



House of Representatives

General Assembly

File No. 659

January Session, 2001

Substitute House Bill No. 6663

House of Representatives, May 8, 2001

The Committee on Appropriations reported through REP. DYSON of the 94th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE RELATIVE TO THE FUNDING OF EDUCATIONAL SERVICES FOR CHILDREN WHO ARE BLIND OR VISUALLY IMPAIRED.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (a) The Board of Education and Services for the
2 Blind may enter into contractual agreements with local and regional
3 school districts to provide, for a fee, (1) the services of teachers of the
4 visually impaired and other persons who provide educational and
5 rehabilitative services that are employed by said board for children
6 who are blind or visually impaired, and (2) related professional
7 development and training.

8 (b) The Board of Education and Services for the Blind shall establish
9 a schedule of fees for each school year for the provision of educational
10 services to children who are blind or visually impaired. Such fees shall
11 be adequate to cover the costs of providing such services.

12 (c) The Board of Education and Services for the Blind shall establish
13 and distribute to local and regional school districts written guidelines
14 concerning its policies and procedures for the provision of services and
15 the establishment of fees.

16 Sec. 2. (NEW) The vision education services account for the Board of
17 Education and Services for the Blind shall be established as a separate
18 account within the General Fund for the purpose of aiding children
19 who are blind or visually impaired by providing educational services
20 to such children. Any money received by said board from local or
21 regional school districts shall be deposited in the General Fund and
22 credited to the account. Payments shall be made from the account for
23 expenses relative to the provision of educational services to children
24 who are blind or visually impaired. Bills contracted by the Board of
25 Education and Services for the Blind for the purposes specified in this
26 section shall be paid by order of the Comptroller against the account in
27 the manner provided by law for the payment of all claims against the
28 state. At the end of each fiscal year, any surplus as of June thirtieth
29 shall be credited to the local or regional school district that remitted
30 the funds to be applied toward services provided in the following year.

31 Sec. 3. (NEW) (a) For the fiscal year ending June 30, 2004, and for
32 each fiscal year thereafter, the Board of Education and Services for the
33 Blind shall administer a vision education account to (1) assist local and
34 regional school districts in the provision of specialized educational
35 services and materials to children who are blind or visually impaired,
36 and (2) support early intervention and case management services for
37 children under the age of three years who have vision-related
38 disabilities. Such account shall be funded in an amount equal to six
39 thousand four hundred dollars for each child who resides within the
40 state and is blind or visually impaired.

41 (b) Funds in such account shall be used first to provide specialized
42 instructional materials, including Braille and large print books and

43 adaptive equipment and technology and related training necessary for
44 accessing educational programs that are required by eligible students
45 who are blind or visually impaired and to provide vision-related
46 materials and services for children under the age of six years who are
47 blind or visually impaired. If there are any remaining funds, they shall
48 be used to pay, on a proportional basis, local and regional school
49 districts for any expenses associated with consultation and
50 instructional services provided by teachers of the visually impaired
51 and other services related to the provision of the expanded core
52 curriculum to blind or visually impaired students including, but not
53 limited to, orientation and mobility training and independent living
54 skills.

55 (c) To be eligible for payments from such account, a local or regional
56 school district shall annually submit to the Board of Education and
57 Services for the Blind a financial statement of expenditures in such
58 form and at such time as the board prescribes. If the Board of
59 Education and Services for the Blind finds that any local or regional
60 school district uses funds provided under this section for purposes
61 other than those which are in conformity with the purposes of this
62 section, said board may require repayment of such funds to the state.

63 (d) The Board of Education and Services for the Blind, in
64 consultation with the Department of Education, shall adopt
65 regulations in accordance with the provisions of chapter 54 of the
66 general statutes that specify requirements and a formula for the
67 distribution of funds and the types of expenses eligible for the
68 expenditure of funds under this section.

