

Senator Deidre M. Henderson proposes the following substitute bill:

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;
- ▶ specifies employers that are subject to and exempt from 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



26 **53G-7-904**, as renumbered and amended by Laws of Utah 2018, Chapter 3

27 **53G-11-402**, as renumbered and amended by Laws of Utah 2018, Chapter 3



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

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

31 **53G-7-901. Definitions.**

32 As used in this part:

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

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

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

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

44 [~~(4)~~] (5) "Private school" means a school serving any of grades 7 through 12 which is
45 not part of the public education system.

46 [~~(5)~~] (6) "Public school" means:

47 (a) a public school district;

48 (b) an applied technology center or applied technology service region;

49 (c) the Schools for the Deaf and the Blind; or

50 (d) other components of the public education system authorized by the state board to
51 offer internships.

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

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

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

56 (b) The public or private school described in Subsection (1)(a) shall ensure that the

57 internship safety agreement requires a cooperating employer to:

58 (i) ensure that an adult officer or employee of the cooperating employer is not
59 intentionally alone with an intern for any significant amount of time during the intern's
60 activities;

61 (ii) maintain compliance with all applicable state and federal laws relating to
62 workplace and student safety, privacy, and welfare; and

63 (iii) provide a safe, educational, courteous, and welcoming professional environment
64 that is free of harassment or discriminatory conduct that may result in a hostile, intimidating,
65 abusive, offensive, or oppressive learning environment.

66 ~~[Officers]~~ (2) (a) If a public or private school has not entered into an internship safety
67 agreement with a cooperating employer, officers and employees of [a] the cooperating
68 employer who will be given significant unsupervised access to a student in connection with the
69 student's activities as an intern shall [be considered to be a volunteer for purposes of] submit to
70 criminal background checks under Section 53G-11-402.

71 (b) If a public or private school has entered into an internship safety agreement with a
72 cooperating employer, officers and employees of the cooperating employer are exempt from the
73 criminal background check requirement described in Section 53G-11-402.

74 Section 3. 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 for an officer or employee of a cooperating employer under an internship
83 safety agreement under Section 53G-7-904, a volunteer who will be given significant
84 unsupervised access to a student in connection with the volunteer's assignment; and

85 (iv) a charter school governing board member;

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

- 88 (i) personal identifying information;
- 89 (ii) subject to Subsection (2), a fee described in Subsection 53-10-108(15); and
- 90 (iii) consent, on a form specified by the LEA or qualifying private school, for:
 - 91 (A) an initial fingerprint-based background check by the FBI and the bureau upon
 - 92 submission of the application; and
 - 93 (B) retention of personal identifying information for ongoing monitoring through
 - 94 registration with the systems described in Section 53G-11-404;
 - 95 (c) submit the individual's personal identifying information to the bureau for:
 - 96 (i) an initial fingerprint-based background check by the FBI and the bureau; and
 - 97 (ii) ongoing monitoring through registration with the systems described in Section
 - 98 53G-11-404 if the results of the initial background check do not contain disqualifying criminal
 - 99 history information as determined by the LEA or qualifying private school in accordance with
 - 100 Section 53G-11-405; and
 - 101 (d) identify the appropriate privacy risk mitigation strategy that will be used to ensure
 - 102 that the LEA or qualifying private school only receives notifications for individuals with whom
 - 103 the LEA or qualifying private school maintains an authorizing relationship.
 - 104 (2) An LEA or qualifying private school may not require an individual to pay the fee
 - 105 described in Subsection (1)(b)(ii) unless the individual:
 - 106 (a) has passed an initial review; and
 - 107 (b) is one of a pool of no more than five candidates for the position.
 - 108 (3) By September 1, 2018, an LEA or qualifying private school shall:
 - 109 (a) collect the information described in Subsection (1)(b) from individuals:
 - 110 (i) who were employed or appointed prior to July 1, 2015; and
 - 111 (ii) with whom the LEA or qualifying private school currently maintains an authorizing
 - 112 relationship; and
 - 113 (b) submit the information to the bureau for ongoing monitoring through registration
 - 114 with the systems described in Section 53G-11-404.
 - 115 (4) An LEA or qualifying private school that receives criminal history information
 - 116 about a licensed educator under Subsection 53G-11-403(5) shall assess the employment status
 - 117 of the licensed educator as provided in Section 53G-11-405.
 - 118 (5) An LEA or qualifying private school may establish a policy to exempt an individual

119 described in Subsections (1)(a)(i) through (iv) from ongoing monitoring under Subsection (1) if
120 the individual is being temporarily employed or appointed.