



# *Child Protection Registry: Public Education*

Agency of Education and Supervisory  
Unions & Districts Failed to Obtain  
Many Registry Results as Required

Due to corrected information submitted by a supervisory union, on December 17, 2019 SAO reissued this report to update the total number of supervisory unions/districts that did not request CPR checks for all required categories. The revised numbers are on pages 3, 7, 9, and 16.



## Mission Statement

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Dear Colleagues,

The Child Protection Registry (CPR) is used to help safeguard Vermont's children by screening the backgrounds of those who work with and care for them. The CPR contains a list of people with substantiated incidents of child abuse or neglect, even if no criminal conviction resulted.

The Agency of Education (AOE) is required by law to request and obtain checks of the CPR when educators apply and reapply for licensure. Superintendents are similarly required by statute to obtain CPR checks for job applicants and others who may have unsupervised access to children at schools. The Department for Children and Families (DCF) performs these checks and provides the results to authorized individuals at the requesting organization.

This audit focused on whether AOE and supervisory unions and districts were checking the CPR and what they did when they identified an individual with a substantiated record of child abuse or neglect. We have also released a companion report on the use of the CPR by the Agency of Human Services departments, contractors, and grantees.

The objectives of this audit were to determine:

1. Whether selected entities made required checks of the CPR in calendar year 2018; and
2. What actions were taken, if any, by entities required to check the CPR when an individual was listed in the registry.

While AOE and supervisory unions/districts made many CPR checks in 2018, there were significant failures in determining whether individuals had substantiated records for child abuse or neglect. Of the 1,990 licenses issued in 2018, AOE missed or conducted flawed checks 8 percent of the time. These failures were caused by reliance on a system that did not include controls to ensure that CPR checks were performed prior to issuing a license. After we brought our results to AOE, a licensing official stated that they had generally, or would be, submitting requests for CPR checks for the individuals they missed or for whom they submitted incorrect information.

Eleven of 56 supervisory unions/districts (20 percent) did not obtain CPR checks for any individuals. Seven supervisory unions/districts (13 percent) did not check contractors and contractors' employees as required by statute, though they did check others, such as job applicants. The most common reason cited by the 11 supervisory unions/districts that did not request CPR checks was that they were unaware of the requirement. Ten of these 11 supervisory unions/districts reported that they planned to obtain some or all missed CPR checks. One supervisory union reported that it will not check current employees (as of June 2019) but would submit CPR checks in the future. This decision was supported by the supervisory union board.

By failing to check the CPR, an organization could unknowingly license or employ individuals who have abused or neglected children in the past.

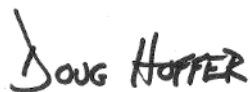
We also examined the actions taken by these organizations when the CPR check returned a substantiated record. For the period 2016 through 2018, we looked at the cases of four individuals checked by AOE and 50 individuals checked by the six selected supervisory unions/districts. Regarding the AOE cases, the Agency revoked one individual's license while in another the individual's CPR record had been expunged and the license issued. In the remaining two cases, AOE's legal section decided to issue a license to the individual with a current substantiated record of abuse or neglect. According to AOE, they concluded that approving the licenses in these cases would not put students at risk. In 33 out of 50 cases at the supervisory unions/districts, the person with the substantiated CPR record was not hired, retained, or allowed to volunteer. For those who were employed or allowed to volunteer, the supervisory union/district generally added a safeguard, such as not allowing individuals to have unsupervised contact with children.

Under 16 V.S.A. §212, AOE is responsible for ensuring compliance with laws relating to public schools and for arranging trainings for superintendents. However, AOE (1) does not monitor compliance with the statute requiring superintendents obtain CPR information and (2) has not held a training session or issued guidance pertaining to the CPR.

We made several recommendations to the Agency of Education, such as confirming that the supervisory unions/districts that did not check the CPR for all required categories are now doing so and periodically issuing guidance and holding a training for superintendents on the CPR. In responding to a draft of this report, the Secretary of Education outlined actions that AOE has taken or plans to take in response to our recommendations.

I would like to thank the staff at DCF, AOE, and the supervisory unions/districts for their cooperation during this audit. This report is available on the state auditor's website, <http://auditor.vermont.gov/>.

Sincerely,



DOUGLAS R. HOFFER  
State Auditor

ADDRESSEES

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Speaker of the House of Representatives

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# Highlights

In response to the 2008 murder of a young girl in Vermont, the State Legislature passed Act 1 (2009) mandating that the Agency of Education (AOE) and school superintendents check whether certain individuals are listed in the Child Protection Registry (CPR). For example, CPR checks are required for individuals applying for an educator's license or a school job.

The CPR contains a record of child abuse and neglect investigations by the Agency of Human Services' (AHS) Department for Children and Families (DCF) that have resulted in a substantiated report on or after January 1, 1992. A substantiated report is defined in statute as one that DCF has determined by investigation to be "based upon accurate and reliable information that would lead a reasonable person to believe that the child has been abused or neglected." An individual does not have to be convicted of a crime to have a substantiated record in the CPR.

Organizations usually submit CPR check requests through the Adult Abuse and Child Protection Registries Automated Checking System website. DCF conducts the checks and posts the results on this website, which can be retrieved by authorized users.

A decade after Act 1 of 2009 was passed, the Vermont State Auditor's Office (SAO) decided to audit educational organizations' compliance with the requirement to check the CPR.<sup>1</sup> Our objectives were to determine:

1. Whether selected entities made required checks of the CPR in calendar year 2018; and
2. What actions were taken, if any, by entities required to check the CPR when an individual was listed in the registry.<sup>2</sup>

The subjects of this audit were (1) AOE and (2) 53 supervisory unions and supervisory districts as well as three technical centers.<sup>3</sup>

## **Objective 1 Finding: Did selected entities make required checks of the CPR in calendar year 2018?**

Although AOE and supervisory unions/districts made many required checks of the CPR in calendar year 2018, there were significant exceptions. By failing to check the

<sup>1</sup> A companion report, *Child Protection Registry: Agency of Human Services – Room for Greater Compliance in Checking the Registry by Agency and Selected Contractors and Grantees* (SAO report 19-05, December 16, 2019), is available on the SAO website.

<sup>2</sup> Appendix I details the scope and methodology of the audit. Appendix II contains a list of abbreviations used in this report.

<sup>3</sup> For ease of use, SAO will use the term supervisory union/district in the remainder of the report.

CPR, AOE and a supervisory union/district could unknowingly license or employ individuals who have abused or neglected children in the past.

According to statute, AOE is required to obtain information from the CPR for individuals: (1) applying for an initial license as a professional educator, (2) seeking renewal of a license, or (3) requesting reinstatement of a license. Of the 1,990 licenses issued in 2018, AOE:

- Submitted the correct identification information and reviewed the CPR results for 1,828,
- Did not submit a CPR check for 56,
- Submitted incorrect identification information (e.g., reversed the individual's first and last name) for the CPR check for 72, which could have resulted in DCF drawing an incorrect conclusion, and
- Submitted a CPR check but lacked evidence that the result was reviewed by the licensing specialist for 34.