69 Sec. 4. Section 10-295 of the general statutes is repealed and the
70 following is substituted in lieu thereof:

71 (a) All residents of this state, regardless of age, who, because of
72 blindness or impaired vision, require [special] educational programs,
73 specialized equipment or specialized support and services, on the

74 signed recommendation of the director of the Board of Education and
75 Services for the Blind, shall be entitled to receive, within available
76 appropriations and from funds received from other sources, such
77 instruction, [and] equipment, support and services for such length of
78 time as is deemed expedient by said director. The director shall
79 annually submit to the board the list of names of persons so
80 recommended. [Upon the petition of any parent or guardian of a blind
81 educable child or a child with impaired vision, a local board of
82 education may provide such instruction within the town or it may
83 provide for such instruction by agreement with other towns as
84 provided in subsection (d) of section 10-76d. The expense of such
85 instruction shall be paid by the state to an amount not exceeding six
86 thousand four hundred dollars for each of such persons in any one
87 state fiscal year. When the parents or guardians of any such blind
88 person or person with impaired vision are not able to provide clothing
89 for such person, an additional sum not to exceed one hundred dollars
90 per year may be allowed for such expenses. Where a local or regional
91 board of education reimburses parents or legal guardians of a blind or
92 visually impaired child for transportation to and from a specialized
93 residential facility serving the blind, such board shall be reimbursed by
94 the state for such validated actual cost up to a maximum of three
95 hundred dollars per pupil per school year. Determination of
96 reimbursable transportation costs and payment therefor shall be the
97 responsibility of the State Board of Education and Services for the
98 Blind. All educational privileges prescribed in part V of chapter 164,
99 not inconsistent with the provisions of this chapter, shall apply to the
100 pupils covered by this subsection. The Board of Education and
101 Services for the Blind may provide any of the educational services
102 described in this section to a child whose vision may be greater than as
103 defined in section 10-294a upon written referral by the local or regional
104 board of education responsible for providing special education and
105 related services pursuant to section 10-76d. A request from a local or
106 regional board of education for reimbursement of such expenses to the

107 Board of Education and Services for the Blind shall not be eligible for
108 such reimbursement unless such request is received by the first of June
109 for such expenses incurred during the preceding first of July through
110 the thirty-first of December and by the first of December for expenses
111 incurred during the preceding first of January through the thirtieth of
112 June.]

113 [(b) Said board may expend funds up to eleven thousand dollars per
114 fiscal year per child for the purpose of sending children who are both
115 blind or visually impaired and deaf, or blind or visually impaired with
116 other severe physical handicaps, to specialized facilities within or
117 outside the state furnishing proper facilities for education of such
118 children; provided blind children or children with visual impairment
119 who are mentally retarded or emotionally maladjusted who can
120 reasonably profit by special training, facilities and services may be
121 included in the provisions of this section. Such funds may be spent
122 outside the state for room, board, tuition and other items necessarily
123 relevant to the education of such children. Said board may determine if
124 such children should be sent to such out-of-state places and may
125 promulgate such regulations as it deems necessary to carry out the
126 purpose and intent of this subsection. To be eligible for aid under this
127 subsection, the child and either of such child's parents or guardian
128 shall be bona fide residents of this state.]

129 [(c)] (b) The Board of Education and Services for the Blind may
130 provide for the instruction of the adult blind in their homes or at other
131 sites, expending annually for this purpose [such sums as the General
132 Assembly may appropriate] funds appropriated by the General
133 Assembly and funds received from other sources.

134 [(d)] (c) The Board of Education and Services for the Blind may
135 expend up to ten thousand dollars per fiscal year per person twenty-
136 one years of age or over who is both blind or visually impaired and
137 deaf for the purpose of [sending such person to a specialized public or

138 private facility within the state furnishing programs] directly or
139 indirectly providing specialized support and services from which such
140 person can profit. Said board may determine the criteria by which a
141 person is [sent to a specialized public or private facility] eligible to
142 receive specialized support and services and may adopt regulations
143 necessary to carry out the provisions of this subsection.

