

Doug Fiefia proposes the following substitute bill:

Software in Education Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kirk A. Cullimore

House Sponsor: Doug Fiefia

LONG TITLE

General Description:

This bill requires the State Board of Education (state board) to study best practices regarding the use of software in public schools.

Highlighted Provisions:

This bill:

- defines terms;
- requires the state board to:
 - conduct a study regarding the use of software and digital services in public schools;
 - review best practices related to the educational effectiveness, design, and data practices of software that students use;
 - publish guidance describing best practices for the responsible use of software in a public school; and
 - upon request, report the findings of the study to the Education Interim Committee; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

53E-1-201 (Effective 07/01/26) (Partially Repealed 07/01/27), as last amended by Laws of Utah 2025, First Special Session, Chapter 9

ENACTS:

53E-3-527 (Effective 07/01/26), Utah Code Annotated 1953

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

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

31 **53E-1-201 (Effective 07/01/26) (Partially Repealed 07/01/27). Reports to and**
32 **action required of the Education Interim Committee.**

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

- 35 (a) the report described in Section 9-22-109 by the STEM Action Center Board,
36 including the information described in Section 9-22-113 on the status of the computer
37 science initiative and Section 9-22-114 on the Computing Partnerships Grants
38 Program;
- 39 (b) the prioritized list of data research described in Section 53H-15-303 and the report
40 on research and activities described in Section 53H-15-305 by the Utah Data
41 Research Center;
- 42 (c) the report described in Section 53H-1-203 by the Utah Board of Higher Education on
43 career and technical education issues and addressing workforce needs;
- 44 (d) the annual report of the Utah Board of Higher Education described in Section
45 53H-1-203;
- 46 (e) the reports described in Section 53H-7-603 by the Utah Board of Higher Education
47 regarding activities related to campus safety;
- 48 (f) the State Superintendent's Annual Report by the state board described in Section
49 53E-1-203;
- 50 (g) the annual report described in Section 53E-2-202 by the state board on the strategic
51 plan to improve student outcomes;
- 52 (h) the report described in Section 53E-3-501 by the state board on students in an LEA
53 who receive academic credit through the packet method;
- 54 (i) the report described in Section 53E-8-204 by the state board on the Utah Schools for
55 the Deaf and the Blind;
- 56 (j) the report described in Section 53E-10-703 by the Utah Leading through Effective,
57 Actionable, and Dynamic Education director on research and other activities;
- 58 (k) the report described in Section 53F-2-522 regarding mental health screening
59 programs;
- 60 (l) the report described in Section 53F-4-203 by the state board and the independent
61 evaluator on an evaluation of early interactive reading software;
- 62 (m) the report described in Section 53F-6-412 by the program manager of the Utah Fits
63 All Scholarship Program;

- 64 (n) the report described in Section 63N-20-107 by the Governor's Office of Economic
65 Opportunity on UPSTART;
- 66 (o) the report described in Section 53F-5-215 by the state board related to a grant for an
67 elementary teacher preparation assessment;
- 68 (p) upon request, the report described in Section 53F-5-219 by the state board on the
69 Local Innovations Civics Education Pilot Program;
- 70 (q) the report described in Section 53F-5-405 by the state board regarding an evaluation
71 of a partnership that receives a grant to improve educational outcomes for students
72 who are low-income;
- 73 (r) the report described in Section 53H-1-604 regarding the Higher Education and
74 Corrections Council;
- 75 (s) the report described in Section 53G-7-221 by the state board regarding innovation
76 plans; and
- 77 (t) the reports described in Section 53F-6-412 regarding the Utah Fits All Scholarship
78 Program.
- 79 (2) In accordance with applicable provisions and Section 68-3-14, the following occasional
80 reports are due to the Education Interim Committee:
- 81 (a) in 2027, 2030, 2033, and 2035, the reports described in Sections 53H-1-502,
82 53H-1-503, and 53H-1-504;
- 83 (b) in 2025, the report described in Section 53H-6-203 by a degree-granting institution
84 regarding policies on abusive coaching practices;
- 85 (c) upon request, the report described in Section 53E-3-527 by the state board regarding
86 the study on software in a public school;
- 87 [(e)] (d) if required, the report described in Section 53E-4-309 by the state board
88 explaining the reasons for changing the grade level specification for the
89 administration of specific assessments;
- 90 [(d)] (e) if required, the report described in Section 53E-5-210 by the state board of an
91 adjustment to the minimum level that demonstrates proficiency for each statewide
92 assessment;
- 93 [(e)] (f) the report described in Section 53E-10-702 by Utah Leading through Effective,
94 Actionable, and Dynamic Education;
- 95 [(f)] (g) if required, the report described in Section 53F-2-513 by the state board
96 evaluating the effects of salary bonuses on the recruitment and retention of effective
97 teachers in high-poverty schools;

