SB0267S05 compared with SB0267S04

1

Software in Education Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor:Doug Fiefia

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3 **LONG TITLE**

4 **General Description:**

5   This bill requires the State Board of Education (state board) to study best practices

6 regarding the use of software in public schools.

7 **Highlighted Provisions:**

8   This bill:

9   ‣ defines terms;

10   ‣ requires the state board to:

11   • conduct a study regarding the use of software and digital services in public schools;

12   • review best practices related to the educational effectiveness, design, and data practices of

software that students use;

14   • publish guidance describing best practices for the responsible use of software in a public

school; and

16   • upon request, report the findings of the study to the Education Interim Committee; and

17   ‣ makes technical and conforming changes.

18 **Money Appropriated in this Bill:**

19   None

20   **Other Special Clauses:**

21   This bill provides a special effective date.

22   **Utah Code Sections Affected:**

23   AMENDS:

24   **53E-1-201 (Effective 07/01/26) (Partially Repealed 07/01/27)**, as last amended by Laws of Utah 2025, First Special Session, Chapter 9

26   ENACTS:

27   **53E-3-527 (Effective 07/01/26)**, Utah Code Annotated 1953

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

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

31   **53E-1-201. (Effective 07/01/26) (Partially Repealed 07/01/27)Reports to and action required of the Education Interim Committee.**

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

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

39   (b) the prioritized list of data research described in Section 53H-15-303 and the report on research and activities described in Section 53H-15-305 by the Utah Data Research Center;

42   (c) the report described in Section 53H-1-203 by the Utah Board of Higher Education on career and technical education issues and addressing workforce needs;

44   (d) the annual report of the Utah Board of Higher Education described in Section 53H-1-203;

46   (e) the reports described in Section 53H-7-603 by the Utah Board of Higher Education regarding activities related to campus safety;

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

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

52   (h) the report described in Section 53E-3-501 by the state board on students in an LEA who receive academic credit through the packet method;

54   (i) the report described in Section 53E-8-204 by the state board on the Utah Schools for the Deaf and the Blind;

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

58   (k) the report described in Section 53F-2-522 regarding mental health screening programs;

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

62   (m) the report described in Section 53F-6-412 by the program manager of the Utah Fits All Scholarship Program;

64   (n) the report described in Section 63N-20-107 by the Governor's Office of Economic Opportunity on UPSTART;

66   (o) the report described in Section 53F-5-215 by the state board related to a grant for an elementary teacher preparation assessment;

68   (p) upon request, the report described in Section 53F-5-219 by the state board on the Local Innovations Civics Education Pilot Program;

70   (q) the report described in Section 53F-5-405 by the state board regarding an evaluation of a partnership that receives a grant to improve educational outcomes for students who are low-income;

73   (r) the report described in Section 53H-1-604 regarding the Higher Education and Corrections Council;

75   (s) the report described in Section 53G-7-221 by the state board regarding innovation plans; and

77   (t) the reports described in Section 53F-6-412 regarding the Utah Fits All Scholarship Program.

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

81   (a) in 2027, 2030, 2033, and 2035, the reports described in Sections 53H-1-502, 53H-1-503, and 53H-1-504;

83   (b) in 2025, the report described in Section 53H-6-203 by a degree-granting institution regarding policies on abusive coaching practices;

85   (c) upon request, the report described in Section 53E-3-527 by the state board regarding the study on software in a public school;

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

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

93 [(e)] (f) the report described in Section 53E-10-702 by Utah Leading through Effective, Actionable, and Dynamic Education;

95 [(f)] (g) if required, the report described in Section 53F-2-513 by the state board evaluating the effects of salary bonuses on the recruitment and retention of effective teachers in high-poverty schools;

98 [(g)] (h) upon request, the report described in Section 53F-10-303 by the state board regarding the Rural School Sports Facilities Grant Program;

100 [(h)] (i) upon request, a report described in Section 53G-7-222 by an LEA regarding expenditure of a percentage of state restricted funds to support an innovative education program;

103 [(i)] (j) the reports described in Section 53G-11-304 by the state board regarding proposed rules and results related to educator exit surveys; and

105 [(j)] (k) the report described in Section 26B-5-113 by the Office of Substance Use and Mental Health, the state board, and the Department of Health and Human Services regarding recommendations related to Medicaid reimbursement for school-based health services.

