

Kirk A. Cullimore proposes the following substitute bill:

**Student Consent Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kirk A. Cullimore**

House Sponsor: Stephanie Gricius

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**LONG TITLE**

**General Description:**

This bill enacts provisions related to a student's educational data and informed consent.

**Highlighted Provisions:**

This bill:

- defines terms;
- enacts certain rights regarding student data;
- requires an education entity and institution of higher education to:
  - disclose student data under certain circumstances;
  - offer a secure, digital mechanism for obtaining informed consent; and
  - follow certain procedures when obtaining a student's informed consent;
- allows an education entity and an institution of higher education to impose certain limitations;
- prohibits an education entity and an institution of higher education from:
  - restricting a student's ability to grant informed consent;
  - requiring a student to waive certain rights; or
  - imposing certain limitations on a student's informed consent;
- requires a parent to provide informed consent on behalf of the parent's minor student;
- creates a private right of action; and
- allows the State Board of Education and the Utah Board of Higher Education to issue best practices for informed consent.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

29 ENACTS:

30 **53E-9-311**, Utah Code Annotated 1953

31 **53H-7-1001**, Utah Code Annotated 1953

32 **53H-7-1002**, Utah Code Annotated 1953

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

35 Section 1. Section **53E-9-311** is enacted to read:

36 **53E-9-311 . Disclosure of educational data -- Informed consent -- Access and**  
37 **disclosure.**

38 (1) As used in this section:

39 (a) "Bona fide educational purpose" means a need to access a student's educational data  
40 to provide services to the student directly related to the student's:

41 (i) educational program; or

42 (ii) participation in the workforce following completion of the student's educational  
43 program.

44 (b) "Educational data" means a student's:

45 (i) transcript data;

46 (ii) enrollment information;

47 (iii) course history; and

48 (iv) academic credentials.

49 (c) "Informed consent" means the same as that term is defined in Section 53H-7-1001.

50 (2) In accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. Sec.

51 1232g, this chapter, and other relevant state and federal privacy laws, student who is  
52 currently enrolled in, or has previously been enrolled in, an education entity has the right  
53 to:

54 (a) access the student's educational data; and

55 (b) authorize access to the student's educational data in accordance with this section.

56 (3) An education entity shall:

57 (a) subject to Subsection (9), disclose a student's educational data;

58 (b) beginning July 1, 2027, offer a secure digital or electronic mechanism as the primary  
59 method for obtaining informed consent under this section;

60 (c) allow informed consent in written form if a digital or electronic mechanism is not  
61 reasonably available to the student;

62 (d) when obtaining a student's consent through a digital or electronic consent mechanism;

- 63            (i) allow the student to review all consent information before authorization; and  
64            (ii) prohibit the bundling of unrelated terms or conditions with the consent request;  
65            and  
66            (e) regarding a limitation imposed under Subsection (5)(b):  
67            (i) clearly disclose the limitation at the time the entity grants access; and  
68            (ii) provide a reasonable mechanism that allows a student to re-access educational  
69            data after the expiration of a time-based or session-based limitation.  
70            (4) An education entity may impose reasonable time-based or session-based limitations on  
71            a student's technical method of access to educational data.  
72            (5) An education entity may not:  
73            (a) deny, delay, or restrict a student's ability to grant informed consent that complies  
74            with this section;  
75            (b) require a student to waive unrelated rights or agree to unrelated terms as a condition  
76            of granting informed consent; and  
77            (c) impose a limitation under Subsection (5)(b) that:  
78            (i) restricts the student's underlying right to access the student's educational data;  
79            (ii) prevents the student from requesting renewed access; or  
80            (iii) limits the student's ability to provide informed consent for disclosure of the  
81            student's educational data.  
82            (6) If a student is under 18 years old and the disclosure is to a party other than the student,  
83            an education entity shall obtain the parent's consent on behalf of the student in  
84            accordance with this section.  
85            (7) This section does not alter, limit, or supersede any right or obligation under:  
86            (a) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g;  
87            (b) this chapter; or  
88            (c) any other applicable state or federal privacy law.  
89            (8) The state board may issue nonbinding guidance regarding best practices for consent  
90            mechanisms that comply with the requirements of this section.  
91            (9) An education entity shall disclose a student's educational data to a third party under this  
92            section only:  
93            (a) with the informed consent of the student;  
94            (b) according to the terms of the document expressing the student's informed consent;  
95            (c) if the purpose of the disclosure stated in the document expressing the student's  
96            informed consent to the disclosure demonstrates a bona fide educational purpose in

97 the student's educational data; and

98 (d) subject to the agreement of the third party receiving the student's educational data:

99 (i) to use the student's educational data only as provided in the document expressing  
100 the student's informed consent to the disclosure; and

101 (ii) to not redisclose the student's educational data to any other party.

102 (10) A third party that receives the educational data of more than 10 students is subject to:

103 (a) the data privacy requirements described in Title 53E, Chapter 9, Part 3, Student Data  
104 Protection; and

105 (b) policies and administrative rules the state board adopts to protect student data.

