

Kirk A. Cullimore proposes the following substitute bill:

**Student Consent Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kirk A. Cullimore**

House Sponsor: Stephanie Gricius

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- defines terms;
- enacts certain rights regarding student data;
- requires an education entity and institution of higher education to:
  - disclose student data under certain circumstances;
  - offer a secure, digital mechanism for obtaining informed consent; and
  - follow certain procedures when obtaining a student's informed consent;
- allows an education entity and an institution of higher education to impose certain limitations;
- prohibits an education entity and an institution of higher education from:
  - restricting a student's ability to grant informed consent;
  - requiring a student to waive certain rights; or
  - imposing certain limitations on a student's informed consent;
- requires a parent to provide informed consent on behalf of the parent's minor student;
- creates a private right of action; and
- allows the State Board of Education and the Utah Board of Higher Education to issue best practices for informed consent.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides a special effective date.

**Utah Code Sections Affected:**

29 ENACTS:

30 **53E-9-311**, Utah Code Annotated 1953

31 **53H-7-1001**, Utah Code Annotated 1953

32 **53H-7-1002**, Utah Code Annotated 1953



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

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

36 **53E-9-311 . Disclosure of educational data -- Informed consent -- Access and**  
37 **disclosure.**

38 (1) As used in this section:

39 ~~Ĥ~~→ [(a) "**Bona fide educational purpose**" means a need to access a student's educational  
39a ~~data~~.] ←Ĥ

40 ~~Ĥ~~→ [to provide services to the student directly related to the student's:]

41 [(i) educational program; or]

42 [(ii) participation in the workforce following completion of the student's educational] ←Ĥ

43 ~~Ĥ~~→ [program.]

44 [(b)] (a) ←Ĥ "Educational data" means a student's:

45 (i) transcript data;

46 (ii) enrollment information;

47 (iii) course history; and

48 (iv) academic credentials.

49 ~~Ĥ~~→ [(e)] (b) ←Ĥ "Informed consent" means the same as that term is defined in

49a Section 53H-7-1001.

50 (2) In accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. Sec.

51 1232g, this chapter, and other relevant state and federal privacy laws, Ĥ→ a ←Ĥ student

51a who is

52 currently enrolled in, or has previously been enrolled in, an education entity Ĥ→ , ←Ĥ Ĥ→

52a or a parent if the student is under 18 years old, ←Ĥ has the right

53 to:

54 (a) access the student's educational data; and

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

56 (3) An education entity shall:

57 (a) subject to Subsection (9), disclose a student's educational data;

- 58 (b) beginning July 1, 2027, offer a secure digital or electronic mechanism as the primary  
 59 method for obtaining informed consent under this section;
- 60 (c) allow informed consent in written form if a digital or electronic mechanism is not  
 61 reasonably available to the student;
- 62 (d) when obtaining a student's consent through a digital or electronic consent mechanism:  
 63 (i) allow the student to review all consent information before authorization; and  
 64 (ii) prohibit the bundling of unrelated terms or conditions with the consent request;  
 65 and
- 66 (e) regarding a limitation imposed under Subsection (5)(b):  
 67 (i) clearly disclose the limitation at the time the entity grants access; and  
 68 (ii) provide a reasonable mechanism that allows a student to re-access educational  
 69 data after the expiration of a time-based or session-based limitation.
- 70 (4) An education entity may impose reasonable time-based or session-based limitations on  
 71 a student's technical method of access to educational data.
- 72 (5) An education entity may not:
- 73 (a) deny, delay, or restrict a student's ability to grant informed consent that complies  
 74 with this section;
- 75 (b) require a student to waive unrelated rights or agree to unrelated terms as a condition  
 76 of granting informed consent; and
- 77 (c) impose a limitation under Subsection (5)(b) that:  
 78 (i) restricts the student's underlying right to access the student's educational data;  
 79 (ii) prevents the student from requesting renewed access; or  
 80 (iii) limits the student's ability to provide informed consent for disclosure of the  
 81 student's educational data.
- 82 (6) ~~Ĥ~~ → (a) ← ~~Ĥ~~ If a student is under 18 years old and the disclosure is to a party  
 82a other than the student,  
 83 an education entity shall obtain the parent's consent ~~Ĥ~~ → **[on behalf of the student]** ← ~~Ĥ~~  
 83a in  
 84 accordance with this section.
- 84a ~~Ĥ~~ → (b) **The restrictions described in Subsection (5) apply to a parent of a student**  
 84b **if the student is under 18 years old.** ← ~~Ĥ~~
- 85 (7) This section does not alter, limit, or supersede any right or obligation under:  
 86 (a) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g;  
 87 (b) this chapter; or

