

§ 255. PUBLIC AND INDEPENDENT SCHOOL EMPLOYEES;  
CONTRACTORS

(a) Superintendents, headmasters of recognized or approved independent schools, and their contractors shall request criminal record information for the following:

(1) the person a superintendent or headmaster is prepared to recommend for any full-time, part-time, or temporary employment;

(2) any person directly under contract to an independent school or school district who may have unsupervised contact with school children;

(3) any employee of a contractor under contract to an independent school or school district who is in a position that may result in unsupervised contact with school children;

(4) any student working toward a degree in teaching who is a student teacher in a school within the superintendent's or headmaster's jurisdiction.

(b) After signing a user agreement, a superintendent or a headmaster shall make a request directly to the Vermont Crime Information Center. A contractor shall make a request through a superintendent or headmaster.

(c) A request made under subsection (b) of this section shall be accompanied by a set of the person's fingerprints and a fee established by the Vermont Crime Information Center that shall reflect the cost of obtaining the record from the FBI. The fee shall be paid in accordance with adopted school board policy.

(d)(1) Upon completion of a criminal record check, the Vermont Crime Information Center shall send to the superintendent a notice that no record exists or, if a record exists, a copy of any criminal record.

(2) Upon completion of a criminal record check, the Vermont Crime Information Center shall send to the headmaster a notice that no record exists or, if a record exists:

(A) A copy of Vermont criminal convictions.

(B) A notice of any criminal record that is located in either another state repository or FBI records, but not a record of the specific convictions. However, if there is a record relating to any crimes of a sexual nature involving children, the Vermont Crime Information Center shall send this record to the Secretary who shall notify the headmaster in writing, with a copy to the person about whom the request was made, that the record includes one or more convictions for a crime of a sexual nature involving children.

(e) Information received by a superintendent or headmaster under subsection (d) of this section shall be forwarded as follows:

(1) In the case of a request other than one made on behalf of a contractor, the superintendent or headmaster shall forward a copy of the information to the person about whom the request was made.

(2) In the case of a request made on behalf of a contractor, the superintendent or headmaster shall inform the contractor in writing either that no record exists or that a record does exist but shall not reveal the content of

the record to the contractor. The contractor shall then forward a copy of the information received to the person about whom the request was made.

(f) Information sent to a person by the Secretary, a headmaster, a superintendent, or a contractor under subsection (e) of this section shall be accompanied by a written notice of the person's rights under subsection (g) of this section, a description of the policy regarding maintenance and destruction of records, and the person's right to request that the notice of no record or record be maintained for purposes of using it to comply with future criminal record check requests pursuant to section 256 of this title.

(g)(1) Following notice that a headmaster was notified that a criminal record which is located in either another state repository or FBI records exists, a person may:

(A) sign a form authorizing the Vermont Crime Information Center to release a detailed copy of the criminal record to the person; or

(B) decline or resign employment.

(2) Any person subject to a criminal record check pursuant to this section may challenge the accuracy of the record by appealing to the Vermont Crime Information Center pursuant to rules adopted by the Commissioner of Public Safety.

(h) A superintendent or headmaster shall request and obtain information from the Child Protection Registry maintained by the Department for Children and Families and from the Vulnerable Adult Abuse, Neglect, and Exploitation Registry maintained by the Department of Disabilities, Aging, and Independent

Living (collectively, the Registries) for any person for whom a criminal record check is required under subsection (a) of this section. The Department for Children and Families and the Department of Disabilities, Aging, and Independent Living shall adopt rules governing the process for obtaining information from the Registries and for disseminating and maintaining records of that information under this subsection.

(i) A person convicted of a sex offense that requires registration pursuant to 13 V.S.A. chapter 167, subchapter 3 shall not be eligible for employment under this section.

(j) The board of trustees of a recognized or approved independent school shall request a criminal record check and a check of the Registries pursuant to the provisions of this section prior to offering employment to a headmaster.

(Added 1997, No. 163 (Adj. Sess.), § 1; amended 2009, No. 1, § 5, eff. Dec. 31, 2010; 2009, No. 108 (Adj. Sess.), § 3; 2011, No. 31, § 3, eff. May 17, 2011; 2013, No. 92 (Adj. Sess.), § 35, eff. Feb. 14, 2014; 2013, No. 119 (Adj. Sess.), § 13.)