398 (c) "Other user" means:

399 (i) a jobseeker;

400 (ii) an adult user;

401 (iii) a Utah business user; or

402 (iv) any Utah citizen.

403 (d) "UEWA Governing Board" is as defined in Section [53B-26-201](#).

404 ~~[(d)]~~ (e) "Utah Futures" means a career planning program developed and administered

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

406 ~~Education]~~ UEWA Governing Board.

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

408 members designated by the ~~[governor]~~ UEWA Governing Board to administer and manage

409 Utah Futures in collaboration with the Department of Workforce Services, the State Board of

410 Regents, and the State Board of Education.

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

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

413 will:

414 (a) allow a student user to:

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

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

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

420 (iv) access information about education providers;

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

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

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

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

- 429           (b) allow all users to:
- 430           (i) access information about different career opportunities and understand the related
- 431 educational requirements to enter that career;
- 432           (ii) access information about education providers;
- 433           (iii) access up-to-date information about entrance requirements to education providers;
- 434           (iv) apply for entrance to multiple schools without having to fully replicate the
- 435 application process;
- 436           (v) apply for loans, scholarships, or grants from multiple education providers in one
- 437 location without having to fully replicate the application process for multiple education
- 438 providers; and
- 439           (vi) research open jobs from different companies within the user's career interest and
- 440 apply for those jobs without having to leave the website to do so;
- 441           ~~[(b)]~~ (c) allow an education provider to:
- 442           (i) research and find student users who are interested in various educational outcomes;
- 443           (ii) promote the education provider's programs and schools to student users; and
- 444           (iii) connect with student users within the Utah Futures website;
- 445           ~~[(c)]~~ (d) allow a Utah business to:
- 446           (i) research and find student users who are pursuing educational outcomes that are
- 447 consistent with jobs the Utah business is trying to fill now or in the future; and
- 448           (ii) market jobs and communicate with student users through the Utah Futures website
- 449 as allowed by law;
- 450           ~~[(d)]~~ (e) allow the Department of Workforce Services to analyze and report on student
- 451 user interests, education paths, and behaviors within the education system so as to predictively
- 452 determine appropriate career and educational outcomes and results; and
- 453           ~~[(e)]~~ (f) allow all users of the Utah Futures' system to communicate and interact
- 454 through social networking tools within the Utah Futures website as allowed by law.
- 455           (3) On or before ~~[May 15, 2012]~~ October 1, 2014, the ~~[State Board of Education]~~
- 456 UEWA Governing Board, in consultation with the Utah Futures ~~[Steering]~~ Advisory
- 457 Committee, may select a technology provider, through a request for proposals process, to
- 458 provide technology and support for Utah Futures.
- 459           (4) In evaluating proposals under Subsection (3), the ~~[State Board of Education]~~

460 UEWA Governing Board and the Utah Futures [~~Steering~~] Advisory Committee shall ensure  
461 that the technology provided by a proposer:

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

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

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

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

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

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

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

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

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

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

483 (A) one member who has extensive knowledge and experience in information  
484 technology; and

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

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

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

488 (iv) one member who:

489 (A) is an educator as defined in Subsection 53A-6-103; and

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



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

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

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

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

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

501 (iv) the time frames to implementation; and

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

504 Section 10. **Coordinating S.B. 34 with H.B. 92 -- Substantive and technical**  
505 **amendments.**

506 If this S.B. 34 and H.B. 92, Utah Education and Telehealth Network Amendments, both  
507 pass and become law, it is the intent of the Legislature that the Office of Legislative Research  
508 and General Counsel, in preparing the Utah Code database for publication do the following:

509 (1) replace the reference in Subsection 53B-17-104(1) to "Section 53B-17-102" with  
510 "Section 53B-26-103";

511 (2) change the chapter name in S.B. 34 from "Chapter 26. Utah Education Network" to  
512 "Chapter 26. Utah Education and Telehealth Network";

513 (3) change the part name in Chapter 26, Part 1, from "Part 1. Utah Education  
514 Network" to "Part 1. Utah Education and Telehealth Network";

515 (4) modify Section 53B-26-101 to read:

516 "This chapter is known as the "Utah Education and Telehealth Network."";

517 (5) renumber Section 53B-17-101.5 in H.B. 92 as Section 53B-26-102;

518 (6) renumber Section 53B-17-105 in H.B. 92 as Section 53B-26-103;

519 (7) renumber Section 53B-17-106 in H.B. 92 as Section 53B-26-104;

520 (8) renumber Section 53B-17-107 in H.B. 92 as Section 53B-26-105;

521 (9) replace internal references in H.B. 92 to the sections listed in Subsections (5)

522 through (8) with the appropriate corresponding renumbered sections;

523 (10) the provisions to renumber and amend Section [53B-17-102](#) to Section [53B-26-102](#)

524 in S.B. 34, do not take effect;

525 (11) change the reference in Subsection [53B-26-202\(1\)\(e\)](#), from "Utah Education

526 Network" to "Utah Education and Telehealth Network";

527 (12) change the reference in Subsections [53B-26-203\(1\)](#) and (9), from "Utah Education

528 Network" to "Utah Education and Telehealth Network"; and

529 (13) change the reference in Subsection [53B-26-205\(3\)\(e\)](#), from "Utah Education

530 Network" to "Utah Education and Telehealth Network".