

**Effective 5/10/2016**

**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.

Enacted by Chapter 221, 2016 General Session