

## SB0034S01 compared with SB0034

~~{deleted text}~~ shows text that was in SB0034 but was deleted in SB0034S01.

inserted text shows text that was not in SB0034 but was inserted into SB0034S01.

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Senator Howard A. Stephenson proposes the following substitute bill:

### GOVERNANCE OF THE UTAH EDUCATION AND WORKFORCE ALLIANCE

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Howard A. Stephenson**

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

~~{Committee Note:~~

~~—The Education Task Force recommended this bill.~~

~~{General Description:~~

This bill establishes the Utah Education and Workforce Alliance and amends certain provisions related to Utah Futures.

#### **Highlighted Provisions:**

This bill:

- ▶ establishes the Utah Education and Workforce Alliance and the Utah Education and Workforce Alliance Governing Board;
- ▶ requires the Utah Education and Workforce Alliance to provide certain information

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from the Utah Education and Workforce Alliance Data Warehouse to the Office of the Legislative Fiscal Analyst ~~{or}~~, the Office of Legislative Research and General Counsel, the Governor's Office of Management and Budget, or the Governor's Office of Economic Development;

- ▶ allows certain entities to refuse to provide data to the Utah Education and Workforce Alliance under certain circumstances;
- ▶ provides duties for the Utah Education and Workforce Alliance Governing Board, including:
  - requiring the governing board to appoint an executive director for the Utah Education and Workforce Alliance;
  - providing policy direction to the executive director, the Utah Education and Workforce Alliance Advisory Committee, and the Utah Futures Advisory Committee;
  - ~~{~~ • ~~by August 1, 2014, evaluating and determining whether any, or all, components of Utah Futures should be outsourced to a private provider; and~~
  - ~~}~~ • reporting ~~{the governing board's determination regarding Utah Futures}~~ annually to the Education Interim Committee and the Executive Appropriations Committee; and
    - conducting a certain study and reporting to the Education Interim Committee;
- ▶ gives rulemaking authority to the Utah Education and Workforce Alliance Governing Board;
- ▶ creates the Utah Education and Workforce Alliance Advisory Committee and provides for the appointment of members to the committee;
- ▶ amends provisions related to Utah Futures and establishes the Utah Futures Advisory Committee, which reports to the Utah Education and Workforce Alliance Governing Board;
- ▶ establishes an evaluation panel to evaluate and determine whether any or all components of Utah Futures should be outsourced to a private provider;
- ▶ defines terms; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

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None

### Other Special Clauses:

None

### Utah Code Sections Affected:

#### AMENDS:

**53B-17-104**, as last amended by Laws of Utah 2012, Chapter 16

#### ENACTS:

**53B-26-101**, Utah Code Annotated 1953

**53B-26-201**, Utah Code Annotated 1953

**53B-26-202**, Utah Code Annotated 1953

**53B-26-203**, Utah Code Annotated 1953

**53B-26-204**, Utah Code Annotated 1953

**53B-26-205**, Utah Code Annotated 1953

#### RENUMBERS AND AMENDS:

**53B-26-102**, (Renumbered from 53B-17-102, as last amended by Laws of Utah 2012, Chapter 16)

**53B-26-301**, (Renumbered from 53A-1-410, as enacted by Laws of Utah 2012, Chapter 392)

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

Section 1. Section **53B-17-104** is amended to read:

**53B-17-104. Responsibilities of the State Board of Regents, the State Board of Education, the University of Utah, KUED - TV, KUER - FM, and UEN related to public broadcasting and telecommunication for education and government.**

(1) Subject to applicable rules of the Federal Communications Commission and Section [~~53B-17-102~~] 53B-26-101, the State Board of Regents, the State Board of Education, and the University of Utah, KUED - TV, KUER - FM, and UEN shall:

(a) coordinate statewide services of public radio and television;

(b) develop, maintain, and operate statewide distribution systems for KUED - TV, KUER - FM, and KUEN, the statewide distance learning service, the educational data network, connections to the Internet, and other telecommunications services appropriate for providing

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video, audio, and data telecommunication services in support of public and higher education, state government, and public libraries;

(c) support the delivery of these services to as many communities as may be economically and technically feasible and lawfully permissible under the various operating licenses;

(d) cooperate with state and local governmental and educational agencies and provide leadership and consulting service for telecommunication for education;