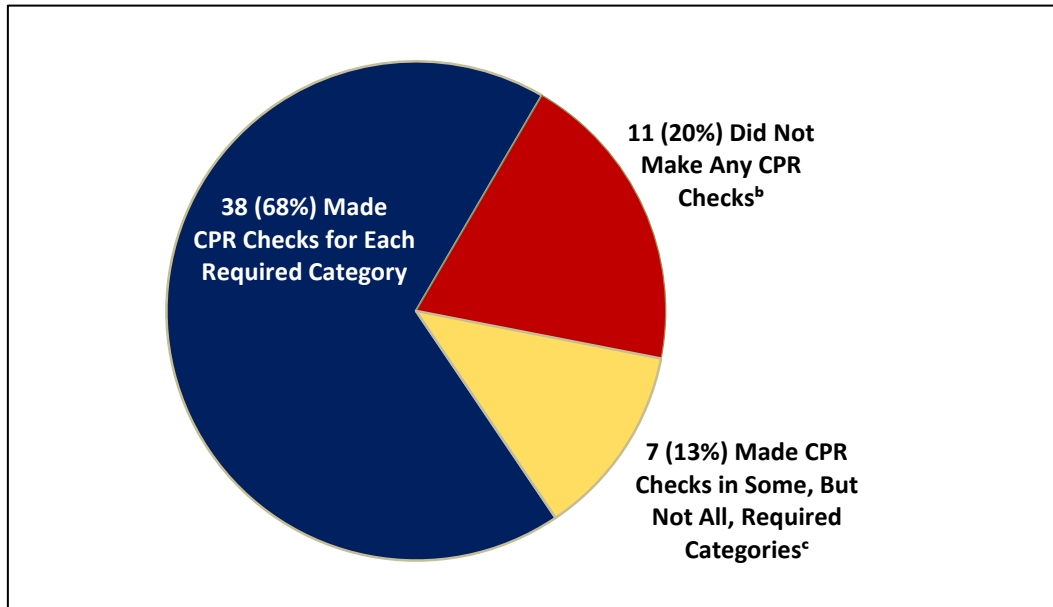
Thus, 8 percent of the CPR checks AOE was supposed to perform in 2018 were missing or flawed. After we brought our results to the attention of AOE, a licensing official stated that generally they had, or would be, submitting requests for CPR checks for the individuals that they missed or for whom they submitted incorrect information. The identified gap in compliance was caused by a flawed process that did not effectively ensure that CPR checks were performed before licenses were issued.

Vermont statute also requires superintendents to obtain information from the CPR for the following types of individuals: (1) those they are prepared to hire, (2) student teachers, (3) contractors who may have unsupervised contact with children, and (4) employees of contractors who may have unsupervised contact with children.

The SAO analyzed a data file from DCF, which contained supervisory union/district CPR requests submitted in 2018 to determine whether they submitted CPR checks. We also reviewed written attestations by these organizations about which categories they requested checks for (e.g., new hires, student teachers, etc.). As Figure 1 shows, this analysis determined that about two-thirds of the supervisory unions/districts made CPR checks for each required category (Appendix III contains more detail). In contrast, 11 supervisory unions/districts did not obtain any CPR checks. Ten of these 11 supervisory unions/districts reported that they planned to obtain some or all missed CPR checks. One supervisory union reported that it will not check current (as of June 2019) employees but would submit CPR checks in the future. This decision was supported by the supervisory union board.



**Figure 1: Number and Percentage of Supervisory Unions/Districts Making Required Checks of the Child Protection Registry, 2018<sup>a</sup>**



- <sup>a</sup> Percentages do not add to 100% due to rounding.
- <sup>b</sup> One supervisory union did not make any checks of the CPR in 2018 but one of its six schools checked the CPR for four individuals.
- <sup>c</sup> These supervisory unions/districts reported that they did not check contractors and contractors' employees, which is required by statute.

The reasons supervisory unions/districts gave for not checking the CPR varied, but the most common was that they were not aware of the statutory requirement.

**Objective 2 Finding: What actions were taken, if any, by entities required to check the CPR, when an individual was listed in the registry?**

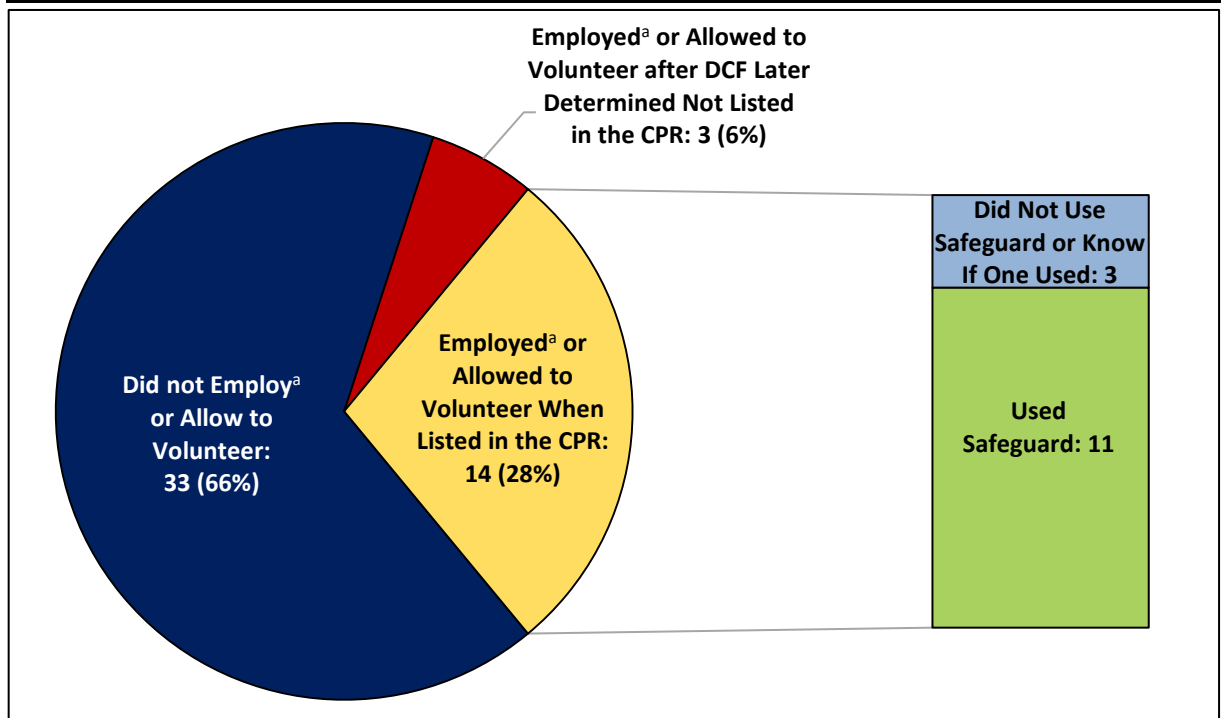
AOE and six selected supervisory unions/districts took various actions when DCF informed them that an individual was listed in the CPR (i.e., had a substantiated record of child abuse or neglect). For AOE, between 2016 and 2018, four individuals had substantiated records in the CPR. In one case, AOE revoked the individual's license while in another the individual's CPR record had been expunged. In the remaining two cases, AOE's legal section decided to issue a license to the individual with a current substantiated record of abuse or neglect.

For six supervisory unions/districts,<sup>4</sup> DCF reported that 50 individuals that applied for employment, to be a contractor, or to volunteer at schools had substantiated records between 2016 and 2018. Figure 2 summarizes the actions taken by the supervisory unions/districts in addressing these results. In most cases, the

<sup>4</sup> We selected these supervisory unions/districts because they had the highest number of substantiated records between 2016 and 2018.

individual was not hired or allowed to volunteer. For those who were employed or allowed to volunteer, the supervisory union/district generally added a safeguard, such as not allowing individuals to have unsupervised contact with children.

**Figure 2: Reported Actions Taken by Supervisory Union/District for Individuals with Substantiated CPR Records, 2016 - 2018**



<sup>a</sup> Employed includes both employees of the supervisory unions/districts and contractors and/or employees of a contractor.