144 [(e)] (d) The Board of Education and Services for the Blind may,
145 within available appropriations and from funds received from other
146 sources, purchase adaptive equipment for persons receiving services
147 pursuant to this chapter. [The cost of such purchases shall not exceed,
148 and shall be included in, the maximum amount authorized for
149 instructional expenses under subsection (a) of this section.]

150 Sec. 5. Section 10-76g of the general statutes is amended by adding
151 subsection (d) as follows:

152 (NEW) (d) The Department of Education shall provide, within
153 available appropriations, grants to local and regional boards of
154 education for the use of audiotape textbooks in the classroom by
155 students with disabilities such as blindness and dyslexia. Local and
156 regional boards of education may use grant funds for (1) the training
157 of special education teachers in the use of audiotape textbooks in the
158 classroom for such students, (2) the borrowing of audiotape textbooks,
159 and (3) the purchase of equipment related to the use of such textbooks.
160 Local and regional boards of education shall apply for such grants at
161 such time and in such manner as the Commissioner of Education
162 prescribes.

163 Sec. 6. Section 10-296 of the general statutes is repealed.

164 Sec. 7. This act shall take effect July 1, 2001, except that sections 1
165 and 2 shall take effect October 1, 2001, and sections 3, 4 and 6 shall take
166 effect July 1, 2003.

***PRI** Joint Favorable Subst. C/R*

HS

***HS** Joint Favorable Subst. C/R*

APP

***APP** Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: See Explanation Below

Affected Agencies: Board of Education and Services for the Blind,
Department of Education

Municipal Impact: See Explanation Below

Explanation

State Impact:

The bill changes the way the state provides, and towns pay for services that aid children and adults who are blind or visually impaired. The bill authorizes the Board of Education and Services for the Blind (BESB) to enter into contractual agreements with local and regional school districts to provide a fee for the services of teachers of the visually impaired and related professional development and training. Fees established by BESB shall be adequate to cover the costs of services.

BESB is required to establish a separate self-sustaining account within the General Fund (fees collected shall be credited to this account) for the purposes of aiding children who are blind or visually impaired by providing educational services. At the end of each fiscal year, any balance in the fund shall be credited to the municipalities and towns that paid fees for the educational services.

In addition, BESB is required to administer a vision education account beginning in FY 04 that shall be funded based on the number of children who meet the criteria established in the bill (\$6,400 per child who is blind or visually impaired). There are approximately 1,200 children in the state who are blind or visually handicapped. sHB 6668 (FY 02 - FY 03 the Appropriations Act, as favorably reported by the Appropriations Committee) includes \$9 million (grant funding) in BESB for educational related services for the blind and visually handicapped. However, based on the provisions in the bill and due to the change in the reimbursement structure, it is estimated that by FY 04 the newly established account (utilizing the same funding source) would require \$7.68 million. Although the bill specifies the level of funding that is to be provided in this account, it is not clear as to the level of reimbursement that will be provided to the municipalities that submit for eligible expenditures.

Finally, the bill requires the Department of Education to provide within appropriations, grants to local and regional boards of education for the use of audiotapes and textbooks in classes by students with disabilities such as blindness and dyslexia. Currently, there are no funds in the Department of Education to provide these resources to students.

Municipal Impact:

As a result of this bill there could potentially be a cost for some municipalities who may not be reimbursed up to the level of fees that they pay for instructional services.

OLR BILL ANALYSIS

sHB 6663

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE RELATIVE TO THE FUNDING OF EDUCATIONAL SERVICES FOR CHILDREN WHO ARE BLIND OR VISUALLY IMPAIRED.

SUMMARY:

This bill changes the way the state provides, and towns pay for, services that aid children and adults who are blind or visually impaired.

It permits the Board of Education and Services for the Blind (BESB) to contract with local and regional school districts to provide education and rehabilitation services on a fee-for-service basis. It establishes a self-sustaining fund into which these fees are deposited and used to pay for these supports.

