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**Student Consent Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kirk A. Cullimore**

House Sponsor:

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**LONG TITLE**

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**General Description:**

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This bill enacts provisions related to a student's educational data and informed consent.

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**Highlighted Provisions:**

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This bill:

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- defines terms;

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- enacts certain rights related to a student and a student's educational data;

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- requires an education entity and institution of higher education to:

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- honor informed consent disclosures;

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- offer secure platforms for obtaining informed consent; and

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- follow certain procedures when obtaining a student's informed consent;

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- allows an education entity and an institution of higher education to impose certain

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limitations;

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- prohibits an education entity and an institution of higher education from:

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- restricting a student's ability to grant informed consent;

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- requiring a student to waive certain rights; or

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- imposing certain limitations on a student's informed consent;

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- requires a parent to provide informed consent on behalf of the parent's minor student; and

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- allows the State Board of Education or the Utah Board of Higher Education to issue best

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practices for informed consent.

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**Money Appropriated in this Bill:**

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None

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**Other Special Clauses:**

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This bill provides a special effective date.

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**Utah Code Sections Affected:**

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ENACTS:

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**53E-9-311**, Utah Code Annotated 1953

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**53H-7-1001**, Utah Code Annotated 1953

31 **53H-7-1002**, Utah Code Annotated 1953

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

34 Section 1. Section **53E-9-311** is enacted to read:

35 **53E-9-311 . Student ownership of educational data -- Informed consent -- Access**  
36 **and disclosure.**

37 (1) As used in this section:

38 (a)(i) "Educational data" means, regarding access to or disclosure of the student's  
39 data, personally identifiable information an education entity maintains from a  
40 student education record, as defined in the Family Educational Rights and Privacy  
41 Act 20 U.S.C. Sec. 1232g.

42 (ii) "Educational data" includes:

43 (A) transcript data;

44 (B) enrollment information;

45 (C) course history; and

46 (D) academic credentials.

47 (b) "Informed consent" means the same as that term is defined in Section 53H-7-1001.

48 (2) Educational data is the property of a student.

49 (3) In accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. Sec.  
50 1232g, this chapter, and other relevant state and federal privacy laws, a student who is  
51 currently enrolled in, or has previously been enrolled in, an education entity has the right  
52 to:

53 (a) access the student's educational data;

54 (b) disclose the student's educational data; and

55 (c) authorize access to the student's educational data in accordance with this section.

56 (4) An education entity shall:

57 (a) honor a student's informed consent to disclose educational data to a third-party the  
58 student designates;

59 (b) offer a secure digital or electronic mechanism as the primary method for obtaining  
60 informed consent under this section;

61 (c) when obtaining a student's consent through a digital or electronic consent mechanism:

62 (i) allow the student to review all consent information before authorization; and

63 (ii) prohibit the bundling of unrelated terms or conditions with the consent request;

64 and

- 65 (d) regarding a limitation imposed under Subsection (5)(b):  
 66 (i) clearly disclose the limitation at the time the entity grants access; and  
 67 (ii) provide a reasonable mechanism that allows a student to re-access educational  
 68 data after the expiration of a time-based or session-based limitation.
- 69 (5) An education entity may:  
 70 (a) allow informed consent in written form only if a digital or electronic mechanism is  
 71 not reasonably available to the student; and  
 72 (b) impose reasonable time-based or session-based limitations on a student's technical  
 73 method of access to educational data.
- 74 (6) An education entity may not:  
 75 (a) deny, delay, or restrict a student's ability to grant informed consent that complies  
 76 with this section;  
 77 (b) require a student to waive unrelated rights or agree to unrelated terms as a condition  
 78 of granting informed consent; and  
 79 (c) impose a limitation under Subsection (5)(b) that:  
 80 (i) restricts the student's underlying right to access the student's educational data;  
 81 (ii) prevents the student from requesting renewed access; or  
 82 (iii) limits the student's ability to provide informed consent for disclosure of the  
 83 student's educational data.
- 84 (7) If a student is a minor, an education entity shall obtain the parent's consent on behalf of  
 85 the student in accordance with this section.
- 86 (8) This section does not alter, limit, or supersede any right or obligation under:  
 87 (a) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g;  
 88 (b) this chapter; or  
 89 (c) any other applicable state or federal privacy law.
- 90 (9) The state board may issue nonbinding guidance regarding best practices for consent  
 91 mechanisms that comply with the requirements of this section.