### Other Matters

One quarter of the 56 supervisory unions/districts told us that they would like additional guidance or training on the CPR. At a December 2018 conference on preventing child abuse, some educators expressed concern about the lack of clarity on how to best deal with information that comes from the CPR. Participants in this conference recommended that AOE “create an education program for key administrators” on this issue. This recommendation is in keeping with AOE’s statutory authority. In particular, under 16 V.S.A. §212, AOE is responsible for ensuring compliance with laws relating to public schools and for arranging conferences and summer schools for superintendents. However, AOE (1) does not monitor compliance with the statute requiring superintendents to request and obtain CPR information despite the Agency’s legal obligation to ensure compliance with public school laws and (2) has not held a training session or issued guidance pertaining to the CPR.

## **Recommendations**

We made recommendations to the Agency of Education, such as confirming that the supervisory unions/districts not checking the CPR for all required categories are now doing so and periodically issuing guidance and holding a training for superintendents on the CPR.

## Background

DCF's Family Services Division investigates allegations of mistreatment of children to determine whether the allegation is substantiated.<sup>5</sup> According to 33 V.S.A. §4912(16), a substantiated report means that the DCF commissioner or designee "has determined after investigation that a report is based upon accurate and reliable information that would lead a reasonable person to believe that the child has been abused or neglected." In 2018, DCF investigated 3,173 allegations of child abuse or neglect, of which it substantiated 999.<sup>6</sup>

All substantiated records of child abuse or neglect on or after January 1, 1992 are maintained in the CPR, unless they have been overturned or expunged.<sup>7</sup> Vermont statute defines a registry record as consisting of the name of the individual substantiated for child abuse or neglect, at least one other identifier to avoid the possibility of misidentification, the date of the finding, and the nature of the finding. In addition, for individuals placed on the CPR after July 1, 2009, the record contains a child protection level related to the risk of future harm to children. An individual does not need to be convicted of a crime in order to have a substantiated record in the CPR.

Organizations can request checks for CPR records electronically or via a paper request form once they have obtained the consent of the individual being checked. Electronic requests for CPR checks are the most common and are submitted using an AHS website (the Adult Abuse and Child Protection Registries Automated Checking System).<sup>8</sup> DCF staff members process CPR check requests and notify the applicable organization when the result is available and accessible to authorized users on the website.

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<sup>5</sup> DCF's Family Services Policy 56, *Substantiating Child Abuse and Neglect* contains criteria on how it makes substantiation decisions. This policy can be found at <https://dcf.vermont.gov/sites/dcf/files/FSD/Policies/56.pdf>.

<sup>6</sup> *2018 Report on Child Protection in Vermont* (DCF/Family Services Division).

<sup>7</sup> 33 V.S.A. §4916a and §4916b, contain criteria and processes for individuals to challenge their placement in the CPR. 33 V.S.A. §4916c, and §4916d contain criteria and processes for the expungement of CPR records. These can be found at <https://legislature.vermont.gov/statutes/section/33/049/04916>.

<sup>8</sup> Organizations can use this system to request checks against both the Department of Disabilities, Aging and Independent Living's Adult Abuse Registry and the CPR.

# Objective 1: AOE and Certain Supervisory Unions/Districts Failed to Obtain Many Required CPR Checks in 2018

Contrary to statutory requirements, in 2018, AOE failed to correctly check many license applicants against the CPR and 11 of the 56 supervisory unions/districts (20 percent) did not check any individuals. Meanwhile, seven supervisory unions/districts (13 percent) reported that they did not check the CPR for contractors and contractor employees as required.

AOE's failures were caused by reliance on a system that did not include controls to ensure that CPR checks were performed prior to issuing a license. In the case of the 11 supervisory unions/districts that did not obtain any CPR checks, the most common reason cited was that they were unaware of the requirement. By failing to check the CPR, AOE and a supervisory union/district could unknowingly license or employ individuals who have verified records of abusing or neglecting children.

## AOE

Generally, an educator employed in a Vermont public school must obtain an educator license from AOE<sup>9</sup> and apply for renewal after either three or five years.<sup>10</sup> As part of this licensing process, 16 V.S.A. §254 requires the Secretary of Education to request and obtain information from the CPR for any person: (1) applying for an initial license as a professional educator, (2) seeking renewal of a license, or (3) requesting reinstatement of a license that has lapsed.

For licenses issued in calendar year 2018, AOE submitted the correct identification information and reviewed the CPR results for 1,828 out of 1,990 individuals.<sup>11</sup> For the remaining 162 license applicants, AOE:

- Did not submit a CPR check for 56,

<sup>9</sup> *Rules Governing the Licensing of Educators and the Preparation of Educational Professionals, Rule Series 5100* (issued by the Vermont Standards Board for Professional Educators). Examples of individuals not required to hold licenses are student and substitute teachers.

<sup>10</sup> Individuals with Level I and Level II licenses must seek renewal after three and five years, respectively.

<sup>11</sup> These numbers exclude AOE decisions on applicants seeking additional license endorsements that AOE identified in reviewing our preliminary analysis of exceptions because AOE is not required to check the CPR for these types of applications. According to Vermont statute, an endorsement means the grade level and field in which an educator is authorized to serve. The data file provided by AOE that we used to identify possible exceptions did not indicate whether an application was for an endorsement so it is possible that some of the 1,828 applicants checked against the CPR included endorsement applications.

- Submitted incorrect identification information in the Adult Abuse and Child Protection Registries Automated Checking System for 72 (e.g., reversed the individual's first and last name, spelled the individual's name wrong, entered the wrong date of birth), which could have caused DCF to issue a false determination about whether a license applicant did or did not have a substantiated record in the CPR, and
- Submitted a CPR check but lacked evidence that the result was reviewed by the licensing specialist for 34.

AOE's missing or flawed checks of the CPR (8 percent of the educator licenses issued in 2018) could have led AOE to unknowingly issue licenses for individuals substantiated for child abuse or neglect. After we brought our results to their attention, an AOE licensing official stated that generally they had, or would be, submitting requests for CPR checks for the individuals that they missed or for whom they submitted incorrect information.<sup>12</sup>

AOE's process did not effectively ensure that CPR checks were performed before licenses were issued. Each licensing specialist keeps their own list of check requests submitted and received. Licensing specialists are supposed to manually enter a notation indicating that the individual cleared the CPR check into AOE's licensing system's "registry status" field when the check is completed along with the date. However, the system does not enforce this requirement. Specifically, the system does not (1) require that the status field indicate that the CPR check has been performed before issuing the license or (2) report when licenses are issued without a CPR check. (i.e. an exception report). Therefore, AOE cannot effectively identify when licensing specialists have missed a CPR check.

## Supervisory Unions/Districts

16 V.S.A. §255 requires that superintendents request and obtain information from the CPR for: (1) any person recommended for hiring, (2) student teachers, (3) any person directly under contract who may have unsupervised contact with school children, and (4) any employee of a contractor who is in a position that may result in unsupervised contact with school children.

We analyzed a data file from DCF to determine whether supervisory unions/districts were checking the CPR in 2018. Because DCF does not ask organizations to submit the reason for a CPR check request, the data file does not include information on why a request was made (e.g., whether it was for a

<sup>12</sup> In cases such as when the educator's license is currently expired, AOE will not be submitting a CPR check.

new hire or a contractor's employee). To gather this information, we asked each supervisory union/district to self-report the categories they check.

The results of that analysis were mixed (see Appendix III for specific information on each supervisory union/district). In total, 27 percent of students enrolled in Vermont's public schools in the 2017-2018 school year were in supervisory unions/districts that did not check the CPR for all or some required categories.

