

**Report on Act 157 of 2010: Section 20 An Act
Relating to Term Probation, the Right to
Bail, Medical Care of Inmates, and a
Reduction in the Number of Nonviolent
Prisoners, Probationers, and Detainees:
Report; Suspected Child Abuse**

**Report/Recommendations to the House and Senate
Committees on Judiciary and Education**

October 1, 2010

Submitted by:



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Legislative Charge and Executive Summary

In 2010 the Legislature enacted Act 157 (S.292) an act relating to term probation, the right to bail, medical care of inmates, and a reduction in the number of nonviolent prisoners, probationers, and detainees. Section 20 required that the Commissioner of Education and the Commissioner for Children and Families conduct an examination and report as follows:

The Commissioner of Education and the Commissioner for Children and Families, in consultation with the Vermont Superintendents Association, the Vermont School Boards Association, the Vermont Principals' Association, and the Vermont-National Education Association, shall examine the effectiveness of the memorandum of understanding entered into between the Department of Education and the Department for Children and Families dated November 23, 2009 regarding sharing reported information concerning the behaviors of individuals regulated by the Department of Education. On or before December 15, 2010, the commissioners shall jointly report their conclusions, together with any proposed statutory amendments, to the Senate and House Committees on Judiciary and on Education.

The Commissioners consulted with the Vermont Superintendents Association, the Vermont School Boards Association, the Vermont Principals' Association, and the Vermont National Education Association and concluded that the memorandum of understanding has been extremely effective at sharing reported information concerning the behaviors of individuals regulated by the Department of Education and has resulted in increased child safety. They also concluded that no statutory amendments are necessary. See attached MOU.



Department for Children and Families
Commissioner's Office 5 North
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Department of Education
Commissioner's Office
120 State Street
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MEMORANDUM OF UNDERSTANDING
BETWEEN

THE DEPARTMENT OF EDUCATION (DOE) AND THE DEPARTMENT FOR CHILDREN
AND FAMILIES (DCF) REGARDING SHARING OF INTAKE INFORMATION

This Memorandum of Understanding is entered into this 23 day of November, 2009
by and between the Vermont Department of Education and the Vermont
Department for Children and Families.

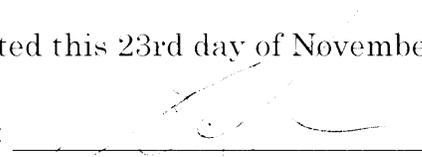
Whereas, DCF and DOE believe that child protection and safety is promoted
through the professional regulation of individuals providing services to children,
including individuals involved in a child's education:

Therefore, the undersigned hereby agree as follows:

- (1) DCF shall provide to DOE all reports received by the DCF Centralized Intake Unit involving the behaviors of any individual known to be regulated by DOE.
- (2) DOE shall provide to DCF any information it has or may learn relative to the reports provided by DCF.
- (3) When using or disclosing information, exchanged under this MOU, both DCF and DOE will make reasonable efforts to limit the information to the minimum necessary to accomplish the intended purpose of the use or disclosure.

(4) In accordance with both the dictates and the limitations of 16 V.S.A. § 1708 both DOE and DCF shall maintain the confidentiality of the information which is exchanged pursuant to this MOU. Specifically, no public record required to be made under 16 V.S.A. §1708 shall contain the name of the individual who has reported suspected child abuse and neglect or otherwise provided information to DCF in the intake report forwarded to DOE under this Agreement. Likewise, to the extent that 16 V.S.A. § 1708 and/or any other state or federal law(s) or regulation(s) either permit or require the disclosure of the information which is exchanged pursuant to this MOU, the disclosure of that information shall not be construed as a violation of the terms or the intent of this MOU.

Dated this 23rd day of November, 2009, at Waterbury, Vermont.

By: 
Armando Vilaseca, Commissioner

Vermont Department of Education

By: 
Stephen R. Dale, Commissioner

*Vermont Department for
Children and Families*