109 (3) In accordance with applicable provisions and Section 68-3-14, every five years the Education Interim Committee shall review the programs described in the following sections of code:

112 (a) beginning July 1, 2027, [Title 53E, Chapter 10, Part 3], Chapter 10, Part 3, Concurrent Enrollment;

114 (b) beginning July 1, 2027, Section 53F-2-408, Enhancement for Accelerated Students Program;

116 (c) beginning July 1, 2027, Section 53F-2-409, Concurrent enrollment funding;

117 (d) beginning July 1, 2027, Section 53F-2-415, Student health and counseling support -- Qualifying personnel -- Distribution formula -- Rulemaking;

119 (e) beginning July 1, 2028, Section 53F-2-416, Appropriation and distribution for the Teacher and Student Success Program;

121 (f) beginning July 1, 2028, Section 53F-2-510, Digital Teaching and Learning Grant Program;

123 (g) beginning July 1, 2028, Section 53F-9-306, Teacher and Student Success Account;

124 (h) beginning July 1, 2028, Title 53G, Chapter 7, Part 13, Teacher and Student Success Program; and

126 (i) beginning July 1, 2029, Section 53F-2-502, Dual language immersion.

127 Section 2. Section **2** is enacted to read:

128 **53E-3-527. (Effective 07/01/26)Software in public schools study.**

129 (1) As used in this section:

130   (a) "Academic progress" means advancement toward mastery of state academic standards through practice, application, feedback, or demonstration of knowledge or skill.

133   (b) "Academically effective" means software that:

134   (i) is designed to provide support or enable a student's active learning, skill development, or academic progress in the intended subject area;

136   (ii) where applicable, aligns with the public education core standards described in Section 53E-4-202;

138   (iii) does not employ design features that primarily:

139   (A) interfere with active learning; or

140   (B) undermine teacher instructional authority; and

141   (iv) contributes to or enables measurable academic progress or skill development when used as intended.

143   (c) "Active learning" means instruction that requires a student to engage in cognitive processes including analyzing, reasoning, practicing, or creating to understand or apply knowledge or skills.

146   (d)

   (i) "Addictive design feature" means a feature or component of a digital or online product that encourages or increases a student's frequency, time spent, or engagement with the product.

149   (ii) "Addictive design feature" includes the following features:

150   (A) infinite scroll;

151   (B) autoplay that continues beyond the educational task or lesson;

152   (C) points, badges, or other gamification rewards tied to time spent on the product rather than learning objectives or academic progress;

154   (D) persistent notifications prompting re-engagement when the product is not actively in use, unless:

156   (I) a teacher initiates the notification; and

157   (II) the notification is directly related to assigned schoolwork;

158   (E) personalized recommendation systems designed to maximize time-on-platform rather than learning outcomes; or

160   (F) engagement metrics, streaks, or social comparison features designed to create fear of missing out or compulsive checking behavior.

162   (iii) "Addictive design feature" does not include a:

163   (A) recommendation of next lessons or learning activities based on curriculum progression or mastery of prerequisites;

165 (B) notification about a teacher-assigned or course-required assignment, deadline, or teacher feedback; or

167 (C) feature that encourages active learning rather than passive consumption.

168 (e) "Clickstream data" means data an LEA or third-party provider collects from a student's use of an online service, application, or device that records the student's navigation or sequence of actions.

171 (f) "Digital privacy agreement" means a contract between a contracting entity and a digital provider that:

173 (i) ensures compliance with Chapter 9, Student Privacy and Data Protection; and

174 (ii) governs access, use, protection, retention, and disclosure of student data.

175 (g) "Educational software" means software that:

176 (i) serves an educational purpose; and

177 (ii) is designed for student instruction, assessment, or instructional support.

178 (h) "Passive consumption" means receiving information through viewing, listening, or browsing without requiring the student to engage in cognitive processing necessary to analyze, apply, or create knowledge or skills.

