

EDUCATION RELATED INFORMATION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen M. Peterson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses access and management of information related to parents and students in the education arena.

Highlighted Provisions:

This bill:

- ▶ addresses a parent's access to and submission of education records;
- ▶ grants rulemaking authority;
- ▶ directs the state board to create record tracking interoperability for education records in the information management system under certain circumstances;
- ▶ requires the state board to create an online parent portal that provides information outlined in statute, including school comparison information;
- ▶ requires notification of the parent portal; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53E-3-518, as last amended by Laws of Utah 2022, Chapter 266



28 **53G-6-805**, as enacted by Laws of Utah 2022, Chapter 343

29 ENACTS:

30 **53G-6-806**, Utah Code Annotated 1953



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

33 Section 1. Section **53E-3-518** is amended to read:

34 **53E-3-518. Utah school information management system -- Local education**
35 **agency requirements.**

36 (1) As used in this section:

37 (a) "LEA data system" or "LEA's data system" means a data system that:

38 (i) is developed, selected, or relied upon by an LEA; and

39 (ii) the LEA uses to collect data or submit data to the state board related to:

40 (A) student information;

41 (B) educator information;

42 (C) financial information; or

43 (D) other information requested by the state board.

44 (b) "LEA financial information system" or "LEA's financial information system" means
45 an LEA data system used for financial information.

46 (c) "Parent" means the same as that term is defined in Section **53G-6-201**.

47 ~~[(e)]~~ (d) "Utah school information management system" or "information management
48 system" means the state board's data collection and reporting system described in this section.

49 ~~[(d)]~~ (e) "User" means an individual who has authorized access to the information
50 management system.

51 (2) On or before July 1, 2024, the state board shall have in place an information
52 management system that meets the requirements described in this section.

53 (3) The state board shall ensure that the information management system:

54 (a) interfaces with an LEA's data systems that meet the requirements described in
55 Subsection (6);

56 (b) serves as the mechanism for the state board to collect and report on all data that
57 LEAs submit to the state board related to:

58 (i) student information;

- 59 (ii) educator information;
- 60 (iii) financial information; and
- 61 (iv) other information requested by the state board;
- 62 (c) includes a web-based user interface through which a user may:
 - 63 (i) enter data;
 - 64 (ii) view data; and
 - 65 (iii) generate customizable reports;
 - 66 (d) includes a data warehouse and other hardware or software necessary to store or
 - 67 process data submitted by an LEA;
 - 68 (e) provides for data privacy, including by complying with Title 53E, Chapter 9,
 - 69 Student Privacy and Data Protection;
 - 70 (f) restricts user access based on each user's role; and
 - 71 (g) meets requirements related to a student achievement backpack described in Section
 - 72 [53E-3-511](#).
 - 73 (4) The state board shall establish the restrictions on user access described in
 - 74 Subsection (3)(f).
 - 75 (5) (a) The state board shall make rules that establish the required capabilities for an
 - 76 LEA financial information system.
 - 77 (b) In establishing the required capabilities for an LEA financial information system,
 - 78 the state board shall consider metrics and capabilities requested by the state treasurer or state
 - 79 auditor.
 - 80 (6) (a) On or before July 1, 2024, an LEA shall ensure that:
 - 81 (i) all of the LEA's data systems:
 - 82 (A) meet the data standards established by the state board in accordance with Section
 - 83 [53E-3-501](#);
 - 84 (B) are fully compatible with the state board's information management system; and
 - 85 (C) meet specification standards determined by the state board; and
 - 86 (ii) the LEA's financial information system meets the requirements described in
 - 87 Subsection (5).
 - 88 (b) An LEA shall ensure that an LEA data system purchased or developed on or after
 - 89 May 14, 2019, will be compatible with the information management system when the

90 information management system is fully operational.

91 (7) (a) Subject to appropriations and Subsection (7)(b), the state board may use an
92 appropriation under this section to help an LEA meet the requirements in the rules described in
93 Subsection (5) by:

94 (i) providing to the LEA funding for implementation and sustainment of the LEA
95 financial information system, either through:

96 (A) awarding a grant to the LEA; or
97 (B) providing a reimbursement to the LEA; or

98 (ii) in accordance with Title 63G, Chapter 6a, Utah Procurement Code, procuring a
99 financial information system on behalf of an LEA for the LEA to use as the LEA's financial
100 information system.

101 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
102 state board shall make rules describing:

103 (i) how an LEA may apply to the state board for the assistance described in Subsection
104 (7)(a); and

105 (ii) criteria for the state board to provide the assistance to an LEA.

