

PUBLIC SCHOOL EMPLOYEE BACKGROUND CHECKS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to public school employee background checks.

Highlighted Provisions:

This bill:

► provides that a school district or charter school may use the fingerprints of an employee maintained on file to conduct a periodic background check if the employee has maintained continuous employment with the school district or charter school since the date of the initial background check; ~~H~~→ [and]

► requires the Criminal Investigations and Technical Services Division of the Department of Public Safety to notify an administrator at a school district, charter school, or private school when a new entry is made against an employee or volunteer whose fingerprints are held on file regarding any matters involving an alleged offense against property; and ←H

► makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-3-410, as last amended by Laws of Utah 2010, Chapter 362

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

Section 1. Section **53A-3-410** is amended to read:

53A-3-410. Criminal background checks on school personnel -- Notice -- Payment



59 criminal background check.

60 (4) ~~[An]~~ A school district, charter school, or private school shall notify an applicant,
61 volunteer, or employee [shall receive written notice], in writing, that a criminal background
62 check has been requested.

63 (5) (a) (i) Fingerprints of the applicant, volunteer, or employee shall be taken, and the
64 ~~[Criminal Investigations and Technical Services Division of the Department of Public Safety;~~
65 ~~established in Section 53-10-103;]~~ division shall release the applicant's, volunteer's, or
66 employee's full criminal history record to the administrator requesting the information.

67 (ii) The division shall maintain a separate file of fingerprints submitted under
68 Subsection (5)(a)(i) and notify the administrator when a new entry is made against an employee
69 or volunteer whose fingerprints are held in the file regarding:

70 (A) any matters involving an alleged sexual offense;

71 (B) any matters involving an alleged drug-related offense;

72 (C) any matters involving an alleged alcohol-related offense; ~~H→~~ ~~[or]~~ ~~←H~~

73 (D) any matters involving an alleged offense against the person under Title 76, Chapter
74 5, Offenses Against the Person ~~H→~~ ~~[-]~~ ; ~~or~~

74a **(E) any matters involving an alleged offense against property under Title 76,**
74b **Chapter 6, Offenses Against Property.** ~~←H~~

75 (iii) The ~~[cost of maintaining the separate file shall be paid by the]~~ school district,
76 charter school, or private school shall pay the cost of maintaining the separate file ~~H→~~ ~~[from fees~~
77 ~~charged to [those] applicants, volunteers, and employees submitting fingerprints]~~ ~~←H~~ .

78 (b) Information received by the division from entities other than agencies or political
79 subdivisions of the state may not be released to a private school unless the release is
80 permissible under applicable laws or regulations of the entity providing the information.

81 (6) A school district or charter school may use the fingerprints of an employee
82 maintained on file under Subsection (5)(a)(ii) to conduct a periodic background check under
83 Subsection (2)(b) if the employee has maintained continuous employment with the school
84 district or charter school since the date of the initial background check under Subsection (2)(a).

85 ~~[(6)]~~ (7) The superintendent, local school board, or their counterparts at a charter
86 school or private school shall consider only those convictions, pleas in abeyance, or arrests
87 which are job-related for the employee, applicant, or volunteer.

88 ~~[(7)]~~ (8) (a) A school district, charter school, or private school may require an applicant
89 to pay the costs of a background check as a condition for consideration for employment or