

March 2, 2017

Dear Superintendents, Principals and Human Resources Staff:

This memo is intended to clarify an issue related to fingerprinting that was recently shared with a number of people across Vermont. The memo is attached here: [Secondary Dissemination Memo 2 2017, Wallin](#).

For those of you who received this communication outside of our usual channels and have been worried, we are very sorry for any disruption that this has caused you and your staff. What follows is intended to assist you in understanding the meaning and context of this memo.

***What is secondary dissemination?***

Secondary dissemination is when fingerprinted supported background checks are shared following an authorization by an individual. This most frequently occurs when an educator is renewing their license and they complete an authorization form to have their current employer send the report to the Agency of Education. In some instances, SU/SDs have also requested this information from the Agency. Such sharing was conditional on a signed release from the fingerprinted individual authorizing the sharing. Vermont has historically done this to support ease of completing the requirements for employment and licensure as described in §256.

***Why is this no longer allowed?***

In 2015-16, VCIC had an audit with the FBI to ensure its compliance with their regulations. During that audit, the Vermont practice of secondary dissemination was found to violate federal regulations. Federal regulations do not allow this sharing of information to protect the privacy rights of those of us fingerprinted for work.

The federal government asked VCIC to develop a plan to correct that non-compliance finding. Part of the plan to reduce non-compliance involves working with entities like the AOE and SU/SDs that conduct fingerprint background checks to stop the process. All of this is typical of audits and findings for any program.

***What does this mean for educators and school systems?***

If there is no change to current Vermont law for § 251-260, then individuals will need to be finger-print checked for each purpose that statute requires (employment, educator license, program license, etc.). This could lead to multiple people being fingerprinted multiple times and create a strain on both the individuals and the VCIC system.



As a result, the AOE, VCIC the VSBA and the VSA and other agencies have been discussing a wide variety of options related to fingerprinting and the current statutes in Vermont. Through this process there have been a number of proposals put forward to the legislature that would allow for us to determine if a finger-print supported background check could be done in one location, say for a license and then a criminal record check could be done by a different location, say for employment. This has not yet been legislated and the simple answer is we don't know.

Lastly, Debi Price, Director of the Educator Quality Division, has been working with Mr. Wallin at VCIC to meet the corrective action requirements. The transition plan includes two parts the first beginning March 1, 2017.

1. As of March 1, 2017, the Agency will no longer be using secondary dissemination for initial, reinstatements, transcript review and peer review application types;
2. For renewal applications secondary dissemination will continue only through this renewal cycle which ends June 30, 2017.

***What should school systems change today relative to fingerprinting procedures?***

*Keep doing what you are doing:* Until a law is changed, we are bound by the existing regulations. Consistent with past practice you should continue to conduct fingerprint supported background checks of the same people you currently do. There should be no change in your commitment to providing safe learning environments for students. You may continue to share information with other employers with the permission of the individual.

*Encourage people who can clear now to do so:* Given the possible heavy load facing VCIC if duplicate fingerprints are needed, encourage all teachers up for renewal and new hires to get their fingerprints done as soon as they are able. The AOE notified approximately 850 educators (that's about 25% of all renewals) in December that they do not have a criminal record check on file and will need to complete fingerprinting or authorization to release their criminal record report from their employer prior to their license being renewed. For those educators waiting for a good time to check this off their list, getting this done now will ensure their license won't lapse and will clear the pipeline for later hires in the summer.

*Stop sharing:* If you have previously shared with other organizations for purposes other than employment you should stop doing that. However, you can continue to share this fingerprint information with the Agency of Education for the current license renewal cycle until June 30, 2017.

***Who should I contact with questions?***

It would be very helpful if you would write to [AOE.Licensinginfo@vermont.gov](mailto:AOE.Licensinginfo@vermont.gov) with a subject heading of "Fingerprint-SU/SD Question" This will help us to gather FAQs and release them to everyone in a coordinated manner as well as respond to your question promptly.

