

1 **Public and Higher Education Collaboration**
 2026 GENERAL SESSION
 STATE OF UTAH
 Chief Sponsor: Michael K. McKell
 House Sponsor: Val L. Peterson

2
3 **LONG TITLE**

4 **General Description:**

5 This bill establishes a process for sharing grades 7 through 12 student data between public
6 education and higher education.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▶ establishes a data sharing process between state and higher education boards for grades 7
10 through 12 student data;
- 11 ▶ authorizes disclosure to support college readiness programs and higher education access;
- 12 ▶ requires compliance with federal privacy laws and state student data protections;
- 13 ▶ mandates parent notification of opt-out rights for data sharing;
- 14 ▶ requires training of higher education employees who will have data access;
- 15 ▶ delegates rulemaking authority to the Utah Board of Higher Education; and
- 16 ▶ makes conforming changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 ENACTS:

- 23 **53E-9-401**, Utah Code Annotated 1953
- 24 **53E-9-402**, Utah Code Annotated 1953
- 25 **53E-9-403**, Utah Code Annotated 1953
- 26 **53E-9-404**, Utah Code Annotated 1953
- 27 **53H-14-601**, Utah Code Annotated 1953

28 **53H-14-602**, Utah Code Annotated 1953

29 **53H-14-603**, Utah Code Annotated 1953

30

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

32 Section 1. Section **53E-9-401** is enacted to read:

33 **Part 4. Data Sharing with Higher Education**

34 **53E-9-401 . Definitions.**

35 As used in this part:

36 (1) "Education entity" means the same as that term is defined in Section 53E-9-301.

37 (2) "Institution of higher education" means the same as that term is defined in Section
 38 53H-1-101.

39 (3)(a) "Student data" means the same as that term is defined in Section 53E-9-301.

40 (b) "Student data" does not include information or records related to student behavior
 41 incidents or student discipline.

42 Section 2. Section **53E-9-402** is enacted to read:

43 **53E-9-402 . Grades 7 through 12 student data sharing with higher education --**
 44 **Purposes.**

45 (1) The state board and the Utah Board of Higher Education shall establish and implement a
 46 process for disclosing grades 7 through 12 student data, including student data from the
 47 state board and education entities, to the Utah Board of Higher Education and the Office
 48 of the Commissioner of Higher Education to support:

49 (a) secondary student access to college and career readiness programs provided in the
 50 Utah System of Higher Education, including:

51 (i) technical college programs;

52 (ii) early college programs;

53 (iii) concurrent enrollment; or

54 (iv) First credential as defined in Section 53E-10-310;

55 (b) student access to higher education including:

56 (i) scholarships;

57 (ii) financial aid;

58 (iii) admission; or

59 (iv) enrollment to Utah System of Higher Education institutions;

60 (c) audit and evaluation practices; and

61 (d) local, state, or federal reporting requirements.

62 (2) An LEA shall provide the student data necessary to implement the process described in
 63 Subsection (1).

64 (3) The state board shall fully implement the process described in this section no later than
 65 August 1, 2027.

66 Section 3. Section **53E-9-403** is enacted to read:

67 **53E-9-403 . Student data disclosure requirements -- Federal and state**
 68 **compliance.**

69 (1) The state board and the Utah Board of Higher Education shall ensure, student data is
 70 private and shall be disclosed in accordance with the provisions of:

71 (a) U.S.C., Title 20, Sections 1232g(b)(1), (b)(2), (b)(3), (b)(4), (b)(5), (b)(6), (b)(7);

72 (b) Code of Federal Regulations, Title 34, Sections 99.31, 99.32, 99.33, 99.34, 99.35,
 73 99.37, and 99.39;

74 (c) IDEA, United States Code, Title 20, Section 1400;

75 (d) Code of Federal Regulations, Title 34, Part 300; and

76 (e) Title 53E, Chapter 9, Part 3, Student Data Protection.

77 (2) This section does not prohibit disclosures allowed under other relevant laws.

78 Section 4. Section **53E-9-404** is enacted to read:

79 **53E-9-404 . Parent notification and opt-out rights.**

80 An LEA shall notify parents of:

81 (1) the data that will be collected under Subsection 53E-9-402(1);

82 (2) how the data collected under Subsection 53E-9-402(1) will be used; and

83 (3) the right to opt out of the LEA's disclosure of student data under Subsection

84 53E-9-402(1)(a) and (b).

85 Section 5. Section **53H-14-601** is enacted to read:

86 **Part 6. K-12 Student Data Sharing**

87 **53H-14-601 . General provisions -- Definitions.**

88 As used in this part, "education entity" means the same as that term is defined in Section
 89 53E-9-301.

90 Section 6. Section **53H-14-602** is enacted to read:

91 **53H-14-602 . Training requirements for higher education personnel.**

92 (1) The board shall ensure that higher education employees, student aides, and volunteers
 93 who have access to student data received under Title 53E, Chapter 9, Part 4, Data
 94 Sharing with Higher Education, shall receive training at least once every two years.

95 (2) The board shall consult with the State Board of Education to ensure the training

- 96 required under this section covers:
- 97 (a) federal and state student data privacy laws;
- 98 (b) proper handling and protection of student data;
- 99 (c) data breach prevention and response procedures; and
- 100 (d) authorized uses and disclosure limitations for student data received under this part.

101 Section 7. Section **53H-14-603** is enacted to read:

102 **53H-14-603 . Authorization for K-12 student data sharing -- Rulemaking.**

- 103 (1) The board may receive and use student data from grades 7 through 12 as provided in
- 104 Title 53E, Chapter 9, Part 4, Data Sharing with Higher Education, to support the
- 105 purposes described in Section 53E-9-402.
- 106 (2) The board, in collaboration with the State Board of Education, shall make rules in
- 107 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and in
- 108 compliance with state and federal laws for sharing student data between the board, the
- 109 State Board of Education, and education entities under Title 53E, Chapter 9, Part 4, Data
- 110 Sharing with Higher Education.
- 111 (3) Institution of higher education employees, student aides, and volunteers who have
- 112 access to student data received under this section shall receive the training described in
- 113 Section 53H-14-602.

114 Section 8. **Effective Date.**

115 This bill takes effect on May 6, 2026.