

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

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

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.