(e) represent the state with privately owned telecommunications systems to gain access to their networks for the delivery of programs and services sponsored or produced by public and higher education;

(f) acquire, produce, coordinate, and distribute a variety of programs and services of an educational, cultural, informative, and entertaining nature designed to promote the public interest and welfare of the state;

(g) coordinate with the state system of higher education to acquire, produce, and distribute broadcast and nonbroadcast college credit telecourses, teleconferences, and other instructional and training services;

(h) coordinate with school districts and public schools to acquire, produce, and distribute broadcast and nonbroadcast telecourses, teleconferences, and other instructional and training services to the public schools;

(i) coordinate the development of a clearing house for the materials, courses, publications, media, software, and other applicable information related to the items addressed in Subsections (1)(g) and (h);

(j) coordinate the provision of the following services to public schools:

(i) broadcast, during school hours, of educational and administrative programs recommended by the State Board of Education;

(ii) digitization of programs for broadcast purposes; and

(iii) program previewing;

(k) share responsibility for Instructional Television (ITV) awareness and utilization;  
and

(l) provide teleconference and training services for state and local governmental agencies.

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(2) This section neither regulates nor restricts a privately owned company in the distribution or dissemination of education programs.

Section 2. Section **53B-26-101** is enacted to read:

### **CHAPTER 26. UTAH EDUCATION NETWORK**

#### **Part 1. Utah Education Network**

##### **53B-26-101. Title.**

This chapter is known as the "Utah Education Network."

Section 3. Section **53B-26-102**, which is renumbered from Section 53B-17-102 is renumbered and amended to read:

##### **[53B-17-102]. 53B-26-102. Utah education network.**

(1) (a) As used in this ~~[part]~~ chapter, "Utah Education Network" and "UEN" mean a consortium and partnership between public and higher education established to:

(i) coordinate and support the telecommunications needs of public and higher education, public libraries, and entities affiliated with the state systems of public and higher education as approved by the Utah Education Network Board, including the statewide development and implementation of a network for education, utilizing satellite, microwave, fiber-optic, broadcast, and other transmission media;

(ii) coordinate the various telecommunications technology initiatives of public and higher education;

(iii) provide high-quality, cost-effective Internet access and appropriate interface equipment for schools and school systems;

(iv) procure, install, and maintain telecommunication services and equipment on behalf of public and higher education;

(v) develop or implement other programs or services for the delivery of distance learning as directed by law; and

(vi) apply for state and federal funding on behalf of public and higher education.

(b) In performing the duties under this Subsection (1), UEN shall:

(i) provide services to schools, school districts, and the public and higher education systems through an open and competitive bidding process;

(ii) work with the private sector to deliver high-quality, cost-effective services;

(iii) avoid duplicating facilities, equipment or services of private providers of public

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telecommunications service, as defined under Section 54-8b-2;

(iv) utilize statewide economic development criteria in the design and implementation of the educational telecommunications infrastructure; and

(v) assure that public service entities such as educators, public service providers, and public broadcasters are provided access to the telecommunications infrastructure developed in the state.

(2) The University of Utah shall provide administrative management for UEN.

(3) (a) The Utah Education Network Board, which is the governing board for UEN, is created.

(b) The Utah Education Network Board shall be appointed as follows:

(i) (A) The State Board of Education shall appoint four members to represent the state system of public education.

(B) In selecting members to represent the state system of public education, the State Board of Education shall select members from different regions of the state and both urban and rural areas.

(ii) (A) The commissioner of higher education shall appoint four members to represent the state system of higher education.

(B) In selecting members to represent the state system of higher education, the commissioner of higher education shall select members from different regions of the state and both urban and rural areas.

(iii) The president of the Utah College of Applied Technology shall appoint one member to represent the Utah College of Applied Technology.

(iv) The governor shall appoint:

(A) one member to represent the state library; and

(B) one member to represent the Office of the Governor.

(c) Except as required by Subsection (3)(d), members shall be appointed to four-year terms.

(d) The governor, State Board of Education, and commissioner of higher education shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of Utah Education Network Board members are staggered so that approximately half of the Utah Education Network Board is appointed every two years.

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(e) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(f) (i) The Utah Education Network Board shall elect:

(A) a cochair from the members representing the state system of public education; and

(B) a cochair from the members representing the state system of higher education.

(ii) The cochairs shall set the agenda for Utah Education Network Board meetings.

