

Senator Jacob L. Anderegg proposes the following substitute bill:

HIGHER EDUCATION DATA PRIVACY AND GOVERNANCE

REVISIONS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jacob L. Anderegg

House Sponsor: Jefferson Moss

LONG TITLE

General Description:

This bill enacts and amends provisions related to higher education data privacy and governance.

Highlighted Provisions:

This bill:

▶ transfers the Utah Data Resource Center (center) from the Department of Workforce Services to the Utah System of Higher Education;

▶ expands the duties of the center by requiring the center to collect and promote access to data from institutions of higher education and collaborate with the Board of Higher Education and the State Board of Education to coordinate access to certain student identifier information;

▶ requires the commissioner of higher education to:

- appoint a director of the center, to
- serve as chair of the Utah Data Research Advisory Board, and
- appoint the member who represents the center to the School Readiness Board;

▶ requires the center to include information regarding the center's activities and accomplishments in the center's annual report to the Legislature;



- 26 ▶ provides for higher education student data protection at the state and institution of
- 27 higher education (institution) levels;
- 28 ▶ requires the state privacy officer to establish a privacy advisory group;
- 29 ▶ enacts requirements for data protection and maintenance for the Utah Board of
- 30 Higher Education, institutions, and third-party contractors;
- 31 ▶ creates penalties for a third-party contractor that permits unauthorized collecting,
- 32 sharing, or use of student data;
- 33 ▶ defines terms; and
- 34 ▶ makes technical and conforming changes.

35 Money Appropriated in this Bill:

36 This bill appropriates in fiscal year 2023:

- 37 ▶ to Utah Board of Higher Education -- Administration, as an ongoing appropriation:
- 38 • from the Education Fund, \$770,000; and
- 39 ▶ to Utah Board of Higher Education -- Administration, as a one-time appropriation:
- 40 • from the Education Fund, \$275,000.

41 Other Special Clauses:

42 This bill provides a special effective date.

43 Utah Code Sections Affected:

44 AMENDS:

45 **35A-15-201**, as last amended by Laws of Utah 2019, Chapters 246, 246 and

46 renumbered and amended by Laws of Utah 2019, Chapters 342, 342 and last

47 amended by Coordination Clause, Laws of Utah 2019, Chapter 342

48 **53B-1-109**, as last amended by Laws of Utah 2020, Chapter 365

49 **53E-1-201**, as last amended by Laws of Utah 2021, Chapters 64, 251, and 351

50 **53E-4-308**, as last amended by Laws of Utah 2020, Chapter 365

51 **53E-10-706**, as last amended by Laws of Utah 2019, Chapter 186

52 **53E-10-707**, as last amended by Laws of Utah 2019, Chapter 186

53 ENACTS:

54 **53B-28-501**, Utah Code Annotated 1953

55 **53B-28-502**, Utah Code Annotated 1953

56 **53B-28-503**, Utah Code Annotated 1953

57 **53B-28-504**, Utah Code Annotated 1953

58 **53B-28-505**, Utah Code Annotated 1953

59 **53B-28-506**, Utah Code Annotated 1953

60 RENUMBERS AND AMENDS:

61 **53B-33-101**, (Renumbered from 35A-14-102, as last amended by Laws of Utah 2020,
62 Chapter 365)

63 **53B-33-201**, (Renumbered from 35A-14-201, as enacted by Laws of Utah 2017,
64 Chapter 375)

65 **53B-33-202**, (Renumbered from 35A-14-203, as last amended by Laws of Utah 2020,
66 Chapter 365)

67 **53B-33-203**, (Renumbered from 35A-14-204, as enacted by Laws of Utah 2017,
68 Chapter 375)

69 **53B-33-301**, (Renumbered from 35A-14-301, as enacted by Laws of Utah 2017,
70 Chapter 375)

71 **53B-33-302**, (Renumbered from 35A-14-302, as last amended by Laws of Utah 2020,
72 Chapter 365)

73 **53B-33-303**, (Renumbered from 35A-14-303, as enacted by Laws of Utah 2017,
74 Chapter 375)

75 **53B-33-304**, (Renumbered from 35A-14-304, as enacted by Laws of Utah 2017,
76 Chapter 375)

77 REPEALS:

78 **35A-14-101**, as enacted by Laws of Utah 2017, Chapter 375

79 **35A-14-202**, as enacted by Laws of Utah 2017, Chapter 375



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

82 Section 1. Section **35A-15-201** is amended to read:

83 **35A-15-201. Establishment of the School Readiness Board -- Membership --**

84 **Funding prioritization.**

85 (1) There is created the School Readiness Board within the department composed of:

86 (a) the executive director or the executive director's designee;

87 (b) one member appointed by the State Board of Education;

88 (c) one member appointed by the chair of the State Charter School Board;

89 (d) two members who have research experience in the area of early childhood

90 development, with:

91 (i) one member who is not a legislator and is appointed by the speaker of the House of

92 Representatives; and

93 (ii) one member who represents the Utah Data Research Center created in Section

94 [53B-33-201](#), appointed by the [~~executive director~~] commissioner of higher education;

95 (e) one member, who is not a legislator and is appointed by the president of the Senate,

96 who:

97 (i) has expertise in results-based contracts; or

98 (ii) represents a financial institution that has experience managing a portfolio that

99 meets the requirements of the Community Reinvestment Act, 12 U.S.C. Sec. 2901 et seq.;

100 (f) one member, appointed by the executive director, who has expertise in early
101 childhood education;

102 (g) one member, appointed by the state superintendent, who has expertise in early
103 childhood education;

104 (h) one member, appointed by the governor, who represents a nonprofit corporation
105 that focuses on early childhood education; and

106 (i) one member, appointed by the executive director, who owns and operates a licensed
107 child care center located in the state.