- *Checked all required categories.* Thirty-eight supervisory unions/districts (68 percent) submitted requests for checks of the CPR and reported that they checked all the required categories. For the 2017 – 2018 school year, these supervisory unions/districts had an enrollment of 62,678 students.
- *Did not check the CPR.* Eleven supervisory unions/districts (20 percent) did not check the CPR at all.<sup>13, 14</sup> Of these, seven stated that they were unaware of the requirement to obtain CPR information, two submitted requests for CPR checks but did not review the results of the checks, one obtained consent forms from individuals, but requests were never entered into the online system because the supervisory union did not realize they needed to submit the requests to DCF, and one did not know the reason because the superintendent was new to the position. For the 2017 – 2018 school year, these supervisory unions/districts had an enrollment of 13,935 students.

Of these 11 supervisory unions/districts, seven reported that they will check all existing employees against the CPR, two reported that they will submit and/or review checks for a specific time period, and one reported that it will submit requests for individuals not checked. In contrast, one supervisory union (Windsor Southeast Supervisory Union) reported that they will not check current (as of June 2019) employees but would submit CPR checks in the future.<sup>15</sup> The superintendent received agreement for this plan from the supervisory union board.

- *Checked some, but not all categories.* Seven supervisory unions/districts (13 percent) reported that they checked job applicants and student teachers but did not request checks for contractors and contractor

<sup>13</sup> One supervisory union did not check the CPR in 2018 but one of its six schools obtained information from the CPR for four individuals.

<sup>14</sup> Several of these supervisory unions/districts stated that they performed criminal background checks and believed these were sufficient and/or all that was required. However, an individual does not need to be convicted of a crime to be listed with a substantiated record in the CPR.

<sup>15</sup> According to AOE, this supervisory union had 238.25 full-time equivalent staff in fiscal years 2016-2017 (the last for which data was available).

employees as required by statute. For the 2017 – 2018 school year, these supervisory unions/districts had an enrollment of 8,930 students.

Supervisory unions/districts are not required, but could, check whether volunteers have a substantiated record in the CPR. The statute that addresses school volunteers (16 V.S.A. §260) requires school boards to adopt policies on supervision of volunteers but is silent on use of the CPR to check whether a volunteer has a substantiated record of child abuse or neglect. However, supervisory unions/districts could request CPR checks of volunteers under 33 V.S.A. §4919, which allows DCF to disclose such records to employers for volunteers if such information pertains to an individual providing care, custody, treatment, transportation, or supervision of children or vulnerable adults.

Schools use volunteers to perform activities, such as chaperoning, that would bring them into direct contact with children. Forty-one of the 56 supervisory unions/districts (73 percent) reported that they were checking whether volunteers were listed in the CPR.

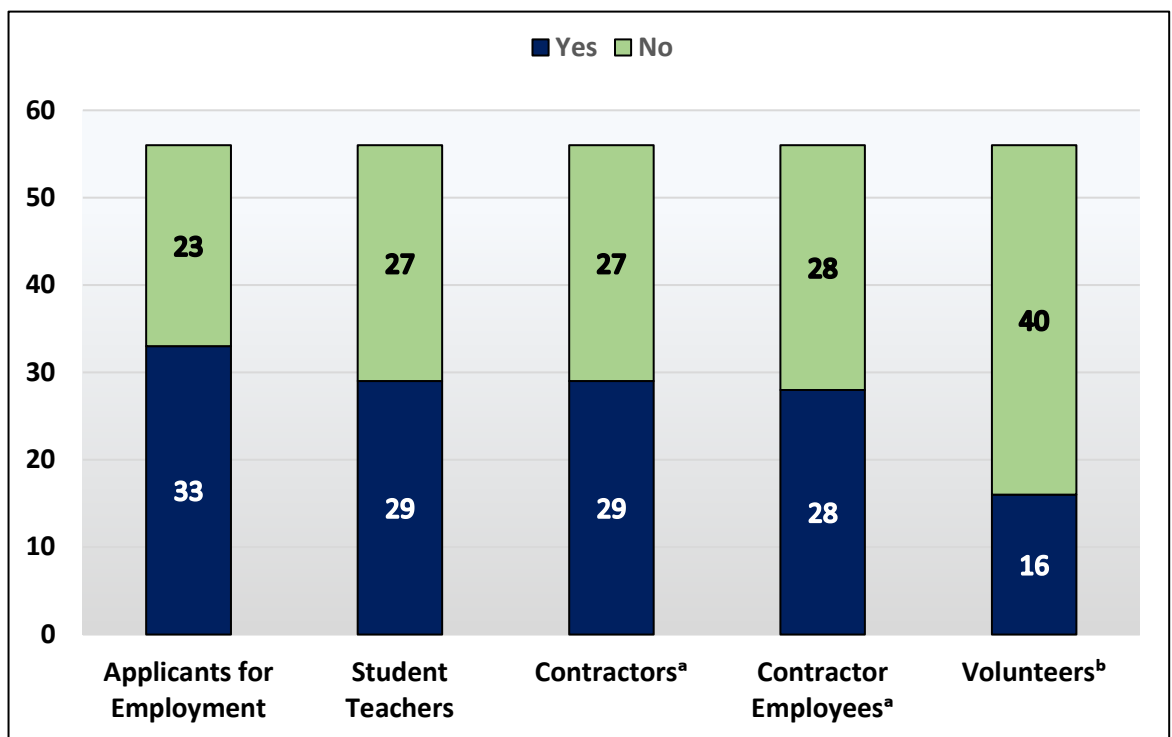
Supervisory unions/districts that are not checking whether individuals are listed in the CPR could unknowingly hire individuals or admit volunteers who have abused or neglected children in the past.

One way to increase the likelihood of compliance with the CPR requirements is to implement an effective internal control framework. An internationally recognized internal control framework by the Committee on Sponsoring Organizations of the Treadway Commission (COSO),<sup>16</sup> advises that organizations should deploy control activities through policies that establish expectations and procedures that put expectations into practice. In addition, having policies and procedures in writing is important because they contribute to risk mitigation. Unwritten policies or procedures can be easier to circumvent, cost the organization if there is a change in personnel, and reduce accountability. As shown in Figure 3, supervisory unions/districts often did not possess written policies or procedures explicitly requiring checks of the CPR.

<sup>16</sup> *2013 Internal Control – Integrated Framework*® Committee of Sponsoring Organizations of the Treadway Commission (COSO). All rights reserved. Used with permission. COSO is a joint initiative of accountants, financial executives, and internal auditors dedicated to providing guidance to improve organizational performance.



**Figure 3: Did Supervisory Unions/Districts Have Written Policies or Procedures Explicitly Requiring CPR Checks? Numbers Presented by Category**



<sup>a</sup> Twenty-four supervisory unions/districts' policies or procedures required checking the CPR only for those contractors and contractor employees who were expected to have unsupervised contact with children, which is consistent with state statute.

<sup>b</sup> Five supervisory unions/districts' policies and procedures required checking only those volunteers expected to have unsupervised contact with children. The procedure for one supervisory union/district explicitly required CPR checks only for volunteers that would be supervised by school personnel. The policies and procedures for two supervisory unions/districts stated that checking volunteers was optional.

Organizations can also use tracking mechanisms to help ensure that they request and obtain checks of the CPR. The supervisory unions/districts most often reported they used spreadsheets (41 percent) and/or checklists (14 percent) to perform such tracking. Appendix IV shows examples of a spreadsheet and a checklist used by supervisory unions/districts. An additional 11 supervisory unions/districts reported using only paper files and binders to track requests and results.

