

Representative Karianne Lisonbee proposes the following substitute bill:

EDUCATOR BACKGROUND CHECK AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Trevor Lee

Senate Sponsor: Lincoln Fillmore

LONG TITLE

General Description:

This bill prohibits a Local Education Agency from collecting background check fees from licensed employees and non-licensed substitute teachers.

Highlighted Provisions:

This bill:

▶ defines terms;

▶ prohibits a local education agency (LEA) from collecting background check fees from ~~H→~~ **volunteers and** ~~←H~~ licensed ~~H→~~ **, non-licensed, and contract** ~~←H~~ employees ~~H→~~ [**and non-licensed substitute teachers**] ~~←H~~ ;

▶ allows entities to clone background information between LEAs or qualifying private

~~H→~~ [~~school~~] **schools** ~~←H~~ ; and

▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53-5-702, as last amended by Laws of Utah 2023, Chapter 387



2nd Sub. H.B. 121

150 (B) retention of personal identifying information for ongoing monitoring through
151 registration with the systems described in Section 53G-11-404;

152 (c) submit the individual's personal identifying information to the bureau for:

153 (i) an initial fingerprint-based background check by the FBI and the bureau; and

154 (ii) ongoing monitoring through registration with the systems described in Section
155 53G-11-404 if the results of the initial background check do not contain disqualifying criminal
156 history information as determined by the LEA or qualifying private school in accordance with
157 Section 53G-11-405; and

158 (d) identify the appropriate privacy risk mitigation strategy to be used to ensure the
159 LEA or qualifying private school only receives notifications for individuals with whom the
160 LEA or qualifying private school maintains an authorizing relationship.

161 (2) (a) An LEA or qualifying private school may not require an individual to pay the
162 fee described in Subsection (1)(b)(ii) unless the individual:

163 ~~[(a)]~~ (i) has passed an initial review; and

164 ~~[(b)]~~ (ii) is one of a pool of no more than five candidates for the position.

165 (b) An LEA may not require a non-licensed ~~H→~~ **substitute teacher** **employee, contract**
165a **employee, or volunteer** ~~←H~~ to pay the fee described
166 in Subsection (1)(b)(ii).

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

170 (4) An LEA or qualifying private school may establish a policy to exempt an individual
171 described in Subsections (1)(a)(i) through (iv) from ongoing monitoring under Subsection (1) if
172 the individual is being temporarily employed or appointed.

173 (5) An LEA or qualifying private school shall provide another LEA or qualifying
174 private school that requires ~~H→~~ **the same or less than** ~~←H~~ a national background check, as
174a described in
175 Subsection 53G-11-402(1)(a), an opportunity to clone the subscription or data from the FBI
176 Rap Back System, as those terms are defined in Section 53-10-108, for employees or
177 volunteers who are relocating, providing temporary volunteer services, or under contract, and
178 in accordance with ~~H→~~ **[186]** ~~←H~~ Section 53-10-108.

179 Section 6. Section 53G-11-403 is amended to read:

180 **53G-11-403. Background checks for licensed educators.**

212 Rap Back System, as those terms are defined in Section 53-10-108, for employees or
213 volunteers who are relocating, providing temporary volunteer services, or under contract, and
214 in accordance with ~~H~~→ [186] ←~~H~~ Section 53-10-108.

215 Section 7. **Effective date.**

216 This bill takes effect on May 1, 2024.