

**MINUTES OF HOUSE EDUCATION  
STANDING COMMITTEE**  
Tuesday, January 26, 2010  
Room 445, State Capitol Building

**MEMBERS PRESENT:** Rep. Gregory H. Hughes, Chair  
Rep. Kenneth W. Sumsion, Vice Chair  
Rep. Johnny Anderson  
Rep. Laura Black  
Rep. Rebecca Edwards  
Rep. Craig A. Frank  
Rep. Don L. Ipson  
Rep. Bradley G. Last  
Rep. Carol Spackman Moss  
Rep. Merlynn T. Newbold  
Rep. Marie H. Poulson  
Rep. Kraig Powell  
Rep. Mark A. Wheatley  
Rep. Carl Wimmer

**MEMBERS ABSENT:** Rep. Brad Dee

**STAFF PRESENT:** Constance C. Steffen, Policy Analyst  
Linda Service, Committee Secretary

**Note:** List of visitors and copy of handouts are filed with committee minutes.

Rep. Hughes called the meeting to order at 2:10 p.m. Committee members were introduced.

**H.B. 81      School Employee Criminal Background Check** (*Rep. S. Allen*)

**MOTION:** Rep. Newbold moved to amend the bill as follows:

1. *Page 1, Line 18:*

18    applicant or employee to pay for the costs of a criminal background check; ~~{and}~~ =  
      ▶ allows the State Board of Education to require an educator to submit to a criminal background check where reasonable cause exists; and

2. *Page 5, Lines 150 through 151:*

150    revoked license. =  
      (2) Where reasonable cause exists, the State Board of Education may require an educator to submit to a criminal background check.

151            ~~(2)~~ (3) (a) The office shall establish a procedure for obtaining and

evaluating relevant

3. *Page 6, Line 159:*

159 separate file of fingerprints submitted under Subsection ~~{(2)}~~ (3) (a) and notify  
the office when a new

4. *Page 6, Line 169:*

169 ~~{(3)}~~ (4) An applicant or educator shall have an opportunity to  
respond to any information received by the

5. *Page 6, Lines 171 through 173:*

171 (4) In preparing recommendations concerning licensing for submission to the board,  
172 the office shall consider only the following matters obtained through fingerprint checks to  
the  
173 extent that they are relevant to the license sought by the applicant or held by the  
educator :

6. *Page 7, Lines 185 through 188:*

185 (5) If a recommendation is made for denial , suspension, or revocation of  
licensure because of information  
186 obtained through a background check, the person shall receive written notice of the  
reasons for  
187 the recommendation and have an opportunity to respond in accordance with procedures set  
188 forth under board rules.

7. *Page 7, Line 191:*

191 (7) The applicant shall pay the costs of conducting the background check required  
pursuant to Subsection (1) .

The motion to amend passed unanimously.

Rep. Allen explained the bill which modifies provisions regarding criminal background checks for employees of, or volunteers at, school districts, charter schools, and private schools.

Dr. Larry Shumway, State School Superintendent, responded to committee members' questions.

The following spoke in support of the bill:

Steve Peterson, Utah School Boards Association and Utah School Superintendents Association  
Robert McDaniel, Chair, Utah Professional Practices Advisory Commission and H.R. Director, Murray School District  
Stephen Dimond, H.R. Director, Canyons School District  
Becky Williams, H.R. Director, Davis School District

Robert Layton, Utah Association of Criminal Defense Lawyers, commented on the bill.

Geoffrey Leonard, Utah Classified Employees Association, expressed concern with the cost of background checks to employees.

**MOTION:** Rep. Last moved to pass the bill out with a favorable recommendation. The motion passed unanimously with Rep. Newbold and Rep. Wimmer absent for the vote.

**H.B. 42      School District Employees - Career Status Requirements (*Rep. R. Menlove*)**

**MOTION:** Rep. Ipson moved to adopt 1st Substitute H.B. 42. The motion passed unanimously with Rep. Newbold and Rep. Wimmer absent for the vote.

Rep. Menlove said the bill gives flexibility to school districts when an educator is seeking career status.

Steve Peterson, Utah School Boards Association and Utah School Superintendents Association, spoke in support of the bill.

Susan Kuziak, Utah Education Association, spoke in opposition to the bill.

**MOTION:** Rep. Frank moved to pass the bill out with a favorable recommendation. The motion passed with Rep. Anderson, Rep. Black, Rep. Edwards, Rep. Moss, Rep. Poulson and Rep. Wheatley voting in opposition to the bill. Rep. Wimmer was absent for the vote.

**MOTION:** Rep. Moss moved to adjourn at 3:46 p.m. The motion passed unanimously with Rep. Wimmer absent for the vote.

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