181 (i) "School-issued device" means any electronic hardware device an LEA provides to a student for educational use.

183 (j) "Skill development" means the acquisition or improvement of academic abilities or competencies necessary to perform a task aligned to state academic standards, including guided practice, modeling, or feedback.

186 (k)

 (i) "Software" means any application, web-based service, plug-in, or other code-based product, regardless of whether the application is free or for purchase, that:

189 (A) runs on or is accessible from a school-issued device; and

190 (B) an LEA assigns, requires, recommends, installs, or otherwise makes available for student use in connection with classroom instruction, including through a school-issued account or identity, regardless of whether the software is accessible on a school-issued or student-owned device.

194 (ii) "Software" includes software an individual uses during school hours in connection with school-related purposes for:

196 (A) instruction;

197 (B) assessment;

198   (C) communication;

199   (D) collaboration; or

200   (E) enrichment.

201   (iii) "Software" does not include physical, electronic hardware.

202   (l)

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

203   (ii) "Student data" includes a student's:

204   (A) personal data as that term is defined in Section 13-61-101;

205   (B) metadata, device identifiers, and clickstream data;

206   (C) behavioral, engagement, or usage data; and

207   (D) information a software collects, generates, or infers in the course of student use.

209   (m) "Sub-processor" means a third-party vendor or service that a primary data processor engages to
         process personal data on the processor's behalf.

211   (2) The state board shall conduct a study regarding the use of software and digital services in public
         schools and identify best practices related to student learning, safety, and privacy.

214   (3) In conducting the study described in Subsection (2), the state board:

215   (a) shall review and evaluate best practices related to:

216   (i) the academic effectiveness of educational software, including whether software supports:

218   (A) active learning;

219   (B) skill development; and

220   (C) measurable academic progress;

221   (ii) the potential use, cost, benefits, and drawbacks of a single, statewide digital privacy agreement for
         all educational software used in a public school;

223   (iii) alignment of educational software with state academic standards;

224   (iv) the role of educational software in supporting or supplementing classroom instruction;

226   (v) the distinction between active learning and passive consumption in digital learning tools;

228   (vi) compliance with the sensitive materials requirements described in Section 53G-10-103 as the
         requirements relate to the use of software in a school;

230   (vii) digital privacy practices for student data, including:

231   (A) data minimization;

232   (B) security safeguards;

233   (C) breach notification practices;

234   (D) data retention and deletion practices; and

235   (E) limits on secondary use of student data;

236   (viii) the collection and use of student data, including:

237   (A) metadata;

238   (B) clickstream data;

239   (C) behavioral or engagement data; and

240   (D) biometric identifiers;

241   (ix) practices related to protecting a student from:

242   (A) targeted advertising or promotional content;

243   (B) commercial exploitation of student data; and

244   (C) algorithmic systems that may prioritize engagement over learning outcomes;

245   (x) educational software design practices that may affect student engagement, including the use of
        addictive design features;

247   (xi) transparency regarding:

248   (A) data the software collects;

249   (B) third-party service providers or sub-processors; and

250   (C) embedded analytics or artificial intelligence systems;

251   (xii) the use of device features including cameras or microphones in educational software;

253   (xiii) best practices for evaluating the educational value of educational software; and

254   (xiv) any other issue the state board determines relevant to the responsible use of software in public
        education.

256   (b) may consult with:

257   (i) educators;

258   (ii) LEAs;

259   (iii) parents;

260   (iv) technology and software providers;

261   (v) researchers;

262   (vi) institutions of higher education; and

263   (vii) other stakeholders the state board determines to be appropriate.

264   (4) Before July 1, 2027, the state board shall:

265   (a) publish on the state board's website guidance and best practices identified through the study described in this section; and

267   (b) distribute the guidance and best practices to each LEA.

268   (5) Upon the request of the Education Interim Committee, the state board shall provide a report summarizing the study and the guidance described in Subsection (4) to the Education Interim Committee.

271   Section 3. **Effective date.**

This bill takes effect on July 1, 2026.

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