

EDUCATION RELATED AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Karen M. Peterson

Senate Sponsor: Michael K. McKell

Cosponsors: Karianne Lisonbee
Cheryl K. Acton Ryan D. Wilcox
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LONG TITLE

General Description:

This bill addresses parental engagement 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 a parent portal that provides information outlined in statute, including school comparison information;
- ▶ requires notification of the parent portal;
- ▶ provides for the appointment of a parent engagement specialist, including providing for the specialist's duties; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **53E-3-518**, as last amended by Laws of Utah 2022, Chapter 266

31 **53G-6-805**, as enacted by Laws of Utah 2022, Chapter 343

32 ENACTS:

33 **53G-6-806**, Utah Code Annotated 1953

34 **53G-6-807**, Utah Code Annotated 1953



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

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

38 **53E-3-518. Utah school information management system -- Local education**
39 **agency requirements.**

40 (1) As used in this section:

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

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

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

44 (A) student information;

45 (B) educator information;

46 (C) financial information; or

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

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

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

51 ~~(c)~~ (d) "Utah school information management system" or "information management
52 system" means the state board's data collection and reporting system described in this section.

53 ~~(d)~~ (e) "User" means an individual who has authorized access to the information
54 management system.

55 (2) On or before July 1, 2024, the state board shall have in place an information

56 management system that meets the requirements described in this section.

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

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

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

62 (i) student information;

63 (ii) educator information;

64 (iii) financial information; and

65 (iv) other information requested by the state board;

66 (c) includes a web-based user interface through which a user may:

67 (i) enter data;

68 (ii) view data; and

69 (iii) generate customizable reports;

70 (d) includes a data warehouse and other hardware or software necessary to store or
71 process data submitted by an LEA;

72 (e) provides for data privacy, including by complying with Title 53E, Chapter 9,
73 Student Privacy and Data Protection;

74 (f) restricts user access based on each user's role; and

75 (g) meets requirements related to a student achievement backpack described in Section
76 [53E-3-511](#).

77 (4) The state board shall establish the restrictions on user access described in
78 Subsection (3)(f).

79 (5) (a) The state board shall make rules that establish the required capabilities for an
80 LEA financial information system.

81 (b) In establishing the required capabilities for an LEA financial information system,
82 the state board shall consider metrics and capabilities requested by the state treasurer or state
83 auditor.

84 (6) (a) On or before July 1, 2024, an LEA shall ensure that:

85 (i) all of the LEA's data systems:

86 (A) meet the data standards established by the state board in accordance with Section
87 [53E-3-501](#);

88 (B) are fully compatible with the state board's information management system; and

89 (C) meet specification standards determined by the state board; and

90 (ii) the LEA's financial information system meets the requirements described in
91 Subsection (5).

92 (b) An LEA shall ensure that an LEA data system purchased or developed on or after
93 May 14, 2019, will be compatible with the information management system when the
94 information management system is fully operational.

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

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

100 (A) awarding a grant to the LEA; or

101 (B) providing a reimbursement to the LEA; or

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

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

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

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

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

112 the requirement.

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

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

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

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

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

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

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

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

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

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

132 (d) Subject to the federal Family Education Rights and Privacy Act, 20 U.S.C. Sec.
133 1232g, and related regulations, the state board shall provide a parent access to an education
134 record concerning the parent's student.

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

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

139 **53G-6-805. Parental right to school comparison.**

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

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

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

144 (b) view a side-by-side comparison of data related to the public schools in the area
145 described in Subsection (2)(a), including the indicators required in Subsection 53E-5-211(1).

146 (3) The state board shall include the information provided under this section in the
147 parent portal required under Section 53G-6-806.

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

149 **53G-6-806. Parent portal.**

150 (1) As used in this section:

151 (a) "Parent portal" means the posting the state board is required to provide under this
152 section.

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

155 (2) (a) The state board shall post information that allows a parent of a student enrolled
156 in a school to:

157 (i) access an LEA's policies required by Sections 53G-9-203 and 53G-9-605;

158 (ii) be informed of resources and steps to follow when a student has been the subject,
159 perpetrator, or bystander of bullying, cyber-bullying, hazing, retaliation, or abusive conduct
160 such as:

161 (A) resources for the student, including short-term mental health services;

162 (B) options for the student to make changes to the student's educational environment;

163 (C) options for alternative school enrollment;

164 (D) options for differentiated start or stop times;

165 (E) options for differentiated exit and entrance locations; and

166 (F) the designated employee for an LEA who addresses incidents of bullying,
167 cyber-bullying, hazing, retaliation, and abusive conduct;

168 (iii) be informed of the steps and resources for filing a grievance with a school or LEA
169 regarding bullying, cyber-bullying, hazing, or retaliation;

170 (iv) be informed of the steps and resources for seeking accommodations under the
171 Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq;

172 (v) be informed of the steps and resources for seeking accommodations under state or
173 federal law regarding religious accommodations;

174 (vi) be informed of the steps and resources for filing a grievance for an alleged
175 violation of state or federal law, including:

176 (A) Title VI of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000d-2000d-4;

177 (B) Title IX of the Education Amendments of 1972, 20 U.S.C. Sec. 1681-1688;

178 (C) Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Sec. 794; and

179 (D) Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Sec.
180 12131-12165;

181 (vii) receive information about constitutional rights and freedoms afforded to families
182 in public education;

183 (viii) be informed of how to access an internal audit hotline if established by the state
184 board; and

185 (ix) be informed of services for military families.

186 (b) In addition to the information required under Subsection (2)(a), the state board:

187 (i) shall include in the parent portal the comparison tool created under Section
188 53G-6-805; and

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

191 (3) (a) The state board shall post the parent portal at a location that is easily located by
192 a parent.

193 (b) The state board shall update the parent portal at least annually.

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

196 (a) a parent of a student; and
197 (b) a teacher, principal, or other professional staff within the LEA.
198 Section 4. Section **53G-6-807** is enacted to read:
199 **53G-6-807. Parent engagement specialist.**
200 (1) (a) The state superintendent shall appoint an individual as a parent engagement
201 specialist after:
202 (i) posting the position publicly; and
203 (ii) reviewing and consulting with the state board leadership about the appointment.
204 (b) The individual appointed under this section shall preferably have experience:
205 (i) working to constructively engage parents in guiding the parents' student's education;
206 (ii) understanding research on education outcomes; and
207 (iii) understanding laws pertaining to parental rights in education.
208 (2) The parent engagement specialist shall respond to parent communications directed
209 to the state board by:
210 (a) maintaining and revising on behalf of the state board the parent portal required by
211 Section [53G-6-806](#);
212 (b) responding to questions and complaints to the state board regarding parent rights
213 and opportunities within the state's education system; and
214 (c) helping parents to navigate available complaint processes provided through the
215 state board, at the LEA level, or at the public school level.
216 (3) The parent engagement specialist shall provide guidance and outreach to LEAs and
217 public schools across the state by:
218 (a) providing training and materials to LEAs and public schools regarding successful
219 parent engagement strategies; and
220 (b) sharing research on parent engagement practices shown to contribute to student
221 attendance and success.
222 (4) In performing the parent engagement specialist's activities, the parent engagement
223 specialist shall comply with Section [53E-2-201](#).

