

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 27
3 entitled “An act relating to eliminating the statute of limitations on
4 prosecutions for sexual assault” respectfully reports that it has considered the
5 same and recommends that the Senate propose to the House that the bill be
6 amended by striking out all after the enacting clause and inserting in lieu
7 thereof the following:

8 Sec. 1. 13 V.S.A. § 1386 is added to read:

9 § 1386. EMPLOYMENT AGREEMENTS

10 In accordance with 21 V.S.A. § 306, it is the policy of the State of Vermont
11 that no confidential employment separation agreement shall inhibit the
12 disclosure to prospective employers of factual information about a prospective
13 employee’s background that would lead a reasonable person to conclude that
14 the prospective employee has engaged in conduct jeopardizing the safety of a
15 vulnerable adult or minor.

16 Sec. 2. 16 V.S.A. § 253 is amended to read:

17 § 253. CONFIDENTIALITY OF RECORDS

18 (a) Criminal records and criminal record information received under this
19 subchapter are designated confidential unless, under State or federal law or
20 regulation, the record or information may be disclosed to specifically
21 designated persons.

1 (b) The Secretary, a superintendent, or a headmaster may disclose criminal
2 records and criminal record information received under this subchapter to a
3 qualified entity upon request, provided that the qualified entity has signed a
4 user agreement and received authorization from the subject of the record
5 request. As used in this section, “qualified entity” means an individual,
6 organization, or governmental body doing business in Vermont that has one or
7 more individuals performing services for it within the State and that provides
8 care or services to children, persons who are elders, or persons with disabilities
9 as defined in 42 U.S.C. § 5119c.

10 (c) In accordance with 21 V.S.A. § 306, a board member, superintendent,
11 or headmaster shall not enter into on behalf of a supervisory union, school
12 district, or recognized or approved independent school a confidential
13 employment separation agreement that inhibits the disclosure to prospective
14 employers of factual information about a prospective employee’s background
15 that would lead a reasonable person to conclude that the prospective employee
16 has engaged in conduct jeopardizing the safety of a minor. Notwithstanding
17 any provision of law to the contrary under 33 V.S.A. chapter 49, a board
18 member, superintendent, or headmaster and employees of a supervisory union,
19 school district, or recognized or approved independent school shall provide
20 factually correct information concerning a former employee’s employment
21 record with the supervisory union, school district, or recognized or approved

1 independent school to a prospective employer of that individual if requested by
2 the prospective employer. Nothing in this subsection shall permit the
3 disclosure of information that is prohibited from disclosure by subsection (b)
4 of this section. Notwithstanding any provision of law to the contrary, a person
5 shall not be subject to civil or criminal liability for disclosing information that
6 is required by this section to be disclosed if the person was acting in good faith
7 and reasonably believed at the time of disclosure that the information disclosed
8 was factually correct.

9 Sec. 3. COMMITTEE FOR PROTECTING STUDENTS FROM SEXUAL
10 EXPLOITATION

11 (a) Creation. There is created the Committee for Protecting Students from
12 Sexual Exploitation.

13 (b) Membership. The Committee shall be composed of the following ten
14 members:

15 (1) the Secretary of Education or designee;

16 (2) the Executive Director of the Vermont School Boards Association or
17 designee;

18 (3) the Executive Director of the Vermont Independent Schools
19 Association or designee;

20 (4) the Executive Director of the Vermont National Educators
21 Association or designee;

1 (5) the Executive Director of Child Abuse Vermont or designee;

2 (6) the Executive Director of the Vermont Network Against Domestic
3 and Sexual Violence or designee;

4 (7) the Executive Director of the Department of State’s Attorneys and
5 Sheriffs or designee;

6 (8) the Defender General or designee;

7 (9) the Commissioner for Children and Families or designee; and

8 (10) the Executive Director of the Vermont Superintendents Association
9 or designee.

10 (c) Powers and duties. The Committee, in consultation with school
11 personnel, shall:

12 (1) develop a model policy for adoption by public schools and
13 recognized and approved independent schools, as defined in 16 V.S.A. § 11, on
14 electronic communications between school employees and students, designed
15 to prevent improper communications; and

16 (2) recommend whether behaviors by an employee of, or contractor for,
17 a public school or recognized or approved independent school designed to
18 establish a romantic or sexual relationship with a child or a student, so called
19 “grooming behaviors,” should be unlawful under Vermont law, and, if the
20 Committee recommends that grooming behaviors should be unlawful, shall
21 include in its recommendation:

1 (A) how grooming behaviors should be defined;

2 (B) whether all students or children in a school environment should
3 be covered;

4 (C) whether the behavior should result in a misdemeanor or a felony,
5 and the related punishment; and

6 (D) the statute of limitations for bringing a related action.

7 (d) Assistance. The Committee shall have the administrative, technical,
8 and legal assistance of the Agency of Education.

9 (e) Report. On or before October 15, 2019, the Committee shall submit a
10 written report to the House and Senate Committees on Education and on
11 Judiciary with its findings and any recommendations.

12 (f) Meetings.

13 (1) The Secretary of Education shall call the first meeting of the
14 Committee to occur on or before July 15, 2018.

15 (2) The Committee shall select a chair from among its members at the
16 first meeting.

17 (3) A majority of the membership shall constitute a quorum.

18 (4) The Committee shall cease to exist on October 16, 2019.

19 Sec. 4. EFFECTIVE DATE

20 This act shall take effect on passage.

1 and that after passage the title of the bill be amended to read: “An act relating
2 to sexual exploitation of students”

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8 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE