

BACKGROUND CHECKS FOR MINOR EMPLOYEES

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Lincoln Fillmore

House Sponsor: Carol Spackman Moss

LONG TITLE

General Description:

This bill modifies provisions related to background checks.

Highlighted Provisions:

This bill:

- provides an exception to certain background check requirements for an individual who is younger than 18 years old.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

Section 1. 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 each of the following individuals who is 18 years old or older to submit to a nationwide criminal background check and ongoing monitoring as a condition for employment or appointment:

- 30 (i) a non-licensed employee;
- 31 (ii) a contract employee;
- 32 (iii) a volunteer who will be given significant unsupervised access to a student in
- 33 connection with the volunteer's assignment; and
- 34 (iv) a charter school governing board member;
- 35 (b) collect the following from an individual required to submit to a background check
- 36 under Subsection (1)(a):
- 37 (i) personal identifying information;
- 38 (ii) subject to Subsection (2), a fee described in Subsection 53-10-108(15); and
- 39 (iii) consent, on a form specified by the LEA or qualifying private school, for:
- 40 (A) an initial fingerprint-based background check by the FBI and the bureau upon
- 41 submission of the application; and
- 42 (B) retention of personal identifying information for ongoing monitoring through
- 43 registration with the systems described in Section 53G-11-404;
- 44 (c) submit the individual's personal identifying information to the bureau for:
- 45 (i) an initial fingerprint-based background check by the FBI and the bureau; and
- 46 (ii) ongoing monitoring through registration with the systems described in Section
- 47 53G-11-404 if the results of the initial background check do not contain disqualifying criminal
- 48 history information as determined by the LEA or qualifying private school in accordance with
- 49 Section 53G-11-405; and
- 50 (d) identify the appropriate privacy risk mitigation strategy that will be used to ensure
- 51 that the LEA or qualifying private school only receives notifications for individuals with whom
- 52 the LEA or qualifying private school maintains an authorizing relationship.
- 53 (2) An LEA or qualifying private school may not require an individual to pay the fee
- 54 described in Subsection (1)(b)(ii) unless the individual:
- 55 (a) has passed an initial review; and
- 56 (b) is one of a pool of no more than five candidates for the position.
- 57 (3) By September 1, 2018, an LEA or qualifying private school shall:

- 58 (a) collect the information described in Subsection (1)(b) from individuals:
59 (i) who were employed or appointed prior to July 1, 2015; and
60 (ii) with whom the LEA or qualifying private school currently maintains an authorizing
61 relationship; and
62 (b) submit the information to the bureau for ongoing monitoring through registration
63 with the systems described in Section 53G-11-404.
64 (4) An LEA or qualifying private school that receives criminal history information
65 about a licensed educator under Subsection 53G-11-403(5) shall assess the employment status
66 of the licensed educator as provided in Section 53G-11-405.
67 (5) An LEA or qualifying private school may establish a policy to exempt an individual
68 described in Subsections (1)(a)(i) through (iv) from ongoing monitoring under Subsection (1) if
69 the individual is being temporarily employed or appointed.