106 (8) (a) Beginning July 1, 2024, the state board may take action against an LEA that is
107 out of compliance with a requirement described in Subsection (6) until the LEA complies with
108 the requirement.

109 (b) An action described in Subsection (8)(a) may include the state board withholding
110 funds from the LEA.

111 (9) (a) For purposes of this Subsection (9), "education record" means the same as that
112 term is defined in 20 U.S.C. Sec. 1232g.

113 (b) The state board shall, by rule made in accordance with Title 63G, Chapter 3, Utah
114 Administrative Rulemaking Act, establish a procedure under which:

115 (i) a parent may submit information as part of the education records for the parent's
116 student;

117 (ii) the information submitted by the parent is maintained as part of the education
118 records for the parent's student;

119 (iii) information submitted by the parent and maintained as part of the education
120 records for the parent's student may be removed at the request of the parent; and

121 (iv) a parent has access only to the education records of the parent's student in
122 accordance with Subsection (9)(d).

123 (c) The rules made under this Subsection (9) shall allow a parent to submit or remove
124 information submitted by the parent under this Subsection (9) at least annually, including at the
125 time of:

126 (i) registering a student in a school; or

127 (ii) changing the school in which a student attends.

128 (d) Subject to the federal Family Education Rights and Privacy Act, 20 U.S.C. Sec.
129 1232g, and related regulations, the state board shall provide a parent access to an education
130 record concerning the parent's student.

131 (e) The state board shall create in the information management system a record
132 tracking interoperability of education records described in this Subsection (9) when a student is
133 transitioning between schools or between LEAs.

134 Section 2. Section **53G-6-805** is amended to read:

135 **53G-6-805. Parental right to school comparison.**

136 (1) Parents have the right to compare public school performance in a given area.

137 (2) The state board shall provide an online tool that allows parents to:

138 (a) search for public schools within a given radius of a specific location or within the
139 boundaries of a public school district; and

140 (b) view a side-by-side comparison of data related to the public schools in the area
141 described in Subsection (2)(a), including the indicators required in Subsection [53E-5-211\(1\)](#).

142 (3) The state board shall include the online tool created under this section in the parent
143 portal required under Section [53G-6-806](#).

144 Section 3. Section **53G-6-806** is enacted to read:

145 **53G-6-806. Parent portal.**

146 (1) As used in this section:

147 (a) "Parent portal" means the online tool the state board is required to create under this
148 section.

149 (b) "School" means a public elementary or secondary school, including a charter
150 school.

151 (2) (a) The state board shall create an online tool that allows a parent of a student

152 enrolled in a school to:
153 (i) access an LEA's policies required by Sections 53G-9-203 and 53G-9-605;
154 (ii) be informed of resources and steps to follow when a student has been the subject,
155 perpetrator, or bystander of bullying, cyber-bullying, hazing, retaliation, or abusive conduct
156 such as:
157 (A) resources for the student, including short-term mental health services;
158 (B) options for the student to make changes to the student's educational environment;
159 (C) options for alternative school enrollment;
160 (D) options for differentiated start or stop times;
161 (E) options for differentiated exit and entrance locations; and
162 (F) the designated employee for an LEA who addresses incidents of bullying,
163 cyber-bullying, hazing, retaliation, and abusive conduct;
164 (iii) be informed of the steps and resources for filing a grievance with a school or LEA
165 regarding bullying, cyber-bullying, hazing, or retaliation;
166 (iv) be informed of the steps and resources for seeking accommodations under the
167 Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq;
168 (v) be informed of the steps and resources for seeking accommodations under state or
169 federal law regarding religious accommodations;
170 (vi) be informed of the steps and resources for filing a grievance for an alleged
171 violation of state or federal law, including:
172 (A) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d-2000d-4;
173 (B) Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681-1688;
174 (C) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 794; and
175 (D) Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Sec.
176 12131-12165;
177 (vii) receive information about constitutional rights and freedoms afforded to families
178 in public education; and
179 (viii) be informed of how to access an internal audit hotline if established by the state
180 board.
181 (b) In addition to the information required under Subsection (2)(a), the state board:
182 (i) shall include in the parent portal the comparison tool created under Section

183 [53G-6-805](#); and

184 (ii) may include in the parent portal other information that the state board determines is
185 helpful to parents.

186 (3) The state board shall locate the parent portal at a website location that is easily
187 located from the home page of the state board's website.

188 (4) An LEA shall annually notify each of the following of how to access the parent
189 portal:

190 (a) a parent of a student; and

191 (b) a teacher, principal, or other professional staff within the LEA.