## Objective 2: AOE and Supervisory Unions/Districts Acted on Substantiated Results

When informed that an individual had a substantiated record in the CPR, AOE and six selected supervisory unions/districts took a variety of actions.

Between 2016 and 2018, DCF reported that AOE had few individuals with substantiated records in the CPR, and the Agency acted on those results. Supervisory unions/districts had many more individuals with substantiated records in this time, and they mostly decided not to hire or allow these individuals to volunteer.

If, after a check of the CPR, DCF finds that an individual has a substantiated record, DCF provides authorized users at the requesting entity with the person's name, substantiation date, and abuse type.<sup>17</sup> It is up to the organization to decide what to do with this information. While 33 V.S.A. §4911(5) recognizes the importance of balancing the need to protect children with the potential employment consequences of a substantiated record, neither this statute nor the statutes requiring AOE and superintendents to check the CPR include criteria or specify actions they should take regarding individuals with such records.

## AOE

When AOE licensing specialists determine that license applicants have substantiated records, the specialists notify their supervisor, who then alert AOE's legal section. The legal section makes the determination of whether to issue a license.

For the period from 2016 to 2018, AOE received six reports from DCF on four individuals who had substantiated records in the CPR. In one case, AOE revoked the individual's license. In the other three cases, AOE issued the individual a license for the following reasons:

- AOE reported that, upon investigation by AOE's legal department, one individual did not have a substantiated record of child abuse or neglect. However, AOE did not have supporting documentation that showed that the individual did not have a substantiated record. DCF reported in late-October 2019 that this individual has been listed in the CPR with a substantiated record since 2014.
- One individual had their criminal case dismissed. Therefore, AOE's legal department authorized the license. According to DCF, this individual's CPR record has been expunged.

<sup>17</sup> Abuse types include sexual abuse, physical abuse, neglect, risk of physical harm, risk of sexual abuse, abandonment, and emotional maltreatment.

- One individual was issued a license because AOE's legal department determined the incident did not affect the license.

In responding to a draft of this report, AOE stated that they concluded that students would not be put at risk by issuing licenses to these individuals with substantiated records of child abuse or neglect.

AOE does not have a policy that specifies what actions to take when they receive a substantiated record. According to AOE's general counsel, they rely on 16 V.S.A. §1698 and 16 V.S.A. §254(e) to decide. 16 V.S.A. §1698 does not specifically reference the CPR but states that licensing actions, such as a revocation, may be caused by grossly negligent conduct or moral unfitness. 16 V.S.A. §254(e) states that a person denied a license based on CPR information may appeal the denial but does not provide criteria for AOE to use in deciding whether to issue a license. Policies can help ensure consistency in decision-making by providing direction, such as whether individuals with different abuse types (e.g., neglect vs. physical or sexual abuse) will be treated the same or differently. Without a policy, AOE has no assurance that it is handling individuals with substantiated records in a consistent and equitable manner.

One example of a policy that provides guidance on how to evaluate substantiated CPR records is used by AHS.<sup>18</sup> Specifically, AHS's hiring standard states that candidates for positions will generally be disqualified due to a history of abuse, neglect, or exploitation, but that exceptions can be made based on mitigating factors such as the nature and seriousness of the substantiation and the amount of time that has passed.

## Supervisory Unions/Districts

Between 2016 and 2018, DCF notified six supervisory unions/districts that 50 individuals had substantiated records in the CPR.<sup>19</sup> As shown in Table 1, supervisory unions/districts did not employ<sup>20</sup> or allow to volunteer 33 of the 50 individuals (66 percent). In 14 cases, supervisory unions/districts employed or allowed individuals to volunteer even though the individual was listed in the CPR (28 percent). In most cases, they added safeguards. Examples of safeguards included prohibiting unsupervised contact with children, limiting volunteer activities to those with other adults, and working under contract when school was not in session.

<sup>18</sup> *Hiring Standards* (Agency of Human Services, Chapter 4.02, effective December 7, 2009).

<sup>19</sup> These individuals accounted for 54 notifications of a substantiated record to the six selected supervisory unions/districts.

<sup>20</sup> This includes both employees of the supervisory unions/districts and contractors and/or employees of a contractor.

**Table 1: Summary of Actions taken by Supervisory Unions/Districts When Notified of a Substantiated CPR Record, 2016 - 2018**

Organization	# of Individuals Originally Reported as Substantiated by DCF	# Not Employed <sup>a</sup> or Not Allowed to Volunteer	# of Individuals Supervisory Unions/Districts Employed <sup>a</sup> or Allowed to Volunteer		
			DCF Later Determined Not Listed in CPR	Reported Used Safeguard	Reported Safeguard Not Used or Did Not Know If Used
Franklin Northwest Supervisory Union	11	9	1	0	1
Barre Unified Union School District	10	7	0	2	1
Greater Rutland County Supervisory Union	10	7	0	3	0
Lamoille North Supervisory Union	8	7	1	0	0
North Country Supervisory Union	6	2	0	3	1
Windham Northeast Supervisory Union	5	1	1	3	0
<b>Total</b>	<b>50</b>	<b>33</b>	<b>3</b>	<b>11</b>	<b>3</b>
<b>Percent</b>	<b>100%</b>	<b>66%</b>	<b>6%</b>	<b>22%</b>	<b>6%</b>

<sup>a</sup> Employed includes both employees of the supervisory unions/districts and contractors and/or employees of a contractor.

Clearly written policies and procedures can help supervisory unions/districts to make decisions in a consistent and equitable manner. Only eight of the 56 supervisory unions/districts (14 percent) had policies or procedures that explicitly detailed what to do when an individual in each of the categories required to be checked had a substantiated CPR record. For example, two supervisory unions/districts had policies for licensed educators, level III volunteers,<sup>21</sup> and others who had regular and direct contact with children. The policies prohibited these types of individuals from serving or continuing to serve when they had a substantiated CPR record.

## Other Matters

One quarter of the 56 supervisory unions/districts told us that they would like additional guidance or training about the CPR. In addition, at a December 2018 conference, “Preventing Child Sexual Abuse: Renewing Vermont’s

<sup>21</sup> A level III volunteer provides direct services to students that involves extensive unsupervised contact with school children (e.g. over-night chaperone, volunteer coach/advisor, student mentors, etc.). Level 1 volunteers do not have unsupervised contact with school children, and level II volunteers have contact with school children under direct supervision; neither is required to undergo a CPR check.

Commitment,” some educators indicated the need for clarity on how to best deal with information that comes from the registry check process. Participants in the conference recommended to AOE that it “create an education program for key administrators” on this issue.

Per 16 V.S.A. §212, AOE is responsible for ensuring compliance with laws relating to public schools and for arranging conferences and summer schools for superintendents with suitable speakers, lecturers, and instructors. AOE has not used this authority to verify compliance or assist supervisory unions/districts in implementing 16 V.S.A. §255, the statute requiring superintendents to request and obtain CPR information. AOE also has not held a training session or issued guidance pertaining to the CPR.

In the 10 years since Act 1 (2009) was enacted, the Vermont Superintendents Association and the Vermont School Boards Association have provided guidance related to the CPR. However, this guidance was issued many years ago and is silent on some issues.

- In 2011, the Vermont School Boards Association recommended a model policy for personnel recruitment which states that superintendents should request information from the CPR prior to making employment decisions on job applicants, student teachers, and contractors and their employees. This policy is silent on how to handle the situation when an individual has a substantiated record. In addition, the Association’s 2015 model policy pertaining to volunteers does not address whether volunteers should be checked against the CPR.
- In 2012, the Vermont Superintendents Association and the Vermont School Boards Association prepared and disseminated a document entitled, “Criminal Record and Abuse Registry Checks in Vermont Public Schools.” This guidance did not address what to do when an individual has a substantiated record.

