

Effective 5/10/2016

Renumbered 1/24/2018

53A-1-1409 Sharing student data -- Prohibition -- Requirements for student data manager.

- (1) An education entity shall comply with this section beginning with the 2017-18 school year.
- (2) An education entity may not share a student's personally identifiable student data if the personally identifiable student data is not shared in accordance with:
 - (a) the Family Education Rights and Privacy Act and related provisions under 20 U.S.C. Secs. 1232g and 1232h; and
 - (b) this part.
- (3) A student data manager shall:
 - (a) authorize and manage the sharing, outside of the education entity, of personally identifiable student data from a cumulative record for the education entity as described in this section; and
 - (b) act as the primary local point of contact for the state student data officer described in Section 53A-1-1403.
- (4)
 - (a) Except as provided in this section or required by federal law, a student data manager may not share, outside of the education entity, personally identifiable student data from a cumulative record without a data authorization.
 - (b) A student data manager may share the personally identifiable student data of a student with the student and the student's parent.
- (5) A student data manager may share a student's personally identifiable student data from a cumulative record with:
 - (a) a school official;
 - (b) as described in Subsection (6), an authorized caseworker or other representative of the Department of Human Services; or
 - (c) a person to whom the student data manager's education entity has outsourced a service or function:
 - (i) to research the effectiveness of a program's implementation; or
 - (ii) that the education entity's employees would typically perform.
- (6) A student data manager may share a student's personally identifiable student data from a cumulative record with a caseworker or representative of the Department of Human Services if:
 - (a) the Department of Human Services is:
 - (i) legally responsible for the care and protection of the student; or
 - (ii) providing services to the student;
 - (b) the student's personally identifiable student data is not shared with a person who is not authorized:
 - (i) to address the student's education needs; or
 - (ii) by the Department of Human Services to receive the student's personally identifiable student data; and
 - (c) the Department of Human Services maintains and protects the student's personally identifiable student data.
- (7) The Department of Human Services, a school official, or the Utah Juvenile Court may share education information, including a student's personally identifiable student data, to improve education outcomes for youth:
 - (a) in the custody of, or under the guardianship of, the Department of Human Services;
 - (b) receiving services from the Division of Juvenile Justice Services;
 - (c) in the custody of the Division of Child and Family Services;

- (d) receiving services from the Division of Services for People with Disabilities; or
 - (e) under the jurisdiction of the Utah Juvenile Court.
- (8) Subject to Subsection (9), a student data manager may share aggregate data.
- (9)
- (a) If a student data manager receives a request to share data for the purpose of external research or evaluation, the student data manager shall:
 - (i) submit the request to the education entity's external research review process; and
 - (ii) fulfill the instructions that result from the review process.
 - (b) A student data manager may not share personally identifiable student data for the purpose of external research or evaluation.
- (10)
- (a) A student data manager may share personally identifiable student data in response to a subpoena issued by a court.
 - (b) A person who receives personally identifiable student data under Subsection (10)(a) may not use the personally identifiable student data outside of the use described in the subpoena.
- (11)
- (a) In accordance with board rule, a student data manager may share personally identifiable information that is directory information.
 - (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the board shall make rules to:
 - (i) define directory information; and
 - (ii) determine how a student data manager may share personally identifiable information that is directory information.