(4) A member of the Utah Education Network Board may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(5) The Utah Education Network Board shall:

(a) hire an executive director for UEN, and may terminate the executive director's employment or assignment;

(b) determine the executive director's salary;

(c) annually conduct a performance evaluation of the executive director;

(d) establish policies the Utah Education Network Board determines are necessary for the operation of UEN and the administration of UEN's duties;

(e) advise UEN in:

(i) the development and operation of a coordinated, statewide, multi-option telecommunications system to assist in the delivery of educational services throughout the state; and

(ii) acquiring, producing, and distributing instructional content; and

(f) establish an advisory council to assist the Utah Education Network Board in performing its responsibilities under Subsection (5)(e).

(6) The executive director of UEN shall be an at-will employee.

(7) UEN shall locate and maintain educational telecommunication infrastructure throughout the state.

(8) Educational institutions shall manage site operations under policy established by

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UEN.

(9) Subject to future budget constraints, the Legislature shall provide an annual appropriation to operate UEN.

(10) If the network operated by the Department of Technology Services is not available, UEN may provide network connections to the central administration of counties and municipalities for the sole purpose of transferring data to a secure facility for backup and disaster recovery.

Section 4. Section **53B-26-201** is enacted to read:

### **Part 2. Utah Education and Workforce Alliance**

#### **53B-26-201. Title -- Definitions.**

(1) This part is known as "Utah Education and Workforce Alliance."

(2) As used in this part:

(a) "Executive director" means the executive director of the UEWA appointed by the UEWA Governing Board as described in Subsection 53A-26-204(1).

~~1~~ (b) "Office" means:

(i) the Office of the Legislative Fiscal Analyst; ~~or~~

(ii) the Office of Legislative Research and General Counsel;~~;~~

(iii) the Governor's Office of Management and Budget; or

(iv) the Governor's Office of Economic Development.

(c) "Personally identifiable information" has the same meaning as defined by the Family Educational Rights and Privacy Act in 34 C.F.R. Sec. 99.3.

(d) "UEWA" means the Utah Education and Workforce Alliance established in Section 53B-26-202.

(e) "UEWA Advisory Committee" means the Utah Education and Workforce Alliance Advisory Committee created in Section 53B-26-205.

(f) "UEWA Data Warehouse" means the Utah Education and Workforce Alliance Data Warehouse managed and operated by the UEWA.

(g) "UEWA Governing Board" means the Utah Education and Workforce Alliance Governing Board created in Section 53B-26-203.

Section 5. Section **53B-26-202** is enacted to read:

**53B-26-202. Utah Education and Workforce Alliance established -- Access to**



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### UEWA data by legislative staff.

(1) The Utah Education and Workforce Alliance is a consortium and partnership ~~between~~ among the following members:

- (a) the State Board of Education~~;~~
- (b) the Board of Regents~~;~~
- (c) the Utah College of Applied Technology~~;~~
- (d) the Department of Workforce Services~~;~~
- (e) the Utah Education Network~~;~~ and
- (f) the Utah Education Policy Center.

(2) (a) The UEWA is established to enhance the quality of educational and workforce data through building, maintaining, and utilizing an integrated and confidential statewide data system with public education, higher education, and workforce data.

—

(b) A member described in Subsection (1) that provides data to the statewide data system described in Subsection (2)(a) may refuse to continue providing data to the system if the entity believes that:

(i) the security of the system is not reasonably sufficient to prevent access to the stored data in the system by an unauthorized user; or

(ii) when UEWA allows access to the data, the data:

(A) overtly discloses personally identifiable information to a data user; or

(B) provides enough evidence to a data user to discern personally identifiable information from the data.

(c) A member described in Subsection (1) may access the statewide data system described in Subsection (2)(a).

(3) (a) Except as provided in Subsection (3)(b), the UEWA shall, at the request of an office, provide access to information in the UEWA Data Warehouse to the office.

(b) An office may not request and the UEWA may not provide to an office a person's personally identifiable information.

(c) An office that requests information from the UEWA in accordance with this section shall ensure that the office has a current memorandum of understanding with the UEWA that details the office's responsibility for ensuring the confidentiality and security of the data that

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complies with all federal and state requirements.

(d) A person may not request information from an office under Title 63G, Chapter 2, Government Records Access and Management Act, if that office received the information from the UEWA in accordance with this Subsection (3).