92 Section 2. Section **53H-7-1001** is enacted to read:

93 **Part 10. Student Data**

94 **53H-7-1001 . General provisions -- Definitions.**

95 As used in this part:

- 96 (1)(a) "Educational data" means, regarding access to or disclosure of the student's data,  
 97 personally identifiable information an institution maintains from a student education  
 98 record, as defined in the Family Educational Rights and Privacy Act, 20 U.S.C. Sec.

99 1232g.

100 (b) "Educational data" includes:

101 (i) transcript data;

102 (ii) enrollment information;

103 (iii) course history; and

104 (iv) academic credentials.

105 (2) "Informed consent" means voluntary, affirmative authorization an individual provides  
106 after the individual is presented, in a clear manner, with sufficient information to  
107 reasonably understand:

108 (a) the data that is subject to access or disclosure;

109 (b) the potential recipient of the data disclosure;

110 (c) that the student has the right to revoke consent at any time; and

111 (d) the scope and duration of the authorization.

112 Section 3. Section **53H-7-1002** is enacted to read:

113 **53H-7-1002 . Student ownership of educational data -- Informed consent --**

114 **Access and disclosure.**

115 (1) Educational data is the property of a student.

116 (2) In accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. Sec.  
117 1232g, and other relevant state and federal privacy laws, a student who is currently  
118 enrolled in, or has previously been enrolled in, an institution has the right to:

119 (a) access the student's educational data;

120 (b) disclose the student's educational data; and

121 (c) authorize access to the student's educational data in accordance with this section.

122 (3) An institution shall:

123 (a) honor a student's informed consent to disclose educational data to a third-party the  
124 student designates;

125 (b) offer a secure digital or electronic mechanism as the primary method for obtaining  
126 informed consent under this section;

127 (c) when obtaining a student's consent through a digital or electronic consent mechanism:

128 (i) allow the student to review all consent information before authorization; and

129 (ii) prohibit the bundling of unrelated terms or conditions with the consent request;

130 and

131 (d) regarding a limitation imposed under Subsection (4)(b):

132 (i) clearly disclose the limitation at the time the institution grants access; and

- 133           (ii) provide a reasonable mechanism that allows a student to re-access educational  
134           data after the expiration of a time-based or session-based limitation.
- 135 (4) An institution may:
- 136       (a) allow informed consent in written form only if a digital or electronic mechanism is  
137       not reasonably available to the student; and
- 138       (b) impose reasonable time-based or session-based limitations on a student's technical  
139       method of access to educational data.
- 140 (5) An institution may not:
- 141       (a) deny, delay, or restrict a student's ability to grant informed consent that complies  
142       with this section;
- 143       (b) require a student to waive unrelated rights or agree to unrelated terms as a condition  
144       of granting informed consent; and
- 145       (c) impose a limitation under Subsection (4)(b) that:
- 146           (i) restricts the student's underlying right to access the student's educational data;  
147           (ii) prevents the student from requesting renewed access; or  
148           (iii) limits the student's ability to provide informed consent for disclosure of the  
149           student's educational data.
- 150 (6) If a student is a minor, an institution shall obtain the parent's consent on behalf of the  
151       student in accordance with this section.
- 152 (7) This section does not alter, limit, or supersede any right or obligation under:
- 153       (a) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; or  
154       (b) any other applicable state or federal privacy law.
- 155 (8) The Utah Board of Higher Education may issue nonbinding guidance regarding best  
156       practices for consent mechanisms that comply with the requirements of this section.

157       Section 4. **Effective Date.**

158       This bill takes effect on July 1, 2026.