## Conclusions

AOE and supervisory unions/districts are statutorily mandated to request and obtain information from the CPR, which contains records about individuals with substantiated reports of child abuse or neglect. Checking the CPR can help education organizations mitigate the risk of unknowingly putting individuals with a history of child abuse or neglect into contact with children. While AOE and most of the supervisory unions/districts generally checked the CPR, there were significant exceptions to the statutory mandates. Specifically, for 2018: (1) AOE missed checking many license applicants, (2) 11 supervisory unions/districts (20 percent) did not check the CPR at all, and

(3) seven supervisory unions/districts (13 percent) checked some (but not all) required categories. One way to improve these results is the creation and use of policies and procedures that detail when checks of the CPR are required and how to handle substantiated results. Such policies and procedures were often lacking. In addition, while AOE is statutorily responsible for ensuring compliance with public school laws and providing training to superintendents, the Agency has not taken such action regarding CPR checks.

## Recommendations

We make the recommendations in Table 2 to the Secretary of the Agency of Education.

**Table 2: Recommendations to the Secretary of the Agency of Education**

Recommendation	Report Pages	Issue
1. Develop a mechanism to identify when a CPR check has not been performed prior to issuance of an educator license.	8	We identified instances where educator licenses were issued despite the absence of CPR checks, which is not in compliance with State statute.
2. Confirm that all supervisory unions/districts that were not checking the CPR for all required categories are now doing so and direct those that are not compliant to adhere to the law.	9	According to Vermont statute, AOE is responsible for ensuring compliance with laws relating to public schools. In 2018, there were 11 supervisory unions/districts that did not check the CPR registry at all and seven that did not check the registry for all required categories.
3. Develop criteria to use when making licensing decisions for individuals with substantiated CPR records.	13	AOE did not have a policy that specifies what actions to take when they are notified that a license applicant is listed in the CPR.
4. Periodically issue guidance and hold trainings for supervisory unions/districts about implementing 16 V.S.A. §255.	15	Supervisory unions/districts and educators have stated that they would like additional guidance or training on the CPR. Per 16 V.S.A. §212, AOE is responsible for ensuring compliance with laws relating to public schools and for arranging conferences and summer schools for superintendents with suitable speakers, lecturers, and instructors. But this authority has not been used to help supervisory unions/districts utilize the CPR.

## Management's Comments

On December 12, 2019, the Secretary of the Agency of Education provided comments on a draft of this report (reprinted in Appendix V). In these comments, the Secretary outlined actions that AOE has taken or plans to take in response to our recommendations.

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## Appendix I

### Scope and Methodology

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To address our objectives, we first developed an understanding of the statutes and rules governing the CPR and how and when information from the CPR can be disclosed by reviewing:

1. State statutes, including 33 V.S.A. Chapter 49, Subchapter 2, and 16 V.S.A. Chapter 5, Subchapter 4; and
2. The Code of Vermont Rules, such as CVR-13-172-300 Child Protection Registry and Administrative Review Process, and CVR 13-172-800 Child Protection Registry.

We gained an understanding of how CPR checks are requested and processed by reviewing guidance and training materials and by interviewing the applicable DCF director and the information technology deputy director who supports DCF.

We obtained files of CPR checks, both paper and online, from DCF for the period 2016 through 2018. These files included the name and other identifying information of the individual being checked, the organization requesting the check, and the results of all CPR checks processed during this timeframe. We performed procedures to ascertain the reliability of this data. Because we planned to confirm the results of our preliminary CPR analysis with selected entities, and we planned to limit our conclusions to those entities, we deemed that limited procedures such as reviewing the data to ensure that it was reasonable and accorded with the data requested, with appropriate entries in each field and expected ranges of values were appropriate. We performed these limited procedures and concluded we could use the data for the purposes of the audit.

For objective 1, we compared this CPR file to a file of licenses issued in 2008 obtained from AOE to identify individuals who may have received a license without a CPR check. We sent that list of preliminary exceptions to AOE for confirmation that a check had not been performed and for explanations of the reason for exceptions.<sup>22</sup> We interviewed staff at AOE's educator licensing organization and participated in a walk-through of the process of checking the CPR and recording the results in the educator licensing system. We also reviewed AOE's written procedures on CPR checks.

In addition, we used the CPR file to identify supervisory unions/districts that did not appear to be making checks (i.e., that there were no records of checks

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<sup>22</sup> During this process AOE identified cases in our preliminary analysis of exceptions that related to applicants seeking additional license endorsements. AOE reported that it is not required to check the CPR for these types of applications, so we excluded them from our analysis. However, since the data file provided by AOE that we used to identify possible exceptions did not indicate whether an application was for an endorsement it is possible that there were additional endorsement applications that were not identified in the analysis.



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## Appendix I

### Scope and Methodology

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submitted by the entity). For these supervisory unions/districts, we asked for additional information about why they were not checking and if they had plans to check individuals for whom CPR checks had not been obtained.

We sent all supervisory unions/districts a data collection form to gather further information on their use of the CPR and to obtain relevant policies and procedures. We compiled responses to identify trends in policies or procedures and tracking and to identify any other supervisory unions/districts that were not making required CPR checks. We also reviewed the policies and procedures and tracking documents to verify that they addressed checking the CPR.

For objective 2, we used the file of CPR data for the period 2016 through 2018 to determine how many individuals checked by AOE had substantiated records. We then used our data analysis software to cross-reference this data to the list of currently licensed individuals to identify licensees with substantiated CPR records. We sent our results to AOE for confirmation and explanation.

We used the file of CPR data to identify those supervisory unions/districts with the largest number of individuals with a substantiated record in the period 2016 through 2018. We selected the six supervisory unions/districts that were notified of six or more substantiated records in the period. We asked each of these supervisory unions/districts to (1) provide information on each individual, such as the purpose for the background check (for example, was the individual applying for employment or for volunteer work), (2) explain what actions were taken, and (3) specify, if the individual was hired or allowed to volunteer, whether and what safeguards were put in place. We did not validate the information we received in response to this request except that we confirmed whether the individual was or was not employed by reviewing the employment records of that organization. Additionally, we reviewed supervisory unions/districts policies or procedures to determine whether they addressed substantiated CPR records.

We limited our internal control work to obtaining and reviewing organizations' policies and procedures and examples of tracking mechanisms, as previously described.

Our audit work was conducted between November 2018 and November 2019 at DCF offices in Waterbury and AOE offices in Barre. We conducted this performance audit in accordance with generally accepted government auditing standards, which require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the



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## Appendix I

### Scope and Methodology

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evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Appendix II Abbreviations

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AHS	Agency of Human Services
AOE	Agency of Education
COSO	Committee of Sponsoring Organizations of the Treadway Commission
CPR	Child Protection Registry
DCF	Department for Children and Families
V.S.A.	Vermont Statutes Annotated

## Appendix III

### Supervisory Unions/Districts Categories Checked, with Enrollment Data

16 V.S.A. §255 requires that superintendents request and obtain information from the CPR for any person recommended for hiring, student teachers, and contractors or their employees who may have unsupervised contact with school children. This statute does not require the CPR be checked for volunteers but 33 V.S.A. §4919 allows employers to check whether volunteers who provide care, custody, treatment, transportation, or supervision of children have records in the CPR.

Table 3 lists the categories of CPR checks that 56 supervisory unions/districts reported that they obtained. There have been several mergers and name changes of these entities in the past few years. This table reflects the name of the organization with whom we corresponded. Supervisory unions/districts that did not obtain CPR checks for some or all categories are shaded.