108 (2) (a) A member described in Subsection (1)(b), (c), (d), (e), (f), (g), or (h) shall serve
109 for a term of two years.

110 (b) If a vacancy occurs for a member described in Subsection (1)(b), (c), (d), (e), (f),
111 (g), or (h), the individual appointing the member shall appoint a replacement to serve the
112 remainder of the member's term.

113 (3) (a) A member may not receive compensation or benefits for the member's service.

114 (b) A member may serve more than one term.

115 (4) The department shall provide staff support to the board.

116 (5) (a) The board members shall elect a chair of the board from the board's
117 membership.

118 (b) The board shall meet upon the call of the chair or a majority of the board members.

119 (6) In allocating funding received under this chapter, the board shall:

120 (a) give first priority to repayment of an investor who is a party to a results-based
121 contract under the Laws of Utah, 2014, Chapter 304, Section 10; and

122 (b) determine prioritization of funding for the remaining programs described in this
123 chapter.

124 Section 2. Section **53B-1-109** is amended to read:

125 **53B-1-109. Coordination of higher education and public education information**
126 **technology systems -- Use of unique student identifier.**

127 (1) As used in this section[~~,"unique"~~]:

128 (a) "Center" means the Utah Data Research Center created in Section 53B-33-201.

129 (b) "Institution of higher education" means an institution of higher education described
130 in Section 53B-1-102.

131 (c) student identifier" means the same as that term is defined in Section 53E-4-308.

132 (2) The board and State Board of Education, in collaboration with the center, shall:

133 (a) coordinate public education and higher education information technology systems
134 to allow individual student academic achievement to be tracked through both education
135 systems in accordance with this section and Section 53E-4-308[~~;~~]; and

136 (b) coordinate access to the unique student identifier of a public education student who
137 later attends an institution of higher education.

138 (3) Information technology systems used at an institution [~~within the state system~~] of
139 higher education shall use the unique student identifier of all students who have previously
140 been assigned a unique student identifier.

141 Section 3. Section **53B-28-501** is enacted to read:

142 **Part 5. Higher Education Student Data Protection**

143 **53B-28-501. Definitions.**

144 As used in this part:

145 (1) "Advisory group" means the institution of higher education privacy advisory group
146 established by the state privacy officer under Section 53B-28-502.

147 (2) "Aggregate data" means data that:

148 (a) are totaled and reported at the group, cohort, class, course, institution, region, or
149 state level, with at least 10 individuals in the level; and

- 150 (b) do not reveal personally identifiable student data.
- 151 (3) "Data breach" means an unauthorized release of or unauthorized access to
152 personally identifiable student data that an education entity maintains.
- 153 (4) "Data governance plan" means an education entity's comprehensive plan for
154 managing education data that:
- 155 (a) incorporates reasonable data industry best practices to maintain and protect student
156 data and other education-related data;
- 157 (b) describes the role, responsibility, and authority of the board or an institution privacy
158 officer;
- 159 (c) provides for necessary technical assistance, training, support, and auditing;
- 160 (d) describes the process for sharing student data between the education entity and
161 another person;
- 162 (e) describes the education entity's data expungement process, including how to
163 respond to requests for expungement;
- 164 (f) describes the data breach response process; and
- 165 (g) is published annually and available on the institution's website or the Utah System
166 of Higher Education's website.
- 167 (5) "Education entity" means the Utah Board of Higher Education or an institution.
- 168 (6) "Higher education privacy officer" means a privacy officer that the board designates
169 under Section [53G-28-503](#).
- 170 (7) "Institution" means an institution of higher education described in Section
171 [53B-1-102](#).
- 172 (8) "Minor" means a person younger than 18 years old.
- 173 (9) (a) "Personally identifiable student data" means student data that identifies or is
174 used by the holder to identify a student.
- 175 (b) "Personally identifiable student data" includes:
- 176 (i) a student's first and last name;
- 177 (ii) the first and last name of a student's family member;
- 178 (iii) a student's or a student's family's home or physical address;
- 179 (iv) a student's email address or other online contact information;
- 180 (v) a student's telephone number;

- 181 (vi) a student's social security number;
182 (vii) a student's biometric identifier;
183 (viii) a student's health or disability data;
184 (ix) a student's education entity student identification number;
185 (x) a student's social media user name and password or alias;
186 (xi) if associated with personally identifiable student data, the student's persistent
187 identifier, including:
188 (A) a customer number held in a cookie; or
189 (B) a processor serial number;
190 (xii) a combination of a student's last name or photograph with other information that
191 together permits a person to contact the student online;
192 (xiii) information about a student or a student's family that a person collects online and
193 combines with other personally identifiable student data to identify the student; and
194 (xiv) information that, alone or in combination, is linked or linkable to a specific
195 student that would allow a reasonable person in the school community, who does not have
196 personal knowledge of the relevant circumstances, to identify the student with reasonable
197 certainty.
198 (10) "State privacy officer" means the state privacy officer described in Section
199 [67-3-13](#).
200 (11) "Student" means an individual enrolled in an institution.
201 (12) (a) "Student data" means information about a student at the individual student
202 level.
203 (b) "Student data" does not include aggregate or de-identified data.
204 (13) "Third-party contractor" means a person who:
205 (a) is not an institution or an employee of an institution; and
206 (b) pursuant to a contract with an education entity, collects or receives student data in
207 order to provide a product or service, as described in the contract, if the product or service is
208 not related to school photography, yearbooks, graduation announcements, or a similar product
209 or service.
210 Section 4. Section **53B-28-502** is enacted to read:
211 **53B-28-502. State student data protection governance.**