88 (c) any other applicable state or federal privacy law.

89 (8) The state board may issue nonbinding guidance regarding best practices for consent  
90 mechanisms that comply with the requirements of this section.

91 (9) ~~Ĥ~~→ **[An] Except as provided in the Family Educational Rights and Privacy Act,**  
91a **20 U.S.C. Sec. 1232g, an** ←Ĥ education entity shall disclose a student's educational data  
91b to a third party under this  
92 section only:

93 (a) with the informed consent of the student;

94 (b) according to the terms of the document expressing the student's informed consent; Ĥ→  
94a **and**

95 ~~[(c) if the purpose of the disclosure stated in the document expressing the student's-]~~ ←Ĥ  
96 ~~Ĥ~~→ **[informed consent to the disclosure demonstrates a bona fide educational purpose in**  
97 **] ←Ĥ**

97 ~~Ĥ~~→ **[the student's educational data; and]**

98 ~~[(d)] (c)~~ ←Ĥ subject to the agreement of the third party receiving the student's  
98a educational data:

99 (i) to use the student's educational data only as provided in the document expressing  
100 the student's informed consent to the disclosure; and

101 (ii) to not redisclose the student's educational data to any other party.

102 (10) A third party that receives the educational data of more than 10 students is subject to:

103 (a) the data privacy requirements described in Title 53E, Chapter 9, Part 3, Student Data  
104 Protection; and

105 (b) policies and administrative rules the state board adopts to protect student data.

106 (11)(a) A student whose educational data is shared as a result of a violation of a third  
107 party's failure to comply with the requirements of this section has a private right of  
108 action against the third party.

109 (b) A student described in Subsection (11)(a) does not have a private right of action  
110 against the education entity.

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

112 **Part 10. Student Data**

113 **53H-7-1001 . General provisions -- Definitions.**

114 As used in this part:

115 ~~Ĥ~~→ **[(1) "Bona fide educational purpose" means the same as that term is defined in**

- 115a        **Section**
- 116        **53E-9-311.**
- 117        [~~(2)~~] (1) ←~~H~~ "Educational data" means a student's:
- 118            (a) transcript data;
- 119            (b) enrollment information;
- 120            (c) course history; and
- 121            (d) academic credentials.
- 122        ~~H~~→ [~~(3)~~] (2) ←~~H~~ "Informed consent" means voluntary, affirmative, written
- 122a        authorization complying with
- 123        the requirements of 34 C.F.R. Sec. 99.30 that a student provides after the individual is
- 124        presented, in a clear manner, with sufficient information to reasonably understand:
- 125            (a) the educational data that is subject to access or disclosure;
- 126            (b) the purpose of the disclosure of the educational data;
- 127            (c) the recipient of the educational data disclosure;
- 128            (d) that the student has the right to revoke consent of disclosure of the educational data
- 129            at any time;
- 130            (e) the scope and duration of the authorization to disclose the educational data; and
- 131            (f) whether consent is a condition of the student's participation in any educational
- 132            program or activity.
- 133        Section 3. Section **53H-7-1002** is enacted to read:
- 134        **53H-7-1002 . Disclosure of educational data -- Informed consent -- Access and**
- 135        **disclosure.**
- 136        (1) In accordance with the Family Educational Rights and Privacy Act, 20 U.S.C. Sec.
- 137        1232g, and other relevant state and federal privacy laws, a student who is currently
- 138        enrolled in, or has previously been enrolled in, an institution has the right to:
- 139            (a) access the student's educational data; and
- 140            (b) authorize access to the student's educational data in accordance with this section.
- 141        (2) An institution shall:
- 142            (a) subject to Subsection (3), disclose a student's educational data;
- 143            (b) beginning July 1, 2027, offer a secure digital or electronic mechanism as the primary
- 144            method for obtaining informed consent under this section;
- 145            (c) shall allow informed consent in written form if a digital or electronic mechanism is
- 146            not reasonably available to the student;
- 147            (d) when obtaining a student's informed consent:

