

SCHOOL INTERNSHIP SAFETY AGREEMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Deidre M. Henderson

House Sponsor: Susan Pulsipher

LONG TITLE

General Description:

This bill provides for public or private schools to enter into internship safety agreements with cooperating employers.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ provides for public or private schools to enter into internship safety agreements with cooperating employers; ~~and~~

~~allows for certain information sharing to satisfy a background check requirement;~~
~~and]~~

- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53G-7-901, as last amended by Laws of Utah 2019, Chapter 293

53G-7-904, as renumbered and amended by Laws of Utah 2018, Chapter 3

~~53G-11-402, as renumbered and amended by Laws of Utah 2018, Chapter 3]~~

S.B. 147



28 ENACTS:

29 **53G-7-904.1**, Utah Code Annotated 1953



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

32 Section 1. Section **53G-7-901** is amended to read:

33 **53G-7-901. Definitions.**

34 As used in this part:

35 (1) "Cooperating employer" means a public or private entity which, as part of a work
36 experience and career exploration program offered through a school, provides interns with
37 training and work experience in activities related to the entity's ongoing business activities.

38 (2) "Intern" means a student enrolled in a school-sponsored work experience and career
39 exploration program under Section **53G-7-902** involving both classroom instruction and work
40 experience with a cooperating employer, for which the student receives no compensation.

41 (3) "Internship" means the work experience segment of an intern's school-sponsored
42 work experience and career exploration program, performed under the direct supervision of a
43 cooperating employer.

44 (4) "Internship safety agreement" means the agreement between a public or private
45 school and a cooperating employer in accordance with Section **53G-7-904.1**.

46 [~~4~~] (5) "Private school" means a school serving any of grades 7 through 12 which is
47 not part of the public education system.

48 [~~5~~] (6) "Public school" means:

- 49 (a) a public school district;
- 50 (b) an applied technology center or applied technology service region;
- 51 (c) the Schools for the Deaf and the Blind; or
- 52 (d) other components of the public education system authorized by the state board to
53 offer internships.

54 Section 2. Section **53G-7-904** is amended to read:

55 **53G-7-904. Internship programs -- Criminal background checks.**

56 [~~Officers~~] If a public or private school has not entered into an internship safety
57 agreement with a cooperating employer, officers and employees of [~~a~~] the cooperating
58 employer who will be given significant unsupervised access to a student in connection with the

59 student's activities as an intern ~~[shall be]~~ are considered to be a volunteer for purposes of
60 criminal background checks ~~[under]~~ described in Section 53G-11-402.

61 Section 3. Section 53G-7-904.1 is enacted to read:

62 **53G-7-904.1. Internship safety agreements.**

63 (1) A public or private school may enter into an internship safety agreement with a
64 cooperating employer.

65 (2) The public or private school described in Subsection (1) shall ensure that the
66 internship safety agreement requires a cooperating employer to:

67 (a) ensure that an adult officer or employee of the cooperating employer is not
68 intentionally alone with an intern at any time during the intern's activities;

69 (b) maintain compliance with all applicable state and federal laws relating to workplace
70 and student safety, privacy, and welfare; and

71 (c) provide a safe, educational, courteous, and welcoming professional environment
72 that is free of harassment or discriminatory conduct that may result in a hostile, intimidating,
73 abusive, offensive, or oppressive learning environment.

74 ~~§→ [Section 4. Section 53G-11-402 is amended to read:~~

75 ~~53G-11-402. Background checks for non-licensed employees, contract employees,~~
76 ~~volunteers, and charter school governing board members:~~

77 ~~(1) An LEA or qualifying private school shall:~~

78 ~~(a) require the following individuals to submit to a nationwide criminal background~~
79 ~~check and ongoing monitoring as a condition for employment or appointment:~~

80 ~~(i) a non-licensed employee;~~

81 ~~(ii) a contract employee;~~

82 ~~(iii) except as provided in Subsection (2), a volunteer who will be given significant~~
83 ~~unsupervised access to a student in connection with the volunteer's assignment; and~~

84 ~~(iv) a charter school governing board member;~~

85 ~~(b) collect the following from an individual required to submit to a background check~~
86 ~~under Subsection (1)(a):~~

87 ~~(i) personal identifying information;~~

88 ~~(ii) subject to Subsection [(2)] (3), a fee described in Subsection 53-10-108(15); and~~

89 ~~(iii) consent, on a form specified by the LEA or qualifying private school, for:☺~~

90 ~~☉~~ (A) an initial fingerprint-based background check by the FBI and the bureau upon
 91 submission of the application; and
 92 (B) retention of personal identifying information for ongoing monitoring through
 93 registration with the systems described in Section ~~53G-11-404~~;
 94 (c) submit the individual's personal identifying information to the bureau for:
 95 (i) an initial fingerprint-based background check by the FBI and the bureau; and
 96 (ii) ongoing monitoring through registration with the systems described in Section
 97 ~~53G-11-404~~ if the results of the initial background check do not contain disqualifying criminal
 98 history information as determined by the LEA or qualifying private school in accordance with
 99 Section ~~53G-11-405~~; and
 100 (d) identify the appropriate privacy risk mitigation strategy that will be used to ensure
 101 that the LEA or qualifying private school only receives notifications for individuals with whom
 102 the LEA or qualifying private school maintains an authorizing relationship.
 103 (2) (a) In accordance with applicable law, a government entity, as that term is defined
 104 in Section ~~53B-16-104~~, may share information acquired from a criminal background check
 105 described in Subsection (1)(a) with other government entities.
 106 (b) Subsection (1)(a)(iii) does not apply to an LEA or private school that obtains the
 107 information required under Subsection (1)(a)(iii) through the information sharing described in
 108 Subsection (2)(a).
 109 ~~[(2)] (3)~~ An LEA or qualifying private school may not require an individual to pay the
 110 fee described in Subsection (1)(b)(ii) unless the individual:
 111 (a) has passed an initial review; and
 112 (b) is one of a pool of no more than five candidates for the position.
 113 ~~[(3)] (4)~~ By September 1, 2018, an LEA or qualifying private school shall:
 114 (a) collect the information described in Subsection (1)(b) from individuals:
 115 (i) who were employed or appointed prior to July 1, 2015; and
 116 (ii) with whom the LEA or qualifying private school currently maintains an authorizing
 117 relationship; and
 118 (b) submit the information to the bureau for ongoing monitoring through registration
 119 with the systems described in Section ~~53G-11-404~~.
 120 ~~[(4)] (5)~~ An LEA or qualifying private school that receives criminal history ~~☉~~

121 ~~Information about a licensed educator under Subsection 53G-11-403(5) shall assess the~~
122 ~~employment status of the licensed educator as provided in Section 53G-11-405.~~
123 ~~— [(5)] (6) An LEA or qualifying private school may establish a policy to exempt an~~
124 ~~individual described in Subsections (1)(a)(i) through (iv) from ongoing monitoring under~~
125 ~~Subsection (1) if the individual is being temporarily employed or appointed.] ←§~~