212 (1) The state privacy officer shall establish a higher education privacy advisory group
213 to advise institutions and institution boards of trustees on student data protection.

214 (2) The advisory group shall consist of:

215 (a) the state privacy officer;

216 (b) the higher education privacy officer; and

217 (c) the following members, appointed by the commissioner of higher education:

218 (i) at least one Utah system of higher education employee; and

219 (ii) at least one representative of the Utah Board of Higher Education.

220 (3) The advisory group shall:

221 (a) discuss and make recommendations to the board and institutions regarding:

222 (i) existing and proposed:

223 (A) board rules; or

224 (B) board policies of the Utah Board of Higher Education or institutions; and

225 (ii) training on protecting student data privacy; and

226 (b) perform other tasks related to student data protection as designated by the Utah

227 Board of Higher Education.

228 (4) The state privacy officer shall:

229 (a) provide training and support to institution boards and employees; and

230 (b) produce:

231 (i) resource materials;

232 (ii) model data governance plans;

233 (iii) model forms for institution student data protection governance; and

234 (iv) a model data collection notice.

235 (5) The board shall:

236 (a) create and maintain a data governance plan; and

237 (b) annually publish the data governance plan on the Utah System of Higher Education

238 website.

239 Section 5. Section **53B-28-503** is enacted to read:

240 **53B-28-503. Institution student data protection governance.**

241 (1) (a) An institution shall adopt policies to protect student data in accordance with this

242 part and board rule.

243 (b) The policies described in Subsection (1)(a) shall take into account the specific
244 needs and priorities of the institution.

245 (2) The board shall designate a higher education privacy officer.

246 (3) The higher education privacy officer shall:

247 (a) verify compliance with student privacy laws, rules, and policies throughout the
248 Utah System of Higher Education;

249 (b) support institutions in developing data governance plans and student data privacy
250 training; and

251 (c) act as the primary point of contact for the state privacy officer.

252 (4) An institution shall:

253 (a) designate an individual to act as the primary contact for the higher education
254 privacy officer;

255 (b) create and maintain an institution:

256 (i) data governance plan; and

257 (ii) record of student data privacy training; and

258 (c) annually publish the institution's data governance plan on the institution's website.

259 Section 6. Section **53B-28-504** is enacted to read:

260 **53B-28-504. Notification of significant data breach.**

261 (1) If a significant data breach occurs at an institution, the institution shall notify each
262 student whose personally-identifiable student data was disclosed.

263 (2) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
264 board shall make rules to define a significant data breach described in Subsection (1).

265 Section 7. Section **53B-28-505** is enacted to read:

266 **53B-28-505. Third-party contractors.**

267 (1) A third-party contractor shall use personally identifiable student data received
268 under a contract with an education entity strictly for the purpose of providing the contracted
269 product or service within the negotiated contract terms.

270 (2) When contracting with a third-party contractor, an education entity, or a
271 government agency contracting on behalf of an education entity, shall require the following
272 provisions in the contract:

273 (a) requirements and restrictions related to the collection, use, storage, or sharing of

274 student data by the third-party contractor that are necessary for the education entity to ensure
275 compliance with the provisions of this part and board rule;

276 (b) a description of a person, or type of person, including an affiliate of the third-party
277 contractor, with whom the third-party contractor may share student data;

278 (c) provisions that, at the request of the education entity, govern the deletion of the
279 student data received by the third-party contractor;

280 (d) except as provided in Subsection (4) and if required by the education entity,
281 provisions that prohibit the secondary use of personally identifiable student data by the
282 third-party contractor; and

283 (e) an agreement by the third-party contractor that, at the request of the education entity
284 that is a party to the contract, the education entity or the education entity's designee may audit
285 the third-party contractor to verify compliance with the contract.

286 (3) As authorized by law or court order, a third-party contractor shall share student data
287 as requested by law enforcement.

288 (4) A third-party contractor, as authorized by contract, may:

289 (a) use student data for adaptive learning or customized student learning purposes;

290 (b) market an educational application or product to a student if the third-party
291 contractor does not use student data, shared by or collected on behalf of an education entity, to
292 market the educational application or product;

293 (c) use a recommendation engine to recommend to a student:

294 (i) content that relates to learning or employment, within the third-party contractor's
295 application, if the recommendation is not motivated by payment or other consideration from
296 another party; or

297 (ii) services that relate to learning or employment, within the third-party contractor's
298 application, if the recommendation is not motivated by payment or other consideration from
299 another party;

300 (d) respond to a student request for information or feedback, if the content of the
301 response is not motivated by payment or other consideration from another party;

302 (e) use student data to allow or improve operability and functionality of the third-party
303 contractor's application; or

304 (f) identify for a student nonprofit institutions of higher education or scholarship

305 providers that are seeking students who meet specific criteria:

306 (i) regardless of whether the identified nonprofit institutions of higher education or
307 scholarship providers provide payment or other consideration to the third-party contractor; and

308 (ii) only if the third-party contractor obtains authorization in writing from:

309 (A) the student's parent, if the student is a minor; or

310 (B) the student.

