

Effective 5/10/2016

53A-1-1407 Using and deleting student data -- Rulemaking -- Cumulative disciplinary record.

- (1) In accordance with Title 63G, Chapter 2, Government Records Access and Management Act, and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules regarding using and expunging student data, including:
 - (a) a categorization of cumulative disciplinary records that includes the following levels of maintenance:
 - (i) one year;
 - (ii) three years; and
 - (iii) except as required in Subsection (3), as determined by the education entity;
 - (b) the types of student data that may be expunged, including:
 - (i) medical records; and
 - (ii) behavioral test assessments; and
 - (c) the types of student data that may not be expunged, including:
 - (i) grades;
 - (ii) transcripts;
 - (iii) a record of the student's enrollment; and
 - (iv) assessment information.
- (2) In accordance with board rule, an education entity may create and maintain a cumulative disciplinary record for a student.
- (3)
 - (a) An education entity shall, in accordance with board rule, expunge a student's student data that is stored by the education entity if:
 - (i) the student is at least 23 years old; and
 - (ii) the student requests that the education entity expunge the student data.
 - (b) An education entity shall retain and dispose of records in accordance with Section 63G-2-604 and board rule.

Enacted by Chapter 221, 2016 General Session