**Table 3: Information on CPR Checks Performed by Supervisory Unions/Districts**

Supervisory Union/District	Enrollment 2017-2018 <sup>a</sup>	Categories of Individuals Checked				
		Applicants for Jobs	Student Teachers	Contractors	Contractors' Employees	Volunteers
<b>Addison Central School District</b>	<b>1,900</b>	<b>Did not check CPR at all in 2018</b>				
Addison Northwest School District	964	yes	yes	yes	yes	yes
Barre Supervisory Union	2,394	yes	yes	yes	yes	yes
<b>Battenkill Valley Supervisory Union</b>	<b>422</b>	<b>Did not check CPR at all in 2018</b>				
Bennington Rutland Supervisory Union	1,340	yes	yes	yes	yes	yes
<b>Burlington School District</b>	<b>3,902</b>	<b>Did not check CPR at all in 2018</b>				
Caledonia Central Supervisory Union	855	yes	yes	yes	yes	yes
Central Vermont Supervisory Union	1,308	yes	yes	yes	yes	yes
Champlain Valley School District	4,273	yes	yes	yes	yes	yes
Chittenden East Supervisory Union	2,658	yes	yes	yes	yes	yes
Colchester School District	2,350	yes	yes	yes	yes	yes
Essex North Supervisory Union	190	yes	yes	yes	yes	yes
Essex Westford School District	3,951	yes	yes	yes	yes	yes
<b>Franklin Northeast Supervisory Union</b>	<b>1,665</b>	<b>Did not check CPR at all in 2018</b>				
Franklin Northwest Supervisory Union	2,149	yes	yes	yes	yes	yes
Franklin West Supervisory Union	1,718	yes	yes	yes	yes	<b>no</b>
Grand Isle Supervisory Union	668	yes	yes	yes	yes	yes
Greater Rutland County Supervisory Union	1,546	yes	yes	<b>no</b>	<b>no</b>	yes
<b>Hartford School District</b>	<b>1,509</b>	<b>Did not check CPR at all in 2018</b>				
Harwood Unified Union School District	1,915	yes	yes	yes	yes	yes
Kingdom East School District	1,349	yes	yes	<b>no</b>	<b>no</b>	yes
Lamoille North Supervisory Union	1,805	yes	yes	yes	yes	<b>no</b>
Lamoille South Supervisory Union	1,711	yes	yes	yes	yes	yes

## Appendix III

### Supervisory Unions/Districts Categories Checked, with Enrollment Data

Supervisory Union/District	Enrollment 2017-2018 <sup>a</sup>	Categories of Individuals Checked				
		Applicants for Jobs	Student Teachers	Contractors	Contractors' Employees	Volunteers
Maple Run Unified School District	2,698	yes	yes	yes	yes	yes
Mill River Unified Union School District	901	yes	yes	no	no	yes
Milton Town School District	1,714	yes	yes	yes	yes	yes
Montpelier Roxbury Public Schools	1,236	yes	yes	yes	yes	yes
Mount Abraham Unified School District	1,506	yes	yes	yes	yes	yes
North Country Supervisory Union	2,595	yes	yes	yes	yes	yes
Orange East Supervisory Union	1,637	yes	yes	yes	yes	yes
Orange Southwest Supervisory District	847	yes	yes	yes	yes	yes
Orleans Central Supervisory Union	1,134	yes	yes	yes	yes	yes
Orleans Southwest Supervisory Union	1,044	yes	yes	yes	yes	yes
<b>Patricia A. Hannaford Regional Technical School District</b>	<b>392</b>	<b>Did not check CPR at all in 2018</b>				
Rivendell Interstate School District	491	yes	yes	no	no	yes
River Valley Technical Center School District	224	yes	yes	yes	yes	yes
Rutland City Public Schools	2,170	yes	yes	yes	yes	yes
Rutland Northeast Supervisory Union	1,509	yes	yes	yes	yes	yes
SAU 70/Norwich School District	330	yes	yes	yes	yes	yes
Slate Valley Unified Union School District	1,345	yes	yes	yes	yes	yes
South Burlington School District	2,767	yes	yes	yes	yes	yes
Southwest Vermont Supervisory Union	3,007	yes	yes	yes	yes	yes
<b>Southwest Vermont Regional Technical School District</b>	<b>523</b>	<b>Did not check CPR at all in 2018</b>				
Springfield School District	1,303	yes	yes	yes	yes	yes
<b>St. Johnsbury School District</b>	<b>713</b>	<b>Did not check CPR at all in 2018</b>				
<b>Two Rivers Supervisory Union</b>	<b>1,073</b>	<b>Did not check CPR at all in 2018<sup>b</sup></b>				
Washington Central Supervisory Union	1,564	yes	yes	yes	yes	yes
Washington Northeast Supervisory Union	529	yes	yes	yes	yes	yes
White River Valley Supervisory Union	1,380	yes	yes	yes	yes	no
Windham Central Supervisory Union	820	yes	yes	no	no	yes
Windham Northeast Supervisory Union	1,225	yes	yes	no	no	yes
Windham Southeast Supervisory Union	2,598	yes	yes	no	no	no
<b>Windham Southwest Supervisory Union</b>	<b>617</b>	<b>Did not check CPR at all in 2018</b>				
Windsor Central Supervisory Union	1,016	yes	yes	yes	yes	yes
<b>Windsor Southeast Supervisory Union</b>	<b>1,219</b>	<b>Did not check CPR at all in 2018</b>				
Winooski School District	874	yes	yes	yes	yes	yes

<sup>a</sup> Enrollment figures are from AOE's student enrollment report for school year 2017-2018, combining individual school enrollments for the supervisory unions/districts as they existed in 2017-2018 and data from the three technical centers.

<sup>b</sup> Although this supervisory union did not check the CPR in 2018, one of its six schools checked four individuals.

# Appendix IV

## Examples of Tracking Mechanisms

Example of spreadsheet used for tracking requests submitted and results received.

Agency of Human Services									
State of Vermont									
Adult Abuse and Child Protection Registry Checking									
Status of requests submitted from 01/01/2018 - 12/31/2018									
Request	Date Submitted	Submitted by	Name	Address	Date adult processec	Adult results	Date child process	Child results	Type
484906	12/14/2018				12/17/2018	No records found	12/14/2018	No records found	NCPA - Volunteer n/a
484905	12/14/2018				12/17/2018	No records found	12/14/2018	No records found	Employment n/a
484648	12/12/2018				12/12/2018	No records found	12/12/2018	No records found	Employment n/a
484647	12/12/2018				12/13/2018	No records found	12/12/2018	No records found	NCPA - Volunteer n/a
484646	12/12/2018				12/13/2018	No records found	12/12/2018	No records found	NCPA - Volunteer n/a
484629	12/12/2018				12/13/2018	No records found	12/12/2018	No records found	NCPA - Volunteer n/a
484626	12/12/2018				12/13/2018	No records found	12/19/2018	No records found	NCPA - Volunteer n/a
484623	12/12/2018				12/13/2018	No records found	12/12/2018	No records found	NCPA - Volunteer n/a
484622	12/12/2018				12/13/2018	No records found	12/19/2018	No records found	NCPA - Volunteer n/a
484621	12/12/2018				12/13/2018	No records found	12/12/2018	No records found	NCPA - Volunteer n/a
484618	12/12/2018				12/13/2018	No records found	12/12/2018	No records found	Employment n/a
484615	12/12/2018				12/13/2018	No records found	12/12/2018	No records found	NCPA - Volunteer n/a
484614	12/12/2018				12/12/2018	No records found	12/12/2018	No records found	Employment n/a
484610	12/12/2018				12/13/2018	No records found	12/12/2018	No records found	Employment n/a
484609	12/12/2018				12/13/2018	No records found	12/12/2018	No records found	Employment n/a
484606	12/12/2018				12/13/2018	No records found	12/12/2018	No records found	Employment n/a
484595	12/12/2018				12/13/2018	No records found	12/12/2018	No records found	NCPA - Volunteer n/a

# Appendix IV

## Examples of Tracking Mechanisms

Example of checklist used for tracking requests submitted and results received.