311 (5) At the completion of a contract with an education entity, if the contract has not
312 been renewed, a third-party contractor shall return or delete upon the education entity's request
313 all personally identifiable student data under the control of the education entity unless a student
314 or a minor student's parent consents to the maintenance of the personally identifiable student
315 data.

316 (6) (a) A third-party contractor may not:

317 (i) except as provided in Subsection (6)(b), sell student data;

318 (ii) collect, use, or share student data, if the collection, use, or sharing of the student
319 data is inconsistent with the third-party contractor's contract with the education entity; or

320 (iii) use student data for targeted advertising.

321 (b) A person may obtain student data through the purchase of, merger with, or
322 otherwise acquiring a third-party contractor if the third-party contractor remains in compliance
323 with this section.

324 (7) The provisions of this section do not:

325 (a) apply to the use of a general audience application, including the access of a general
326 audience application with login credentials created by a third-party contractor's application;

327 (b) apply if the student data is shared in accordance with the education entity's
328 directory information policy, as described in 34 C.F.R. Sec. 99.37;

329 (c) apply to the providing of Internet service; or

330 (d) impose a duty on a provider of an interactive computer service, as defined in 47
331 U.S.C. Sec. 230, to review or enforce compliance with this section.

332 (8) A provision of this section that relates to a student's student data does not apply to a
333 third-party contractor if the education entity or third-party contractor obtains authorization from
334 the following individual, in writing, to waive that provision:

335 (a) the student's parent, if the student is a minor; or

336 (b) the student.
337 Section 8. Section **53B-28-506** is enacted to read:
338 **53B-28-506. Penalties.**
339 (1) (a) A third-party contractor that knowingly or recklessly permits unauthorized
340 collecting, sharing, or use of student data under this part:
341 (i) except as provided in Subsection (1)(b), may not enter into a future contract with an
342 education entity;
343 (ii) may be required by the board to pay a civil penalty of up to \$25,000; and
344 (iii) may be required to pay:
345 (A) the education entity's cost of notifying parents and students of the unauthorized
346 sharing or use of student data; and
347 (B) expenses incurred by the education entity as a result of the unauthorized sharing or
348 use of student data.
349 (b) An education entity may enter into a contract with a third-party contractor that
350 knowingly or recklessly permitted unauthorized collecting, sharing, or use of student data if:
351 (i) the education entity determines that the third-party contractor has corrected the
352 errors that caused the unauthorized collecting, sharing, or use of student data; and
353 (ii) the third-party contractor demonstrates:
354 (A) if the third-party contractor is under contract with the education entity, current
355 compliance with this part; or
356 (B) an ability to comply with the requirements of this part.
357 (c) The board may assess the civil penalty described in Subsection (1)(a)(ii) in
358 accordance with Title 63G, Chapter 4, Administrative Procedures Act.
359 (d) The board may bring an action in the district court of the county in which the office
360 of the education entity is located, if necessary, to enforce payment of the civil penalty described
361 in Subsection (1)(a)(ii).
362 (e) An individual who knowingly or intentionally permits unauthorized collecting,
363 sharing, or use of student data may be found guilty of a class A misdemeanor.
364 (2) (a) A student or a minor student's parent may bring an action in a court of
365 competent jurisdiction for damages caused by a knowing or reckless violation of Section
366 53B-28-505 by a third-party contractor.

367 (b) If the court finds that a third-party contractor has violated Section 53B-28-505, the
368 court may award to the parent or student:

369 (i) damages; and

370 (ii) costs.

371 Section 9. Section **53B-33-101**, which is renumbered from Section 35A-14-102 is
372 renumbered and amended to read:

373 ~~[35A-14-102].~~ **53B-33-101. Definitions.**

374 As used in this chapter:

375 (1) "Advisory board" means the Utah Data Research Advisory Board created in Section
376 ~~[35A-14-203]~~ 53B-33-203.

377 (2) "Center" means the Utah Data Research Center created in Section 53B-33-201.

378 (3) "Data" means any information about a person stored in a physical or electronic
379 record.

380 (4) "Data research program" means the data maintained by the center in accordance
381 with Section ~~[35A-14-301]~~ 53B-33-301.

382 (5) "De-identified data" means data about a person that cannot, without additional
383 information, identify the person to another person or machine.

384 (6) "Director" means the director of the ~~[Workforce Research and Analysis Division]~~
385 Utah Data Research Center created in Section 53B-33-201.

386 (7) "Institution of higher education" means an institution of higher education described
387 in Section 53B-1-102.

388 ~~[(7)]~~ (8) "Participating entity" means:

389 (a) the State Board of Education, which includes the director as defined in Section
390 53E-10-701;

391 (b) the ~~[Utah Board of Higher Education]~~ board;

392 (c) the Department of Workforce Services; and

393 (d) the Department of Health and Human Services.

394 (9) "Unique student identifier" means the same as that term is defined in Section
395 53E-4-308.