- 148           (i) allow the student to review all consent information before authorization;  
 149           (ii) allow the student to revoke consent at any time; and  
 150           (iii) prohibit the bundling of unrelated terms or conditions with the consent request;  
 151                 and
- 152       (e) regarding a limitation imposed under Subsection (5)(b):  
 153           (i) clearly disclose the limitation at the time the institution grants access; and  
 154           (ii) provide a reasonable mechanism that allows a student to re-access educational  
 155                 data after the expiration of a time-based or session-based limitation.
- 156       (3) ~~Ĥ~~ → **[An] Except as provided in the Family Educational Rights and Privacy Act,**  
 156a           **20 U.S.C. Sec. 1232g, an** ←Ĥ institution shall disclose a student's educational data under  
 156b           this section only:
- 157           (a) with the informed consent of the student;  
 158           (b) according to the terms of the document expressing the informed consent of the  
 159                 student; Ĥ → **and**
- 160           ~~[(e) if the purpose of the disclosure stated in the document expressing the informed]~~ ←Ĥ  
 161                 ~~Ĥ~~ → **[consent of the student to the disclosure demonstrates a bona fide educational purpose**  
 162                 ~~]~~ ←Ĥ  
 163                 ~~Ĥ~~ → **[for the student's educational data; and]**
- 163           ~~[(d)]~~ (c) ←Ĥ subject to the agreement of the third party receiving the student's  
 163a           educational data:
- 164           (i) to use the student's educational data only as provided in the document expressing  
 165                 the informed consent of the student to the disclosure; and  
 166           (ii) to not redisclose the student's educational data to any other party.
- 167       (4) A third party that receives the educational data of more than 10 students is subject to:  
 168           (a) data privacy requirements the Utah Board of Higher Education makes under  
 169                 Subsection 53H-14-502(5); and  
 170           (b) policies regarding the protection of student data the institution adopts under  
 171                 Subsection 53H-14-502(1).
- 172       (5) An institution may impose reasonable time-based or session-based limitations on a  
 173           student's technical method of access to educational data.
- 174       (6) An institution may not:  
 175           (a) deny, delay, or restrict a student's ability to grant informed consent that complies  
 176                 with this section;

- 177           (b) require a student to waive unrelated rights or agree to unrelated terms as a condition  
178           of granting informed consent; and
- 179           (c) impose a limitation under Subsection (5)(b) that:
- 180           (i) restricts the student's underlying right to access the student's educational data;  
181           (ii) prevents the student from requesting renewed access; or  
182           (iii) limits the student's ability to provide informed consent for disclosure of the  
183           student's educational data.
- 184       (7) This section does not alter, limit, or supersede any right or obligation under:
- 185           (a) the Family Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g; or  
186           (b) any other applicable state or federal privacy law.
- 187       (8) The Utah Board of Higher Education may issue nonbinding guidance regarding best  
188           practices for consent mechanisms that comply with the requirements of this section.
- 189       (9)(a) A student whose educational data is shared as a result of a violation of a third  
190           party's failure to comply with the requirements of this section has a private right of  
191           action against the third party.
- 192           (b) A student described in Subsection (9)(a) does not have a private right of action  
193           against the institution.
- 194           Section 4. **Effective Date.**
- 195           This bill takes effect on July 1, 2026.