

UTAH STATE BOARD OF EDUCATION

Subject:

ACTION: R277-487, Public School Data Confidentiality and Disclosure (Amendment)

Agenda item type:

Action Item

Recommended Action:

That the Committee approve R277-487, Public School Confidentiality and Disclosure, Draft 1, on first reading and forward to the Board for approval on second and final reading.

Purpose of Memo:

Requested by 3 or more members of the board

Background:

This agenda item is brought forward pursuant to USBE Board Bylaws Article VII, Section 5, following a formal Board Member Request submitted on July 11, 2026, by Committee Chair/Board Member Kerry, co-sponsored by Board Members Brinton and Hall. The requesters seek to amend **Board Rule R277-487** to establish a clear requirement that **all student data collected, processed, or stored by or on behalf of Utah public schools, LEAs, or the State Board must be hosted exclusively within the United States and subject to U.S. federal and state law.**

In order to facilitate an in-depth and well researched approach to this topic, the committee will consider this item in both August and September committee meetings.

Questions for consideration by board members and staff include:

- How would this rule change affect “edge cases”? For example:
 - If a classroom teacher travels out of the country and has a spreadsheet of student data stored on her laptop, would she be breaking the law?
 - Would this policy change impact whether a third-party contractor could outsource their customer service or software development to another country?
- Does the rule need to contemplate the difference between data storage and data processing?
- Should the rule identify whether the intent is to address data centers in particular, or data storage more broadly (for example, storage on local computers and phones)?
- What would be the likely cost of this rule change to USBE? LEAs? Tax payers?
 - Cost considerations to be explored before September committee meeting:
 - Some products only allow you to guarantee your data storage in the U.S. with certain tiers of service.
 - Ex. Many LEAs utilize the free versions of popular products. Because there is not a contractual agreement, LEAs can not guarantee where data is stored. If this rule passed, every LEA would have to move to the paid version of all of their products.
- Should subprocessors of third-party contracts be held to the same data storage standard? If so, would this require any additional agreements with subprocessors?
- Would this rule limit the number of third-party contractors with which the LEA and USBE could do business? For example:

- Would this limit some of the software curriculum options used by Dual Language Immersion (DLI) programs?
- Would this limit Career and Technical Education (CTE) programs, which often are more challenging to negotiate contracts with?
- Should the rule include an explicit, narrowly tailored administrative waiver process—managed by the Superintendent or the Board—that permits an LEA to use a critical sole-source software tool if no compliant U.S. alternative exists, provided risk mitigation protocols are met?
- Are there other avenues for accomplishing the matter of governance? For example, could contract language include provisions clarifying that U.S. laws govern the data?

Staff will present R277-487, Public School Data Confidentiality and Disclosure, Draft 1, for discussion.

Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-9-302](#); [53E-3-401](#); [53G-11-511](#)

Contact:

Name:	Elisse Newey	Katy Challis
Title:	Assistant Superintendent	Director of Privacy
Phone:	646-280-7839	801-538-7894
Email:	elisse.newey@schools.utah.gov	katy.challis@schools.utah.gov

Attachments:

1. R277-487 - Draft 3 - Kerry - September 2026 Committee
2. R277-487 - Draft 2 - September 2026 Committee
3. R277-487 - Draft 1 - August 2026 Committee
4. R277-487 Reporting Burden and Fiscal Impact Estimate Form