396 Section 10. Section **53B-33-201**, which is renumbered from Section 35A-14-201 is
397 renumbered and amended to read:

398 ~~[35A-14-201].~~ **53B-33-201. Utah Data Research Center -- Creation.**

399 The Utah Data Research Center is created within the ~~[Workforce Research and Analysis~~
400 ~~Division within the department]~~ Utah system of higher education.

401 Section 11. Section **53B-33-202**, which is renumbered from Section 35A-14-203 is
402 renumbered and amended to read:

403 ~~[35A-14-203].~~ **53B-33-202. Utah Data Research Advisory Board --**
404 **Composition -- Appointment.**

405 (1) There is created the Utah Data Research Advisory Board ~~[in accordance with this~~
406 ~~section].~~

407 (2) The ~~[Utah Data Research Advisory Board]~~ advisory board is composed of the
408 following members:

409 (a) the state superintendent of the State Board of Education or the state superintendent's
410 designee;

411 (b) the commissioner ~~[of higher education or the commissioner of higher education's]~~
412 or the commissioner's designee;

413 (c) the executive director of the Department of Workforce Services or the executive
414 director's designee; and

415 (d) the executive director of the Department of Health and Human Services or the
416 executive director's designee.

417 (3) The ~~[executive director]~~ commissioner shall serve as chair.

418 (4) A member of the advisory board:

419 (a) except to the extent a member's service on the advisory board is related to the
420 member's duties outside of the advisory board, may not receive compensation or benefits for
421 the member's service; and

422 (b) may receive per diem and travel expenses in accordance with:

423 (i) Section [63A-3-106](#);

424 (ii) Section [63A-3-107](#); and

425 (iii) rules made by the Division of Finance under Sections [63A-3-106](#) and [63A-3-107](#).

426 Section 12. Section **53B-33-203**, which is renumbered from Section 35A-14-204 is
427 renumbered and amended to read:

428 ~~[35A-14-204].~~ **53B-33-203. Director -- Additional staff -- Administrative**

429 **support.**

430 (1) The commissioner shall appoint a director [~~shall~~] to manage the day-to-day
431 operations of the center.

432 (2) The director may, with the [~~department's~~] commissioner's approval, hire staff,
433 including:

- 434 (a) data scientists;
- 435 (b) data technology experts; and
- 436 (c) data security experts.

437 Section 13. Section **53B-33-301**, which is renumbered from Section 35A-14-301 is
438 renumbered and amended to read:

439 ~~[35A-14-301].~~ **53B-33-301. Data research program.**

440 (1) The center shall establish a data research program for the purpose of analyzing data
441 that is:

- 442 (a) collected over time;
- 443 (b) aggregated from multiple sources; and
- 444 (c) connected and de-identified.

445 (2) The center may, in order to establish the data research program described in
446 Subsection (1):

- 447 (a) acquire property or equipment in order to store aggregated, connected, and
448 de-identified data derived from data contributed by the participating entities; or
- 449 (b) contract with a private entity in accordance with Title 63G, Chapter 6a, Utah
450 Procurement Code, or with a state government entity to:

- 451 (i) store aggregated, connected, and de-identified data derived from data contributed by
452 the participating entities; or
- 453 (ii) utilize existing aggregated, connected, and de-identified data maintained by a state
454 government entity.

455 (3) A participating entity shall contribute data to the data research program described in
456 Subsection (1) within guidelines established by the center.

457 (4) The center may only release data maintained by the center in accordance with the
458 procedures described in this chapter.

459 (5) The center shall:

460 (a) as directed by the board, serve as a repository in the state of data from institutions
461 of higher education;

462 (b) collaborate with the board and the State Board of Education to coordinate access to
463 the unique student identifier of a public education student who later attends an institution of
464 higher education in accordance with Sections [53B-1-109](#) and [53E-4-308](#);

465 (c) develop, establish, and maintain programs that promote access to data from
466 institutions of higher education;

467 (d) identify initiatives that leverage education data that will improve a state citizen's
468 ability to:

469 (i) access services at an institution of higher education; or

470 (ii) graduate with a postsecondary certificate or degree; and

471 (e) perform all other duties provided in this chapter.

472 (6) The director shall identify the resources necessary to successfully implement
473 initiatives described in Subsection (5)(d), in accordance with Section [53B-7-101](#).

474 (7) The center may:

475 (a) employ staff necessary to carry out the center's duties;

476 (b) purchase, own, create, or maintain equipment necessary to:

477 (i) collect data from the participating entities;

478 (ii) connect and de-identify data collected by the center;

479 (iii) store connected and de-identified data; or

480 (iv) conduct research on data stored or obtained by the center; or

481 (c) contract with a private entity, another state or federal entity, or a political
482 subdivision of the state to carry out the center's duties as provided in this chapter.

483 ~~[(5)]~~ (8) The data research program is not subject to Title 63G, Chapter 2, Government
484 Records Access and Management Act.

485 Section 14. Section **53B-33-302**, which is renumbered from Section 35A-14-302 is
486 renumbered and amended to read:

487 ~~[35A-14-302]~~. **53B-33-302. Data research requests.**

488 (1) The center shall use data that the center maintains or that a participating entity
489 contributes to the data research program under Section ~~[35A-14-301]~~ [53B-33-301](#) to conduct
490 research for the purpose of developing public policy for the state.

