

Effective 5/10/2016

Renumbered 1/24/2018

53A-15-1503 Background checks for non-licensed employees, contract employees, volunteers, and charter school governing board members.

- (1) An LEA or qualifying private school shall:
 - (a) require the following individuals to submit to a nationwide criminal background check and ongoing monitoring as a condition for employment or appointment:
 - (i) a non-licensed employee;
 - (ii) a contract employee;
 - (iii) a volunteer who will be given significant unsupervised access to a student in connection with the volunteer's assignment; and
 - (iv) a charter school governing board member;
 - (b) collect the following from an individual required to submit to a background check under Subsection (1)(a):
 - (i) personal identifying information;
 - (ii) subject to Subsection (2), a fee described in Subsection 53-10-108(15); and
 - (iii) consent, on a form specified by the LEA or qualifying private school, for:
 - (A) an initial fingerprint-based background check by the FBI and the bureau upon submission of the application; and
 - (B) retention of personal identifying information for ongoing monitoring through registration with the systems described in Section 53A-15-1505;
 - (c) submit the individual's personal identifying information to the bureau for:
 - (i) an initial fingerprint-based background check by the FBI and the bureau; and
 - (ii) ongoing monitoring through registration with the systems described in Section 53A-15-1505 if the results of the initial background check do not contain disqualifying criminal history information as determined by the LEA or qualifying private school in accordance with Section 53A-15-1506; and
 - (d) identify the appropriate privacy risk mitigation strategy that will be used to ensure that the LEA or qualifying private school only receives notifications for individuals with whom the LEA or qualifying private school maintains an authorizing relationship.
- (2) An LEA or qualifying private school may not require an individual to pay the fee described in Subsection (1)(b)(ii) unless the individual:
 - (a) has passed an initial review; and
 - (b) is one of a pool of no more than five candidates for the position.
- (3) By September 1, 2018, an LEA or qualifying private school shall:
 - (a) collect the information described in Subsection (1)(b) from individuals:
 - (i) who were employed or appointed prior to July 1, 2015; and
 - (ii) with whom the LEA or qualifying private school currently maintains an authorizing relationship; and
 - (b) submit the information to the bureau for ongoing monitoring through registration with the systems described in Section 53A-15-1505.
- (4) An LEA or qualifying private school that receives criminal history information about a licensed educator under Subsection 53A-15-1504(5) shall assess the employment status of the licensed educator as provided in Section 53A-15-1506.
- (5) An LEA or qualifying private school may establish a policy to exempt an individual described in Subsections (1)(a)(i) through (iv) from ongoing monitoring under Subsection (1) if the individual is being temporarily employed or appointed.