(e) An office that requests information from the UEWA in accordance with this section accepts all liability and responsibility for any data breach or inappropriate access that occurs as a result of the office having access to the UEWA data.

Section 6. Section **53B-26-203** is enacted to read:

### **53B-26-203. Utah Education and Workforce Alliance Governing Board --**

#### **Members.**

(1) There is created the Utah Education and Workforce Alliance Governing Board within the Utah Education Network, composed of:

(a) the following **voting** members:

(~~fa~~)i) the ~~governor~~**governor's education advisor** or the governor's **education advisor's** designee;

(~~fb~~) the chief information officer described in Section ~~63F-1-201~~;

(~~c~~) ~~six~~**ii) four** private sector members who represent business, appointed by the governor;

(~~fd~~**iii**) one member who represents the Utah Public Education System, appointed by the State Board of Education;

(~~fe~~**iv**) one member who represents the Utah System of Higher Education, appointed by the Board of Regents;

(~~ff~~**v**) one member who represents the Department of Workforce Services, appointed by the executive director of the Department of Workforce Services;

(~~fg~~**vi**) one member who represents the Utah College of Applied of Technology, appointed by the Utah College of Applied Technology Board of Trustees;

{ ~~fh~~ one member who represents the Utah Education Policy Center, appointed by the Utah Education Policy Center;

{ ~~fi~~**vii**) one member who represents high school students, appointed by the governor; and

(~~fi~~**viii**) one member who represents students, appointed by the Utah Student

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Association~~f,t~~; and

(b) the following nonvoting members:

(i) one member who represents the Utah Education Policy Center, appointed by the Utah Education Policy Center; and

(ii) the chief information officer described in Section 63F-1-201.

(2) Except as required by Subsection (3), members appointed by the governor, State Board of Education, State Board of Regents, executive director of the Department of Workforce Services, or the Utah College of Applied Technology Board of Trustees shall be appointed to four-year terms.

(3) (a) Notwithstanding the requirements of Subsection (2), the length of terms of the members shall be staggered so that approximately half of the committee is appointed every two years.

(b) The length of terms of the student members described in Subsections (1)(~~fi~~a)(vii) and (~~fi~~viii):

(i) shall be set by the appointing entity; and

(ii) may vary as needed.

(4) (a) The governor~~, or the governor's designee,~~ shall ~~serve as~~ appoint a chair of the UEWA Governing Board.

(b) The chair shall set the agenda for UEWA Governing Board meetings.

(5) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term.

(6) Attendance of a simple majority of the members constitutes a quorum for the transaction of official committee business.

(7) Formal action by the committee requires a majority vote of a quorum.

(8) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:

(a) Section 63A-3-106;

(b) Section 63A-3-107; and

(c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.

(9) The Utah Education Network shall provide staff support to the UEWA Governing

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### Board.

Section 7. Section **53B-26-204** is enacted to read:

#### **53B-26-204. Utah Education and Workforce Alliance Governing Board duties -- Appointment of an executive director -- Reporting requirements.**

(1) The UEWA Governing Board shall:

(a) appoint an executive director to act on behalf of the UEWA Governing Board to administer and operate the UEWA:

(b) provide policy direction to the executive director, the UEWA Advisory Committee, and the Utah Futures Advisory Committee;

(c) hire employees or contract with participating state agencies to administer and operate the UEWA, including the state's UEWA Data Warehouse and other data reporting programs;

~~{ by August 1, 2014, using the criteria described in Subsection (2), evaluate and determine whether any, or all, components of Utah Futures, described in Section 53B-26-301, should be outsourced to a private provider;~~

~~{ (c) report the {UEWA Governing Board's} evaluation panel's determination regarding the determination described in} under Subsection 53B-26-301({1})(d)5) to each of the Education Interim Committee and the Executive Appropriations Committee on or before each {committees'} committee's September 2014 {meetings} meeting;~~

~~{f}e) develop an extensive dashboard with information accessible by the public;~~

~~{g}f) ensure privacy and confidentiality of individual data as required by Section 53A-13-301, Section 53A-13-302, 20 U.S.C. 1232g, Family Educational Rights and Privacy Act, and 34 C.F.R. Part 99;~~

~~{h}g) develop a policy to protect private sensitive information that is stored, processed, or transmitted using UEWA resources;~~