491 (2) The director, with consultation by the advisory board, shall create a prioritized list
492 of data research for the center to conduct using the data research program each year.

493 (3) (a) In developing the list described in Subsection (2), the center shall accept data
494 research requests from:

- 495 (i) a legislative committee or a legislative staff office;
- 496 (ii) the governor or an executive branch agency;
- 497 (iii) the State Board of Education; and
- 498 (iv) the ~~[Utah Board of Higher Education]~~ board.

499 ~~[(b) The department shall begin accepting the data research requests described in~~
500 ~~Subsection (3)(a) on July 1, 2017.]~~

501 ~~[(c)]~~ (b) The center shall report the list described in Subsection (2) to the Education
502 Interim Committee before December 1 of each year.

503 (4) In addition to conducting data research in accordance with the prioritized list
504 described in Subsection (2), the center may use additional resources to prepare data research at
505 the request of:

- 506 (a) a state government entity;
- 507 (b) a political subdivision of the state;
- 508 (c) a private entity; or
- 509 (d) a member of the public.

510 (5) The director, with approval by the advisory board, shall determine, for a data
511 research request described in Subsection (4):

- 512 (a) whether the center has the resources to complete the data research request;
- 513 (b) the order in which the center shall complete the data research request, if at all; and
- 514 (c) a reasonable estimated cost for the request.

515 (6) The center, after evaluating a request under Subsection (5), shall:

- 516 (a) provide the person that requested the data research with a cost estimate; and
- 517 (b) require, before accepting a data research request, that the person that submitted the
518 data research request agree to pay, once the data research is complete, the full cost of
519 completing the data research request as determined by the center under Subsection (5).

520 (7) The center shall make available to the public, on a website maintained by the
521 center, any data research request that the center completes under this section.

522 (8) The center shall ensure that any data contained in a completed data research request
523 is de-identified.

524 (9) The center shall:

525 (a) establish, by rule made in accordance with Title 63G, Chapter 3, Utah

526 Administrative Rulemaking Act:

527 (i) procedures for submitting a data research request under this section;

528 (ii) criteria to determine how to prioritize data research requests; and

529 (iii) minimum standards for information a person is required to include in a data

530 research request; and

531 (b) create a fee schedule in accordance with Section [63J-1-504](#) for completing a data
532 research request.

533 (10) In addition to submitting a data research request under Subsection (4), a
534 participating entity, executive branch agency, or legislative staff office may request, and the
535 center may release, a data set from the data research program if the data set is:

536 (a) connected;

537 (b) aggregated; and

538 (c) de-identified.

539 (11) (a) The center shall use any fee the center collects under this section to cover the
540 center's costs to administer this chapter.

541 (b) The center shall deposit any fee the center collects under this section not used to
542 cover the center's costs into the General Fund.

543 Section 15. Section **53B-33-303**, which is renumbered from Section 35A-14-303 is
544 renumbered and amended to read:

545 ~~[35A-14-303]~~. **53B-33-303. Data visualization access.**

546 (1) In addition to performing data research and responding to data research requests
547 under Section [~~35A-14-302~~] [53B-33-302](#), the center shall create an online data visualization
548 portal that provides access to the public to connected, aggregated, and de-identified data in the
549 program.

550 (2) The data visualization portal described in Subsection (1) shall include role-based
551 dashboards that:

552 (a) allow a user to query data in the program;

553 (b) integrate real-time data; and
554 (c) allow a user to view queried data in a customizable environment.
555 Section 16. Section **53B-33-304**, which is renumbered from Section 35A-14-304 is
556 renumbered and amended to read:

557 ~~[35A-14-304]~~. **53B-33-304. Reporting.**

558 (1) The center shall report to the Education Interim Committee:

559 (a) before July 1 of each year regarding the center's:

560 (i) research and services priorities for the year; ~~and~~

561 (ii) completed research from the previous year; and

562 (iii) activities and accomplishments in the previous year; and

563 (b) before December 1 of each year, the center's ongoing data research and services
564 priority list described in Subsection ~~[35A-14-302(2)]~~ 53B-33-302(2).

565 (2) The Education Interim Committee shall provide the center ongoing input regarding
566 the center's activities and data research priorities.

567 Section 17. Section **53E-1-201** is amended to read:

568 **53E-1-201. Reports to and action required of the Education Interim Committee.**

569 (1) In accordance with applicable provisions and Section 68-3-14, the following
570 recurring reports are due to the Education Interim Committee:

571 (a) the report described in Section 9-22-109 by the STEM Action Center Board,
572 including the information described in Section 9-22-113 on the status of the computer science
573 initiative and Section 9-22-114 on the Computing Partnerships Grants Program;

574 (b) the prioritized list of data research described in Section ~~[35A-14-302]~~ 53B-33-302
575 and the report on research and activities described in Section ~~[35A-14-304]~~ 53B-33-304 by the
576 Utah Data Research Center;

577 (c) the report described in Section 35A-15-303 by the State Board of Education on
578 preschool programs;

579 (d) the report described in Section 53B-1-402 by the Utah Board of Higher Education
580 on career and technical education issues and addressing workforce needs;

581 (e) the annual report of the Utah Board of Higher Education described in Section
582 53B-1-402;

583 (f) the reports described in Section 53B-28-401 by the Utah Board of Higher Education

584 regarding activities related to campus safety;