106 (11)(a) A student whose educational data is shared as a result of a violation of a third  
107 party's failure to comply with the requirements of this section has a private right of  
108 action against the third party.

109 (b) A student described in Subsection (11)(a) does not have a private right of action  
110 against the education entity.

111 Section 2. Section **53H-7-1001** is enacted to read:

112 **Part 10. Student Data**

113 **53H-7-1001 . General provisions -- Definitions.**

114 As used in this part:

115 (1) "Bona fide educational purpose" means the same as that term is defined in Section  
116 53E-9-311.

117 (2) "Educational data" means a student's:

118 (a) transcript data;

119 (b) enrollment information;

120 (c) course history; and

121 (d) academic credentials.

122 (3) "Informed consent" means voluntary, affirmative, written authorization complying with  
123 the requirements of 34 C.F.R. Sec. 99.30 that a student provides after the individual is  
124 presented, in a clear manner, with sufficient information to reasonably understand:

125 (a) the educational data that is subject to access or disclosure;

126 (b) the purpose of the disclosure of the educational data;

127 (c) the recipient of the educational data disclosure;

128 (d) that the student has the right to revoke consent of disclosure of the educational data  
129 at any time;

130 (e) the scope and duration of the authorization to disclose the educational data; and

131 (f) whether consent is a condition of the student's participation in any educational  
132 program or activity.

133 Section 3. Section **53H-7-1002** is enacted to read:

134 **53H-7-1002 . Disclosure of educational data -- Informed consent -- Access and**  
135 **disclosure.**

136 (1) In accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. Sec.  
137 1232g, and other relevant state and federal privacy laws, a student who is currently  
138 enrolled in, or has previously been enrolled in, an institution has the right to:

139 (a) access the student's educational data; and

140 (b) authorize access to the student's educational data in accordance with this section.

141 (2) An institution shall:

142 (a) subject to Subsection (3), disclose a student's educational data;

143 (b) beginning July 1, 2027, offer a secure digital or electronic mechanism as the primary  
144 method for obtaining informed consent under this section;

145 (c) shall allow informed consent in written form if a digital or electronic mechanism is  
146 not reasonably available to the student;

147 (d) when obtaining a student's informed consent:

148 (i) allow the student to review all consent information before authorization;

149 (ii) allow the student to revoke consent at any time; and

150 (iii) prohibit the bundling of unrelated terms or conditions with the consent request;  
151 and

152 (e) regarding a limitation imposed under Subsection (5)(b):

153 (i) clearly disclose the limitation at the time the institution grants access; and

154 (ii) provide a reasonable mechanism that allows a student to re-access educational  
155 data after the expiration of a time-based or session-based limitation.

156 (3) An institution shall disclose a student's educational data under this section only:

157 (a) with the informed consent of the student;

158 (b) according to the terms of the document expressing the informed consent of the  
159 student;

160 (c) if the purpose of the disclosure stated in the document expressing the informed  
161 consent of the student to the disclosure demonstrates a bona fide educational purpose  
162 for the student's educational data; and

163 (d) subject to the agreement of the third party receiving the student's educational data:

164 (i) to use the student's educational data only as provided in the document expressing

- 165 the informed consent of the student to the disclosure; and  
166 (ii) to not redisclose the student's educational data to any other party.
- 167 (4) A third party that receives the educational data of more than 10 students is subject to:  
168 (a) data privacy requirements the Utah Board of Higher Education makes under  
169 Subsection 53H-14-502(5); and  
170 (b) policies regarding the protection of student data the institution adopts under  
171 Subsection 53H-14-502(1).
- 172 (5) An institution may impose reasonable time-based or session-based limitations on a  
173 student's technical method of access to educational data.
- 174 (6) An institution may not:  
175 (a) deny, delay, or restrict a student's ability to grant informed consent that complies  
176 with this section;  
177 (b) require a student to waive unrelated rights or agree to unrelated terms as a condition  
178 of granting informed consent; and  
179 (c) impose a limitation under Subsection (5)(b) that:  
180 (i) restricts the student's underlying right to access the student's educational data;  
181 (ii) prevents the student from requesting renewed access; or  
182 (iii) limits the student's ability to provide informed consent for disclosure of the  
183 student's educational data.
- 184 (7) This section does not alter, limit, or supersede any right or obligation under:  
185 (a) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; or  
186 (b) any other applicable state or federal privacy law.
- 187 (8) The Utah Board of Higher Education may issue nonbinding guidance regarding best  
188 practices for consent mechanisms that comply with the requirements of this section.
- 189 (9)(a) A student whose educational data is shared as a result of a violation of a third  
190 party's failure to comply with the requirements of this section has a private right of  
191 action against the third party.
- 192 (b) A student described in Subsection (9)(a) does not have a private right of action  
193 against the institution.

194 **Section 4. Effective Date.**

195 This bill takes effect on July 1, 2026.