- 98 ~~[(g)]~~ (h) upon request, the report described in Section 53F-10-303 by the state board
 99 regarding the Rural School Sports Facilities Grant Program;
- 100 ~~[(h)]~~ (i) upon request, a report described in Section 53G-7-222 by an LEA regarding
 101 expenditure of a percentage of state restricted funds to support an innovative
 102 education program;
- 103 ~~[(i)]~~ (j) the reports described in Section 53G-11-304 by the state board regarding
 104 proposed rules and results related to educator exit surveys; and
- 105 ~~[(j)]~~ (k) the report described in Section 26B-5-113 by the Office of Substance Use and
 106 Mental Health, the state board, and the Department of Health and Human Services
 107 regarding recommendations related to Medicaid reimbursement for school-based
 108 health services.
- 109 (3) In accordance with applicable provisions and Section 68-3-14, every five years the
 110 Education Interim Committee shall review the programs described in the following
 111 sections of code:
- 112 (a) beginning July 1, 2027, ~~[Title 53E, Chapter 10, Part 3], Chapter 10, Part 3,~~
 113 Concurrent Enrollment;
- 114 (b) beginning July 1, 2027, Section 53F-2-408, Enhancement for Accelerated Students
 115 Program;
- 116 (c) beginning July 1, 2027, Section 53F-2-409, Concurrent enrollment funding;
- 117 (d) beginning July 1, 2027, Section 53F-2-415, Student health and counseling support --
 118 Qualifying personnel -- Distribution formula -- Rulemaking;
- 119 (e) beginning July 1, 2028, Section 53F-2-416, Appropriation and distribution for the
 120 Teacher and Student Success Program;
- 121 (f) beginning July 1, 2028, Section 53F-2-510, Digital Teaching and Learning Grant
 122 Program;
- 123 (g) beginning July 1, 2028, Section 53F-9-306, Teacher and Student Success Account;
- 124 (h) beginning July 1, 2028, Title 53G, Chapter 7, Part 13, Teacher and Student Success
 125 Program; and
- 126 (i) beginning July 1, 2029, Section 53F-2-502, Dual language immersion.
- 127 Section 2. Section **53E-3-527** is enacted to read:
- 128 **53E-3-527 (Effective 07/01/26). Software in public schools study.**
- 129 (1) As used in this section:
- 130 (a) "Academic progress" means advancement toward mastery of state academic
 131 standards through practice, application, feedback, or demonstration of knowledge or

- 132 skill.
- 133 (b) "Academically effective" means software that:
- 134 (i) is designed to provide support or enable a student's active learning, skill
- 135 development, or academic progress in the intended subject area;
- 136 (ii) where applicable, aligns with the public education core standards described in
- 137 Section 53E-4-202;
- 138 (iii) does not employ design features that primarily:
- 139 (A) interfere with active learning; or
- 140 (B) undermine teacher instructional authority; and
- 141 (iv) contributes to or enables measurable academic progress or skill development
- 142 when used as intended.
- 143 (c) "Active learning" means instruction that requires a student to engage in cognitive
- 144 processes including analyzing, reasoning, practicing, or creating to understand or
- 145 apply knowledge or skills.
- 146 (d)(i) "Addictive design feature" means a feature or component of a digital or online
- 147 product that encourages or increases a student's frequency, time spent, or
- 148 engagement with the product.
- 149 (ii) "Addictive design feature" includes the following features:
- 150 (A) infinite scroll;
- 151 (B) autoplay that continues beyond the educational task or lesson;
- 152 (C) points, badges, or other gamification rewards tied to time spent on the product
- 153 rather than learning objectives or academic progress;
- 154 (D) persistent notifications prompting re-engagement when the product is not
- 155 actively in use, unless:
- 156 (I) a teacher initiates the notification; and
- 157 (II) the notification is directly related to assigned schoolwork;
- 158 (E) personalized recommendation systems designed to maximize
- 159 time-on-platform rather than learning outcomes; or
- 160 (F) engagement metrics, streaks, or social comparison features designed to create
- 161 fear of missing out or compulsive checking behavior.
- 162 (iii) "Addictive design feature" does not include a:
- 163 (A) recommendation of next lessons or learning activities based on curriculum
- 164 progression or mastery of prerequisites;
- 165 (B) notification about a teacher-assigned or course-required assignment, deadline,