585 (g) the State Superintendent's Annual Report by the state board described in Section
586 [53E-1-203](#);

587 (h) the annual report described in Section [53E-2-202](#) by the state board on the strategic
588 plan to improve student outcomes;

589 (i) the report described in Section [53E-8-204](#) by the state board on the Utah Schools for
590 the Deaf and the Blind;

591 (j) the report described in Section [53E-10-703](#) by the Utah Leading through Effective,
592 Actionable, and Dynamic Education director on research and other activities;

593 (k) the report described in Section [53F-4-203](#) by the state board and the independent
594 evaluator on an evaluation of early interactive reading software;

595 (l) the report described in Section [53F-4-407](#) by the state board on UPSTART;

596 (m) the reports described in Sections [53F-5-214](#) and [53F-5-215](#) by the state board
597 related to grants for professional learning and grants for an elementary teacher preparation
598 assessment; and

599 (n) the report described in Section [53F-5-405](#) by the State Board of Education
600 regarding an evaluation of a partnership that receives a grant to improve educational outcomes
601 for students who are low income.

602 (2) In accordance with applicable provisions and Section [68-3-14](#), the following
603 occasional reports are due to the Education Interim Committee:

604 (a) the report described in Section [35A-15-303](#) by the School Readiness Board by
605 November 30, 2020, on benchmarks for certain preschool programs;

606 (b) the report described in Section [53B-28-402](#) by the Utah Board of Higher Education
607 on or before the Education Interim Committee's November 2021 meeting;

608 (c) the reports described in Section [53E-3-520](#) by the state board regarding cost centers
609 and implementing activity based costing;

610 (d) if required, the report described in Section [53E-4-309](#) by the state board explaining
611 the reasons for changing the grade level specification for the administration of specific
612 assessments;

613 (e) if required, the report described in Section [53E-5-210](#) by the state board of an
614 adjustment to the minimum level that demonstrates proficiency for each statewide assessment;

615 (f) in 2022 and in 2023, on or before November 30, the report described in Subsection
616 53E-10-309(7) related to the PRIME pilot program;

617 (g) the report described in Section 53E-10-702 by Utah Leading through Effective,
618 Actionable, and Dynamic Education;

619 (h) if required, the report described in Section 53F-2-513 by the state board evaluating
620 the effects of salary bonuses on the recruitment and retention of effective teachers in high
621 poverty schools;

622 (i) upon request, the report described in Section 53F-5-207 by the state board on the
623 Intergenerational Poverty Intervention Grants Program;

624 (j) the report described in Section 53F-5-210 by the state board on the Educational
625 Improvement Opportunities Outside of the Regular School Day Grant Program;

626 (k) the report described in Section 53G-7-503 by the state board regarding fees that
627 LEAs charge during the 2020-2021 school year;

628 (l) the reports described in Section 53G-11-304 by the state board regarding proposed
629 rules and results related to educator exit surveys;

630 (m) the report described in Section 62A-15-117 by the Division of Substance Abuse
631 and Mental Health, the State Board of Education, and the Department of Health regarding
632 recommendations related to Medicaid reimbursement for school-based health services; and

633 (n) the reports described in Section 63C-19-202 by the Higher Education Strategic
634 Planning Commission.

635 Section 18. Section 53E-4-308 is amended to read:

636 **53E-4-308. Unique student identifier -- Coordination of higher education and**
637 **public education information technology systems -- Coordination of preschool and public**
638 **education information technology systems.**

639 (1) As used in this section, "unique student identifier" means an alphanumeric code
640 assigned to each public education student for identification purposes, which:

641 (a) is not assigned to any former or current student; and

642 (b) does not incorporate personal information, including a birth date or Social Security
643 number.

644 (2) The state board, through the state superintendent, shall assign each public education
645 student a unique student identifier, which shall be used to track individual student performance

646 on achievement tests administered under this part.

647 (3) The state board and the Utah Board of Higher Education, in collaboration with the
648 Utah Data Research Center created in Section 53B-33-201, shall:

649 (a) coordinate public education and higher education information technology systems
650 to allow individual student academic achievement to be tracked through both education
651 systems in accordance with this section and Section 53B-1-109[-]; and

652 [(4)] (b) [~~The state board and the Utah Board of Higher Education shall~~] coordinate
653 access to the unique student identifier of a public education student who later attends an
654 institution within the state system of higher education.

655 [(5)] (4) (a) The state board and the Department of Workforce Services shall
656 coordinate assignment of a unique student identifier to each student enrolled in a program
657 described in Title 35A, Chapter 15, Preschool Programs.

658 (b) A unique student identifier assigned to a student under Subsection [(5)] (4)(a) shall
659 remain the student's unique student identifier used by the state board when the student enrolls
660 in a public school in kindergarten or a later grade.

661 (c) The state board, the Department of Workforce Services, and a contractor as defined
662 in Section 53F-4-401, shall coordinate access to the unique student identifier of a preschool
663 student who later attends an LEA.

664 Section 19. Section 53E-10-706 is amended to read:

665 **53E-10-706. Electronic resources -- Research clearinghouse.**

666 (1) The state board shall publish a ULEAD website containing information provided by
667 the director as described in this part.

