

**SCHOOL INTERNSHIP SAFETY AGREEMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Deidre M. Henderson**

House Sponsor: Susan Pulsipher

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**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;
  - ▶ 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



28 ENACTS:

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

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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.