~~{i}h) identify appropriate education policy questions that may be addressed or analyzed by the alliance;~~

~~{j}i) develop a policy for data requests;~~

~~{k}j) develop data use policies;~~

~~{l}k) evaluate the quality of the data going into the UEWA Data Warehouse; {and}~~

~~{m}l) annually report to both the Education Interim Committee and the Executive~~

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Appropriations Committee~~f~~

~~G~~

~~(m) before November 30, 2014, conduct a study regarding:~~

~~(i) how to integrate and interface the data contributed to the statewide data system~~

~~described in Subsection 53B-26-202(2)(a); and~~

~~(ii) an office location for UEWA; and~~

~~(n) report to the Education Interim Committee before November 30, 2014:~~

~~(i) recommendations based on the results of the study described in Subsection (1)(m);~~

~~and~~

~~(ii) on the results of creating UEWA.~~

~~(2) The UEWA Governing Board {shall consider at least the following criteria to evaluate and determine whether any, or all, components of Utah Futures, as required in Subsection (1)(d), should be outsourced to a private provider or continue to be developed or built in-house by the participating state agencies:~~

~~—— (a) comparing the complete functional capabilities of a private technology provider versus an in-house version;~~

~~—— (b) evaluating a cost analysis of purchasing privately developed technology versus continuing to develop or build an in-house version;~~

~~—— (c) evaluating the data and security capabilities of a private technology provider versus an in-house version;~~

~~—— (d) comparing the time frames to implementation; and~~

~~—— (e) considering the best practices and examples of other states who have implemented a tool similar to Utah Futures} may:~~

~~(a) hire staff; and~~

~~(b) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules to administer this part.~~

Section 8. Section **53B-26-205** is enacted to read:

**53B-26-205. Utah Education and Workforce Alliance Advisory Committee.**

(1) There is created the Utah Education and Workforce Alliance Advisory Committee to assist the UEWA Governing Board to administer and operate the UEWA.

(2) The UEWA Governing Board shall appoint members to the UEWA Advisory

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### Committee.

(3) The UEWA Advisory Committee shall include at least one staff member from each of the following entities:

- (a) the State Board of Education;
- (b) the State Board of Regents;
- (c) the Utah College of Applied Technology;
- (d) the Department of Workforce Services;
- (e) the Utah Education Network; and
- (f) the Utah Education Policy Center.

(4) The executive director shall serve as the chair of the UEWA Advisory Committee.

Section 9. Section **53B-26-301**, which is renumbered from Section 53A-1-410 is renumbered and amended to read:

### **Part 3. Utah Futures**

~~[53A-1-410].~~      **53B-26-301. Utah Futures.**

(1) As used in this section:

(a) "Education provider" means:

- (i) a Utah institution of higher education as defined in Section 53B-2-101; or
- (ii) a Utah provider of postsecondary education.

(b) "Student user" means:

- (i) a Utah student in kindergarten through grade 12;
- (ii) a Utah post secondary education student;
- (iii) a parent or guardian of a Utah public education student; or
- (iv) a Utah potential post secondary education student.

(c) "Other user" means:

- (i) a jobseeker;
- (ii) an adult user;
- (iii) a Utah business user; or
- (iv) any Utah citizen.

(d) "Utah Futures" means a career planning program developed and administered by the [~~Department of Workforce Services, the State Board of Regents, and the State Board of Education~~] UEWA Governing Board.

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(e) "Utah Futures [~~Steering~~ Advisory Committee" means a committee of members designated by the [~~governor~~] UEWA Governing Board to administer and manage Utah Futures in collaboration with the Department of Workforce Services, the State Board of Regents, and the State Board of Education.

(2) The Utah Futures [~~Steering~~ Advisory Committee, under the direction of the UEWA Governing Board, shall ensure, as funding allows and is feasible, that Utah Futures will:

(a) allow a student user to:

(i) access the student user's full academic record;

(ii) electronically allow the student user to give access to the student user's academic record and related information to an education provider as allowed by law;

(iii) access information about different career opportunities and understand the related educational requirements to enter that career;

(iv) access information about education providers;

(v) access up to date information about entrance requirements to education providers;

(vi) apply for entrance to multiple schools without having to fully replicate the application process;

(vii) apply for loans, scholarships, or grants from multiple education providers in one location without having to fully replicate the application process for multiple education providers; and