- 166 or teacher feedback; or
- 167 (C) feature that encourages active learning rather than passive consumption.
- 168 (e) "Clickstream data" means data an LEA or third-party provider collects from a
- 169 student's use of an online service, application, or device that records the student's
- 170 navigation or sequence of actions.
- 171 (f) "Digital privacy agreement" means a contract between a contracting entity and a
- 172 digital provider that:
- 173 (i) ensures compliance with Chapter 9, Student Privacy and Data Protection; and
- 174 (ii) governs access, use, protection, retention, and disclosure of student data.
- 175 (g) "Educational software" means software that:
- 176 (i) serves an educational purpose; and
- 177 (ii) is designed for student instruction, assessment, or instructional support.
- 178 (h) "Passive consumption" means receiving information through viewing, listening, or
- 179 browsing without requiring the student to engage in cognitive processing necessary to
- 180 analyze, apply, or create knowledge or skills.
- 181 (i) "School-issued device" means any electronic hardware device an LEA provides to a
- 182 student for educational use.
- 183 (j) "Skill development" means the acquisition or improvement of academic abilities or
- 184 competencies necessary to perform a task aligned to state academic standards,
- 185 including guided practice, modeling, or feedback.
- 186 (k)(i) "Software" means any application, web-based service, plug-in, or other
- 187 code-based product, regardless of whether the application is free or for purchase,
- 188 that:
- 189 (A) runs on or is accessible from a school-issued device; and
- 190 (B) an LEA assigns, requires, recommends, installs, or otherwise makes available
- 191 for student use in connection with classroom instruction, including through a
- 192 school-issued account or identity, regardless of whether the software is
- 193 accessible on a school-issued or student-owned device.
- 194 (ii) "Software" includes software an individual uses during school hours in
- 195 connection with school-related purposes for:
- 196 (A) instruction;
- 197 (B) assessment;
- 198 (C) communication;
- 199 (D) collaboration; or

- 200 (E) enrichment.
- 201 (iii) "Software" does not include physical, electronic hardware.
- 202 (l)(i) "Student data" means the same as that term is defined in Section 53E-9-301.
- 203 (ii) "Student data" includes a student's:
- 204 (A) personal data as that term is defined in Section 13-61-101;
- 205 (B) metadata, device identifiers, and clickstream data;
- 206 (C) behavioral, engagement, or usage data; and
- 207 (D) information a software collects, generates, or infers in the course of student
- 208 use.
- 209 (m) "Sub-processor" means a third-party vendor or service that a primary data processor
- 210 engages to process personal data on the processor's behalf.
- 211 (2) The state board shall conduct a study regarding the use of software and digital services
- 212 in public schools and identify best practices related to student learning, safety, and
- 213 privacy.
- 214 (3) In conducting the study described in Subsection (2), the state board:
- 215 (a) shall review and evaluate best practices related to:
- 216 (i) the academic effectiveness of educational software, including whether software
- 217 supports:
- 218 (A) active learning;
- 219 (B) skill development; and
- 220 (C) measurable academic progress;
- 221 (ii) the potential use, cost, benefits, and drawbacks of a single, statewide digital
- 222 privacy agreement for all educational software used in a public school;
- 223 (iii) alignment of educational software with state academic standards;
- 224 (iv) the role of educational software in supporting or supplementing classroom
- 225 instruction;
- 226 (v) the distinction between active learning and passive consumption in digital
- 227 learning tools;
- 228 (vi) compliance with the sensitive materials requirements described in Section
- 229 53G-10-103 as the requirements relate to the use of software in a school;
- 230 (vii) digital privacy practices for student data, including:
- 231 (A) data minimization;
- 232 (B) security safeguards;
- 233 (C) breach notification practices;

- 234 (D) data retention and deletion practices; and
235 (E) limits on secondary use of student data;
236 (viii) the collection and use of student data, including:
237 (A) metadata;
238 (B) clickstream data;
239 (C) behavioral or engagement data; and
240 (D) biometric identifiers;
241 (ix) practices related to protecting a student from:
242 (A) Ĥ→ [targeted] ←Ĥ advertising or promotional content;
243 (B) commercial exploitation of student data; and
244 (C) algorithmic systems that may prioritize engagement over learning outcomes;
245 (x) educational software design practices that may affect student engagement,
246 including the use of addictive design features;
247 (xi) transparency regarding:
248 (A) data the software collects;
249 (B) third-party service providers or sub-processors; and
250 (C) embedded analytics or artificial intelligence systems;
251 (xii) the use of device features including cameras or microphones in educational
252 software;
253 (xiii) best practices for evaluating the educational value of educational software; and
254 (xiv) any other issue the state board determines relevant to the responsible use of
255 software in public education.
256 (b) may consult with:
257 (i) educators;
258 (ii) LEAs;
259 (iii) parents;
260 (iv) technology and software providers;
261 (v) researchers;
262 (vi) institutions of higher education; and
263 (vii) other stakeholders the state board determines to be appropriate.
264 (4) Before July 1, 2027, the state board shall:
265 (a) publish on the state board's website guidance and best practices identified through
266 the study described in this section; and
267 (b) distribute the guidance and best practices to each LEA.

268 (5) Upon the request of the Education Interim Committee, the state board shall provide a
269 report summarizing the study and the guidance described in Subsection (4) to the
270 Education Interim Committee.

271 Section 3. **Effective Date.**

272 This bill takes effect on July 1, 2026.