

Effective 7/1/2026

53E-3-527 Software in public schools study.

(1) As used in this section:

- (a) "Academic progress" means advancement toward mastery of state academic standards through practice, application, feedback, or demonstration of knowledge or skill.
- (b) "Academically effective" means software that:
 - (i) is designed to provide support or enable a student's active learning, skill development, or academic progress in the intended subject area;
 - (ii) where applicable, aligns with the public education core standards described in Section 53E-4-202;
 - (iii) does not employ design features that primarily:
 - (A) interfere with active learning; or
 - (B) undermine teacher instructional authority; and
 - (iv) contributes to or enables measurable academic progress or skill development when used as intended.
- (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.
- (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.
 - (ii) "Addictive design feature" includes the following features:
 - (A) infinite scroll;
 - (B) autoplay that continues beyond the educational task or lesson;
 - (C) points, badges, or other gamification rewards tied to time spent on the product rather than learning objectives or academic progress;
 - (D) persistent notifications prompting re-engagement when the product is not actively in use, unless:
 - (I) a teacher initiates the notification; and
 - (II) the notification is directly related to assigned schoolwork;
 - (E) personalized recommendation systems designed to maximize time-on-platform rather than learning outcomes; or
 - (F) engagement metrics, streaks, or social comparison features designed to create fear of missing out or compulsive checking behavior.
 - (iii) "Addictive design feature" does not include a:
 - (A) recommendation of next lessons or learning activities based on curriculum progression or mastery of prerequisites;
 - (B) notification about a teacher-assigned or course-required assignment, deadline, or teacher feedback; or
 - (C) feature that encourages active learning rather than passive consumption.
- (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.
- (f) "Digital privacy agreement" means a contract between a contracting entity and a digital provider that:
 - (i) ensures compliance with Chapter 9, Student Privacy and Data Protection; and
 - (ii) governs access, use, protection, retention, and disclosure of student data.
- (g) "Educational software" means software that:

- (i) serves an educational purpose; and
 - (ii) is designed for student instruction, assessment, or instructional support.
- (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.
- (i) "School-issued device" means any electronic hardware device an LEA provides to a student for educational use.
- (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.
- (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:
 - (A) runs on or is accessible from a school-issued device; and
 - (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.
 - (ii) "Software" includes software an individual uses during school hours in connection with school-related purposes for:
 - (A) instruction;
 - (B) assessment;
 - (C) communication;
 - (D) collaboration; or
 - (E) enrichment.
 - (iii) "Software" does not include physical, electronic hardware.
- (l)
 - (i) "Student data" means the same as that term is defined in Section 53E-9-301.
 - (ii) "Student data" includes a student's:
 - (A) personal data as that term is defined in Section 13-61-101;
 - (B) metadata, device identifiers, and clickstream data;
 - (C) behavioral, engagement, or usage data; and
 - (D) information a software collects, generates, or infers in the course of student use.
- (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.
- (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.
- (3) In conducting the study described in Subsection (2), the state board:
 - (a) shall review and evaluate best practices related to:
 - (i) the academic effectiveness of educational software, including whether software supports:
 - (A) active learning;
 - (B) skill development; and
 - (C) measurable academic progress;
 - (ii) the potential use, cost, benefits, and drawbacks of a single, statewide digital privacy agreement for all educational software used in a public school;
 - (iii) alignment of educational software with state academic standards;
 - (iv) the role of educational software in supporting or supplementing classroom instruction;
 - (v) the distinction between active learning and passive consumption in digital learning tools;

- (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;
 - (vii) digital privacy practices for student data, including:
 - (A) data minimization;
 - (B) security safeguards;
 - (C) breach notification practices;
 - (D) data retention and deletion practices; and
 - (E) limits on secondary use of student data;
 - (viii) the collection and use of student data, including:
 - (A) metadata;
 - (B) clickstream data;
 - (C) behavioral or engagement data; and
 - (D) biometric identifiers;
 - (ix) practices related to protecting a student from:
 - (A) advertising or promotional content;
 - (B) commercial exploitation of student data; and
 - (C) algorithmic systems that may prioritize engagement over learning outcomes;
 - (x) educational software design practices that may affect student engagement, including the use of addictive design features;
 - (xi) transparency regarding:
 - (A) data the software collects;
 - (B) third-party service providers or sub-processors; and
 - (C) embedded analytics or artificial intelligence systems;
 - (xii) the use of device features including cameras or microphones in educational software;
 - (xiii) best practices for evaluating the educational value of educational software; and
 - (xiv) any other issue the state board determines relevant to the responsible use of software in public education; and
- (b) may consult with:
- (i) educators;
 - (ii) LEAs;
 - (iii) parents;
 - (iv) technology and software providers;
 - (v) researchers;
 - (vi) institutions of higher education; and
 - (vii) other stakeholders the state board determines to be appropriate.
- (4) Before July 1, 2027, the state board shall:
- (a) publish on the state board's website guidance and best practices identified through the study described in this section; and
 - (b) distribute the guidance and best practices to each LEA.
- (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.

Enacted by Chapter 161, 2026 General Session