

SB0147S01 compared with SB0147

~~{deleted text}~~ shows text that was in SB0147 but was deleted in SB0147S01.

inserted text shows text that was not in SB0147 but was inserted into SB0147S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

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;
- ▶ ~~{allows for certain information sharing}~~ specifies employers that are subject to ~~{satisfy}~~ and exempt from a background check requirement; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

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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

~~{ENACTS:~~

~~—— **53G-7-904.1**, Utah Code Annotated 1953~~

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

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

53G-7-901. Definitions.

As used in this part:

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

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

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

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

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

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

(a) a public school district;

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

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

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

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

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

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

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

~~53G-7-904.1. Internship safety agreements.~~

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

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

~~{(a) (i) ensure that an adult officer or employee of the cooperating employer is not intentionally alone with an intern {at} for any significant amount of time during the intern's activities;~~

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

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

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

~~(b) If a public or private school has entered into an internship safety agreement with a cooperating employer, officers and employees of the cooperating employer are exempt from the~~

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criminal background check requirement described in Section 53G-11-402.

Section ~~{4}~~3. Section **53G-11-402** is amended to read:

53G-11-402. 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) except ~~as provided in Subsection (2)~~ for an officer or employee of a cooperating employer under an internship safety agreement under Section 53G-7-904, 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 ~~{f}(2)~~{f}(3), 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 53G-11-404;

(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 53G-11-404 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 53G-11-405; and

(d) identify the appropriate privacy risk mitigation strategy that will be used to ensure

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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) (a) In accordance with applicable law, a government entity, as that term is defined in Section 53B-16-104, may share information acquired from a criminal background check described in Subsection (1)(a) with other government entities.~~

~~— (b) Subsection (1)(a)(iii) does not apply to an LEA or private school that obtains the information required under Subsection (1)(a)(iii) through the information sharing described in Subsection (2)(a).~~

‡ ~~{(2) (3)}~~ 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) (4)}~~ 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 53G-11-404.

~~{(4) (5)}~~ An LEA or qualifying private school that receives criminal history information about a licensed educator under Subsection 53G-11-403(5) shall assess the employment status of the licensed educator as provided in Section 53G-11-405.

~~{(5) (6)}~~ 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.