(viii) research open jobs from different companies within the user's career interest and apply for those jobs without having to leave the website to do so;

(b) allow an other user to:

(i) access information about different career opportunities and understand the related educational requirements to enter that career;

(ii) access information about education providers;

(iii) access up-to-date information about entrance requirements to education providers;

(iv) apply for entrance to multiple schools without having to fully replicate the application process;

(v) apply for loans, scholarships, or grants from multiple education providers in one location without having to fully replicate the application process for multiple education

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providers; and

(vi) research open jobs from different companies within the user's career interest and apply for those jobs without having to leave the website to do so;

~~[(b)]~~ (c) allow an education provider to:

- (i) research and find student users who are interested in various educational outcomes;
- (ii) promote the education provider's programs and schools to student users; and
- (iii) connect with student users within the Utah Futures website;

~~[(c)]~~ (d) allow a Utah business to:

(i) research and find student users who are pursuing educational outcomes that are consistent with jobs the Utah business is trying to fill now or in the future; and

(ii) market jobs and communicate with student users through the Utah Futures website as allowed by law;

~~[(d)]~~ (e) allow the Department of Workforce Services to analyze and report on student user interests, education paths, and behaviors within the education system so as to predictively determine appropriate career and educational outcomes and results; and

~~[(e)]~~ (f) allow all users of the Utah Futures' system to communicate and interact through social networking tools within the Utah Futures website as allowed by law.

(3) On or before ~~[May 15, 2012]~~ October 1, 2014, the ~~[State Board of Education]~~ UEWA Governing Board, in consultation with the Utah Futures ~~[Steering]~~ Advisory Committee, may select a technology provider, through a request for proposals process, to provide technology and support for Utah Futures.

(4) In evaluating proposals under Subsection (3), the ~~[State Board of Education]~~ UEWA Governing Board and the Utah Futures ~~[Steering]~~ Advisory Committee shall ensure that the technology provided by a proposer:

(a) allows Utah Futures to license ~~[and host]~~ the selected service oriented architecture technologies ~~[on Utah Futures' servers]~~;

(b) allows Utah Futures to protect ~~[and control]~~ all user data within the system by leveraging role architecture;

(c) allows Utah Futures to ~~[directly control and]~~ update the user interface, APIs, and web services software layers as needed; ~~[and]~~

(d) provides the ability for a student user to have a secure profile and login to access



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and to store personal information related to the services listed in Subsection (2) via the Internet[-];

(e) protects all user data within Utah Futures;

(f) allows the UEWA Governing Board to license the technology of the selected technology provider; and

(g) provides technology able to support application programming interfaces to integrate technology of other third party providers, which may include cloud-based technology.

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### Legislative Review Note

~~as of 12-10-13 1:20 PM~~

~~Office of Legislative Research and General Counsel; (5) (a) On or before August 1, 2014, the evaluation panel described in Subsection (5)(b), using the criteria described in Subsection (5)(c), shall evaluate Utah Futures and determine whether any or all components of Utah Futures, as described in this section, should be outsourced to a private provider or built in-house by the participating state agencies.~~

~~(b) The evaluation panel described in Subsection (5)(a) shall consist of the following members, appointed by the governor:~~

~~(i) five members who represent business, including:~~

~~(A) one member who has extensive knowledge and experience in information technology; and~~

~~(B) one member who has extensive knowledge and experience in human resources;~~

~~(ii) one member who is a user of the information provided by Utah Futures;~~

~~(iii) one member who is a parent of a student who uses Utah Futures;~~

~~(iv) one member who is:~~

~~(A) an educator as defined in Subsection 53A-6-103; and~~

~~(B) teaches students who use Utah Futures; and~~

~~(v) one member who is a high school counselor licensed under Title 53A, Chapter 6,~~

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### Educator Licensing and Professional Practices Act.

(c) The evaluation panel described in Subsections (5)(a) and (b) shall consider at least the following criteria to make the determination described in Subsection (5)(a):

(i) the complete functional capabilities of a private technology provider versus an in-house version;

(ii) the cost of purchasing privately developed technology versus continuing to develop or build an in-house version;

(iii) the data and security capabilities of a private technology provider versus an in-house version;

(iv) the time frames to implementation; and

(v) the best practices and examples of other states who have implemented a tool similar to Utah Futures.