

S.B. 147
SCHOOL INTERNSHIP SAFETY AGREEMENTS

Senator **Deidre M. Henderson** proposes the following amendments:

1. *Page 1, Lines 15 through 17:*

15 cooperating employers; and
16 { ~~allows for certain information sharing to satisfy a background check requirement;~~
17 and}

2. *Page 1, Line 27:*

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

3. *Page 3, Line 74 through Page 5, Line 125:*

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. }~~