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**State of Vermont**  
**Department of Public Safety**  
45 State Drive  
Waterbury, Vermont 05671-1300  
<http://dps.vermont.gov/>

## MEMORANDUM

**TO:** Chair Wood, House Committee on Human Services  
Chair Lyons, Senate Committee on Health and Welfare

**FROM:** Director Jeffrey Wallin, Vermont Crime Information Center

**SUBJECT:** Act 76 (H.217) Vermont Crime Information Center recommendations to improve the process for providers required to complete separate background checks

**DATE:** January 11, 2024

### **Legislative Mandate:**

Act 76 (H.217) Child care, early education, workers' compensation, and unemployment insurance required the following Vermont Crime Information Center (VCIC) report on the background check process:

#### **Sec. 14. REPORT; BACKGROUND CHECKS**

On or before January 15, 2024, the Vermont Crime Information Center, in collaboration with the Agency of Education and the Department for Children and Families, shall submit a report to the House Committee on Human Services and to the Senate Committee on Health and Welfare providing a recommendation to streamline and improve the timeliness of the background check process for child care and early education providers who are required to complete two separate background checks.

### **Current Processing State:**

Due to federal regulations surrounding the use of criminal history data, a fingerprint supported record check (record check) may not be utilized for more than one purpose nor shared between agencies for separate purposes. In practice this means that individuals working for two separate programs, even in one physical location, may be required to submit two differing sets of fingerprints for review. In this instance each record check is returned to the authorized agency (such as the Department for Children and Families, Agency of Education, or child care provider) for use in suitability determinations.



Fingerprints are currently forwarded (either electronically or physically) to VCIC along with necessary authorization forms. Once both are received by VCIC, the record check is completed and returned to the requesting agency via US Postal Service. It should be noted that in conjunction with fingerprint supported criminal history records, VCIC also conducts a review of non-fingerprint Vermont criminal history records, out-of-state criminal history records where authorized, and National Sex Offender Registry checks where authorized.

In some states, responsibility for activities beyond processing fingerprint records falls back upon the requesting agency. Existing VCIC procedures in these areas have been implemented to provide a streamlined record check process for authorized agencies, leveraging existing expertise and information systems. This reduces the number of steps requesting agencies must undertake to satisfy potential requirements and reduces duplication of efforts by agencies across Vermont.

### **Centralized Process:**

In at least one identified jurisdiction, a new state governmental entity (the Florida Care Provider Background Screening Clearinghouse) was created to centralize and streamline background check requirements for individuals working in positions that provide services to children, the elderly, and those with disabilities.

This clearinghouse retains applicant fingerprints within a data system for multiple years, allowing participating agencies to request an updated criminal history record check on an authorized individual without the need to collect a new set of fingerprints. Participating entities then receive any identified criminal history directly once results are returned. It should be noted this system does not allow a single criminal history record to be utilized for multiple purposes. Instead, the clearinghouse allows non-criminal fingerprints to be maintained and re-submitted by multiple participating agencies, reducing the number of times an individual would need to be actively fingerprinted.

Any system of this nature would require significant review of existing state statutes to ensure consistency and eligibility along with the authorization to retain biometric data on those not convicted of a criminal offense. Along with this review dedicated staff would be required to oversee and maintain this biometric data collection and related information technology (IT) systems. These noted components would require substantial initial investment and long-term financial commitment as well, whether through a fee structure (such as in Florida) or dedicated long-term general fund support.

### **Incremental Improvements:**

In discussions and collaboration with existing partners (including the Agency of Education and Department for Children and Families) a number of existing incremental improvements have been identified that could improve timeliness of completing required record checks.

This includes agencies leveraging an online form (such as the one created by the Agency of Education) that applicants are required to complete before fingerprinting. This allows incomplete applications and



clerical issues to be identified and remedied early in the process, reducing the need for manual remediation and resubmission, both of which delay initial record check processing. A system of this nature would also allow agencies greater insights into their application volume, duplicate entries, and similar administrative benefits.

Discussions with various partners also identified the potential to create a unified gateway for access to various state held databases, including Vermont Convictions, Child Protection, and Adult Abuse Registries. Currently these databases all require distinct access to be managed individually, including user accounts, training, and security requirements. Creating a secure, single access point (via federated identity services) would introduce additional efficiencies into the process for entities querying data along with agencies who maintain the noted data systems. It should be noted this does not envision comingling datasets, but rather allowing a single query to check multiple data sources independently by authorized users.

VCIC also continues to expand returning criminal history inquiry results via secure electronic means rather than via USPS to increase efficiency and timeliness. Efforts are currently focused on large agencies through secure email practices to ensure electronic records are managed in the required secure manner. Some states have also created dedicated or centralized online portals for the return of criminal history check results. While this could reduce transit times, it would require additional technical and financial support as current fingerprint processing provides a minimal amount of dedicated revenue per transaction.