**EMPLOYEE NOMINATION FORM**

**Nominee:** \_\_\_\_\_

Recommended by: \_\_\_\_\_ Position: \_\_\_\_\_

College(s) attended: \_\_\_\_\_ Interviewed by: \_\_\_\_\_

VT Certification: \_\_\_\_\_ Date(s) of graduation: \_\_\_\_\_

Areas: \_\_\_\_\_ References Checked: \_\_\_\_\_

Other background information: \_\_\_\_\_

Employee to be Replaced: \_\_\_\_\_ Step: \_\_\_\_\_ Salary: \_\_\_\_\_

Approved for Board Agenda: \_\_\_\_\_ Date: \_\_\_\_\_  
(Superintendent of Schools)

**Contract Information:**

Start Date: \_\_\_\_\_ Step: \_\_\_\_\_ Salary: \_\_\_\_\_

Enrollment Packet send/pickup Date: \_\_\_\_\_

**Central Office:**

Documents to be returned:	Date:	Date:
Application _____		DD for HSA/FSA _____
Cafeteria Plan _____		FSA enrollment _____
VT DOL Health Dec _____		VT W4 & W4 _____
Direct Deposit _____		19 _____
Registry Release _____		403(b) _____
Unum _____		Ack of Receipt _____
BCBSVT _____		Contract _____

**Payroll & HR:**

**Hire:**

Infinite Visions _____	Date:	Date:
Files generated _____	TCP _____	<b>Child Registry Response</b> _____ <b>Adult Registry Response</b> _____ <b>VCIC fingerprint Response</b> _____
BCBS enrollment _____	Bright Futures _____	
UNUM enrollment _____		
FSA enroll (if appl) _____		DOL new hire report: _____
Email/Network _____		

**Termination:**

Resignation Notice _____	Add'l Last paycheck deductions/refunds (if any): _____
BCBS termination _____	
UNUM termination _____	
FSA term (if appl) _____	Pending Dental/Travel/Tuition Reimbursement (if any): _____
NEMRC inactivation _____	
Lunch \$ balance _____	
Email/Network _____	

## Appendix V Comments from Management

The following is a reprint of management's response to a draft of this report.



**State of Vermont**  
1 National Life Drive, Davis 5  
Montpelier, VT 05620-2501  
[education.vermont.gov](http://education.vermont.gov)

[phone] 802-828-1130  
[fax] 802-828-6430

*Agency of Education*

December 12, 2019

The Honorable Douglas Hoffer  
Vermont State Auditor  
132 State Street  
Montpelier, Vermont 05633

RE: Agency of Education (AOE) Response to Audit of the Child Protection Registry

Dear Auditor Hoffer,

Thank you for the opportunity to respond on behalf of the Agency of Education (AOE) and the State's Supervisory Unions and Supervisory Districts (SU/SDs) to the results of your office's audit "Child Protection Registry: Education."

The AOE finds the information in the audit very useful because it provides us with an important opportunity to improve our own practice and the practice of the SU/SDs.

The audit found that of the 1,990 licenses issued in 2018, in 162 cases there was either no evidence of a Child Protection Registry (CPR) check being performed at all, or one was performed with data entry errors (e.g., wrong DOB, SSN, or misspelled name). For 92% of the licenses issued, the AOE accurately performed the required checks. For the 8% that were not accurately performed, the AOE re-checked or checked the Child Protection Registry for all educators who are still licensed in Vermont. Of these subsequent checks, all were completed and came back clear.

In response to the audit, the AOE has developed an additional quality control procedure designed to prevent errors and missing checks during the licensure process. We have altered our Standard Operating Procedures to ensure that confirmation of all steps related to background checks will be the final action taken by a licensing specialist before finalizing the license approval. This practice will also reduce the time between completion of the Child Protection Registry check and license issuance, meaning that the ultimate licensing decision is based on the most up-to-date information available. Finally, the AOE has instituted an additional biweekly inspection of all licenses issued to ensure that the Child Protection Registry and Vulnerable Adult Registry have been completed and confirmed in the licensing IT system. This redundancy will ensure compliance within a short window of time after issuance of each license.

## Appendix V

### Comments from Management

In the years since the passage of Act 1 of 2009, the AOE has supported partner institutions to provide information about background check requirements directly to school system administrators. These partnerships have resulted in the publication of some of the specific resources cited in the audit.

In analyzing the results of the audit, we have determined that we need to share more information directly with SU/SDs about the Act 1 requirements. Accordingly, the AOE will be sending a memorandum to all superintendents and headmasters of independent schools immediately, reminding them of their responsibilities under 16 V.S.A. § 255 to conduct checks of the Child Protection Registry and the Vulnerable Adult Registry when hiring full-time, part-time or temporary employees, contractors and work study students when any of these individuals may have unsupervised contact with children. AOE will also include information about these responsibilities in the superintendents' licensing professional development, offered each spring.

I will also be reaching out individually to the SU/SDs identified in the audit as conducting "no checks" in 2018 to offer specific feedback and guidance.

The audit pointed out the actions that AOE took in response to four individuals who had substantiations in the Child Protection Registry over a three-year period. Of the four, three individuals were ultimately issued a license. The law, 16 V.S.A. § 255, requires AOE to exercise its discretion regarding whether to deny a license to an individual who has a substantiated complaint listed in the Child Protection Registry. Pursuant to 16 V.S.A. § 1708, the AOE may not disclose any information about a licensing investigation to anyone except the applicant or licensee. This includes any information regarding the investigation, and any information that could be used to identify the licensee or applicant. AOE investigated the circumstances of the substantiations in each of the four cases, and made determinations based on the results of those investigations. In each of the cases where the AOE issued a license after receiving a substantiated CPR check from the Department for Children and Families (DCF), the AOE concluded that approving the individual's application for licensure would not put students at risk. AOE legal staff took appropriate investigative steps before issuing any license to an individual with a Child Protection Registry substantiation and instituted safeguards to ensure that additional checks are conducted when any of these individuals apply for renewal or re-licensure.

Following the recommendations in the audit, AOE will develop an internal policy to govern our response to a substantiation in the Child Protection Registry. AOE will consult with DCF and the Vermont Standards Board for Professional Educators in writing the policy. To respond to the audit findings regarding a lack of clear policy in SU/SDs, AOE will share our policy with superintendents as a model for local policies.





## Appendix V

### Comments from Management

The information in the audit will help AOE assist SU/SDs fulfill their responsibilities in 16 V.S.A. § 255. The responsibilities in § 255 also apply to the headmasters of recognized and approved independent schools in Vermont. This audit did not examine the compliance of recognized or approved independent schools. It will be important for headmasters to examine their own hiring practices and determine if they are compliant and consistently applied. All information and training that AOE provides to superintendents will also be offered to headmasters to assist them in those efforts.

We would like to reiterate that this audit is extremely useful in helping us continually reexamine our procedures so that we are taking all reasonable efforts to ensure the safety of Vermont's students and the quality of Vermont's licensed educators.

Sincerely,



Daniel M. French, Ed.D  
Secretary  
Vermont Agency of Education