668 (2) The director shall within two years of appointment:

669 (a) develop and maintain a research clearinghouse publicly available through the
670 website described in Subsection (1); and

671 (b) include in the research clearinghouse:

672 (i) research on K-12 education, including peer-reviewed research;

673 (ii) information on K-12 education innovation and best practices;

674 (iii) an index and explanation of academic, state, federal, or other K-12 education
675 research repositories;

676 (iv) K-12 education research and policy briefs generated by Utah public and private

677 institutions of higher education, including participating institutions, categorized and searchable
678 by topic;

679 (v) access points to and explanation of currently available K-12 education data,
680 including data managed by the Utah Data Research Center created in Section [~~35A-14-201~~]
681 [53B-33-201](#) and data maintained by the state board;

682 (vi) other K-12 education information as determined by the director, including
683 information regarding efforts by institutions or other individuals to promote innovative and
684 effective education practices in Utah; and

685 (vii) each innovative practice report prepared by ULEAD, categorized and searchable
686 by topic, location of the studied LEA, and socioeconomic and demographic profile.

687 (3) The director shall publish:

688 (a) an electronic directory of K-12 education experts identified in ULEAD research and
689 reports; and

690 (b) a monthly report to LEAs, via electronic channels provided by the state board,
691 highlighting ULEAD activities and soliciting proposals from education practitioners for
692 ULEAD research and reports.

693 (4) The director may provide electronic seminars or forums for professional learning
694 regarding subjects of ULEAD research and reports to K-12 practitioners.

695 Section 20. Section **53E-10-707** is amended to read:

696 **53E-10-707. ULEAD Steering Committee.**

697 (1) (a) There is created the ULEAD Steering Committee.

698 (b) The director is the chair of the steering committee.

699 (2) The steering committee shall consist of the following members each appointed for a
700 term of one year:

701 (a) the director;

702 (b) one member appointed by the chair of the state board;

703 (c) the state superintendent or the state superintendent's designee;

704 (d) the staff director of the State Charter School Board or the director's designee;

705 (e) one member appointed by the office of the governor;

706 (f) one member, appointed by the director, who is a superintendent of a school district;

707 (g) one member, appointed by the director, of a local school board;

708 (h) two principals or other public school leaders of public schools that are not charter
709 schools, appointed by the director;

710 (i) two principals or other public school leaders of charter schools, appointed by the
711 director;

712 (j) two educators who hold a current license under Chapter 6, Education Professional
713 Licensure, nominated by LEA leaders and appointed by the director; and

714 (k) two members representing citizens or business, nominated by the members of the
715 public and appointed by the director.

716 (3) (a) A member of the steering committee may be appointed for more than one term.

717 (b) If a midterm vacancy occurs on the steering committee, the appointing individual,
718 as described in Subsection (2), for the vacant position shall appoint an individual for the
719 remainder of the term.

720 (4) (a) The steering committee shall hold a meeting at least semi annually in January
721 and July or on dates otherwise chosen by the director.

722 (b) The state board shall provide space for the steering committee to meet.

723 (5) The steering committee shall:

724 (a) discuss prospective and current ULEAD projects and findings;

725 (b) consult with and make recommendations to the director to prioritize ULEAD
726 reports and areas of focused research;

727 (c) facilitate connections between the director and Utah's political, business, education
728 technology, and academic communities; and

729 (d) make recommendations to improve gathering, retaining, and disseminating
730 education data and research and evaluation findings for use by participating institutions and
731 other education policy researchers, including data managed by the Utah Data Research Center
732 created in Section [~~35A-14-201~~] 53B-33-201.

733 (6) In order to determine research priorities for ULEAD, the director shall consult with:

734 (a) members of the Legislature responsible for public education;

735 (b) members of Utah professional education associations, including principals and
736 LEA governing board members; and

737 (c) policy-research centers based in Utah.

738 (7) The state board or state superintendent may request that the director arrange with a

739 participating institution to prepare a report on a specific LEA or area of practice meeting the
740 criteria established in this part.

741 (8) A member of the steering committee may not receive compensation except a
742 member who is a legislator shall receive compensation for travel and other expense
743 reimbursements in accordance with Section [36-2-2](#).

744 (9) The steering committee shall hold a meeting described in this section in accordance
745 with Title 52, Chapter 4, Open and Public Meetings Act.

746 Section 21. **Repealer.**

747 This bill repeals:

748 Section [35A-14-101](#), Title.

749 Section [35A-14-202](#), Utah Data Research Center -- Powers.

750 Section 22. **Appropriation.**

751 The following sums of money are appropriated for the fiscal year beginning July 1,
752 2022, and ending June 30, 2023. These are additions to amounts previously appropriated for
753 fiscal year 2023. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures
754 Act, the Legislature appropriates the following sums of money from the funds or accounts
755 indicated for the use and support of the government of the state of Utah.

756 ITEM 1

757 To Utah Board of Higher Education -- Administration

758 From Education Fund \$770,000

759 From Education Fund, One-time \$275,000

760 Schedule of Programs:

761 Administration \$1,045,000

762 The Legislature intends that Utah Board of Higher Education use the appropriation
763 provided under this item to pay for up to seven full-time positions and up to two full-time
764 temporary positions, including related costs, for the purposes of implementing the data research
765 program established by the Utah Data Research Center in accordance with Section [53B-33-301](#)
766 and restructuring the storage system for data maintained by the Utah Data Research Center.

767 Section 23. **Effective date.**

768 This bill takes effect on July 1, 2022.