



State of Vermont  
1 National Life Drive, Davis 5  
Montpelier, VT 05620-2501  
[education.vermont.gov](http://education.vermont.gov)

[phone] 802-828-1130  
[fax] 802-828-6430

*Agency of Education*

---

October 8, 2020

**SENT VIA EMAIL**

John Carroll, Chair, State Board of Education

RE: Recommendation to Undertake Review of New England Kurn Hattin Homes for Children Status as a Vermont Approved Independent School

Dear Chair Carroll,

Information has come to the attention of the Agency of Education that leads me to conclude that a review of Kurn Hattin's status as an approved independent school ought to be conducted by the State Board of Education. This information comes from the 2019-2021 Licensing Report written by the Department for Children and Families (DCF) Residential Licensing and Special Investigations Unit (RLSI) in its capacity as regulator of the school's residential treatment program. Please note that subsequent to this report, Kurn Hattin and DCF agreed that, although licensed to do so, the school was not serving as a residential treatment facility, and that the license should be terminated. The report covers operations as observed and interviews conducted on several dates in October, November and December 2019.

Pursuant to State Board Rule 2222.7, I have sought and will obtain the written recommendation of the Council of Independent Schools. At this time, I am recommending a review of Kurn Hattin's approval. I believe it is important for the State Board to conduct this review prior to determining if revocation or suspension of approval is warranted.

My recommendation is based on several instances of non-compliance with laws and DCF regulations documented in the 2019-2021 Licensing Report. These particular findings of non-compliance with DCF regulations and relevant statutes may also represent non-compliance with laws and regulations that apply to approved independent schools.

In order to be approved, an independent school must supply evidence of compliance with local, state, and federal requirements pertaining to health and safety of pupils. SBE Rule 2225.7.

An approved independent school must comply with the background check provisions of 16 V.S.A. § 255 which require a fingerprint supported background check to be conducted for all employees, and for any contractors or student teachers who may have unsupervised contact with students.

---

All employees of approved independent schools are mandated reporters under 33 V.S.A. 4913. Any mandated reporter who reasonably suspects abuse or neglect of a child is required by law to make a report within 24 hours of the time information regarding the suspected abuse or neglect is first received or observed.

The following instances of non-compliance documented in the 2019-2021 Licensing Report point to violations of the requirements discussed above.

**Numbered Item 118: A Residential Treatment Program shall report any suspected or alleged incident of child abuse or neglect within 24 hours, to the Department for Children and Families, Centralized Intake Unit. (33 V.S.A., Chapter 49, §4913).**

DCF found Kurn Hattin to be out of compliance with this requirement in its 2019-2021 licensing report.

Comments in the report indicate that, "Of the 17 child abuse and regulatory investigations during this licensing period, at least three were not reported within the required timeframe. For example, three incidents occurring in February 2019 and were not reported to licensing or Centralized Intake and Emergency Services (CIES) until April 2019."

**Numbered Item 412: A Residential Treatment Program shall conduct background checks, upon hire and every three years thereafter, on all employees, board member/trustees, volunteers, student interns, and others who may have unsupervised contact with children/youth in the program. Minimally, the background checks shall include the Vermont Criminal Information Center, Vermont Child Protection Registry and the Adult Abuse Registry. [16 V.S.A. § 255.]**

DCF found Kurn Hattin to be out of compliance with this requirement in its 2019-2021 licensing report.

Comments in the report indicate that, "... of the 18 background checks reviewed only 6 had current and completed fingerprint-supported background checks. Out-of-state child abuse registry checks were not checked for any employee in order to be in compliance with FFPSA [Family First Prevention Services Act]."

The report goes on to explain that in its NEASC self-study, Kurn Hattin noted, "It regularly takes 30-45 days to receive fingerprinting results from the Sheriff's Department, which means that employees sometimes begin working before their background check is complete, but most problems are discovered via the on-line VCIC system before the employee begins work." In response, the report states, "This lends [DCF] to infer that staff are potentially alone with children before their full background check results are received. [DCF] spoke with the Director of Human Resources, Martha Ruffle, to begin a process of obtaining information from current and prospective employees of any state they have lived in within the last 5 years. It was shared



with [DCF] that HR received directive from the Executive Director not to follow the background check changes of FFPSA. Yet, in a meeting to start this licensing visit iteration, Mr. Harrison said he had not received notification about the background check requirement changes.”

My staff are available to assist the State Board in its review of these matters. Please let us know of any further information that would be helpful to the Board.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dan French".

Daniel M. French, Ed.D., Secretary  
Vermont Agency of Education

cc: Steve Harrison, Executive Director, New England Kurn Hattin Homes for Children  
Gary Kenardy, Esq.  
Mark Tashjian, Chair, Council of Independent School