The bill, beginning in FY 2003-04, establishes a vision education account within BESB. The monies in this account are used to assist school districts in providing (1) special educational services and materials to blind and visually-impaired students and (2) early intervention for such children who are under age three. The account is funded based on the number of children who meet these criteria. Funds that remain after these groups' needs are served also go to the school districts to offset costs of teachers of the visually impaired and other related services. This replaces the current per-child funding caps for these services.

The bill expands the types of settings and funding sources for instruction and other supports currently available to adults who are blind and visually impaired and to those who are also deaf.

The bill directs the State Department of Education (SDE) to provide,

within available appropriations, grants to local and regional school boards for the use of audiotape textbooks, training special education teachers in their use, and purchasing related equipment.

The bill repeals an law that permits the BESB director to (1) contract with facilities to provide education, board, and keep of blind people and (2) compel their attendance until reach the age of 16.

EFFECTIVE DATE: July 1, 2001 for the SDE grant program; October 1, 2001 for the fee-for-service educational program and establishment of the vision education service account; and July 1, 2003 for the remaining provisions, including the elimination of the per-child funding caps.

BESB ROLE—SERVING CHILDREN WHO ARE BLIND OR VISUALLY IMPAIRED

Educational Service Contracts with Local and Regional School Districts

The bill permits BESB to contract with local and regional school districts to provide (1) the services of teachers or other BESB employees for educational and rehabilitation services to children who are blind or visually impaired and (2) related professional development and training.

The bill requires that these services be provided for a fee, which comes from a schedule that BESB establishes for each school year. The fees must be adequate to cover BESB’s costs. (The bill requires fees only for educational services and not rehabilitation services and professional development.)

BESB must establish and distribute to the school districts written guidelines concerning the provision of these services and the fees.

Self-Sustaining General Fund Budget Account

The bill establishes a separate vision education services account in the General Fund. Any money that school districts pay for the BESB educational services must be deposited in the General Fund and credited to this account. When BESB sets up a contract for these

services, it bills the comptroller, which must pay for it out of the account in the same manner the law provides for payments of other claims against the state. If there are surplus funds, the bill requires that they be credited to the school districts, which can apply them toward services provided in the following year.

In current practice, BESB offers a number of teachers of the visually impaired to about 100 school districts at no cost. Other school districts that need special instruction must make their own arrangements and pay for such services.

BESB—Vision Education Account

In addition to the self-sustaining account, the bill requires BESB, beginning in FY 2003-04 and annually thereafter, to administer a vision education account. This account must be used to (1) assist local and regional school districts in providing specialized educational services and materials to blind and visually-impaired children and (2) support early intervention and case management services for children under age three who have vision-related disabilities.

The account must be funded in an amount equaling \$6,400 times the number of children residing in the state who are blind or visually-impaired. (The bill does not specify how the account is funded.) The bill requires these funds to be used to provide (1) specialized instruction materials, including Braille and large print books, and adaptive equipment and technology and related training necessary for accessing educational programs that eligible students are who blind or visually impaired require and (2) vision-related materials and services for blind and visually-impaired children under the age of six.

If there are any remaining funds, they must be used to pay the school districts, on a proportional basis, for any expenses associated with instructional services that teachers of the visually impaired provide and other services related to providing expanded core curriculum to blind or visually impaired students. The services can include orientation and mobility training and independent living skills.

To qualify for payments from this account, the school districts must submit to BESB a financial statement of expenditures at the time and in

a form the board prescribes. The bill authorizes BESB to recover any funds that are used for purposes other than those the bill allows.

BESB, in consultation with SDE, must adopt regulations that specify requirements and a formula for distributing these funds, as well as the types of expenses that are eligible for funding.

Under current law, parents and guardians of blind or visually impaired children can petition their local school boards to provide this instruction. The board can either provide the service or get another town to do it. The state, in turn, is responsible for reimbursing up to \$6,400 per child per year for such instruction. In practice, it is the local schools, not the parent, who request this assistance. They identify children who are blind or visually impaired and send a list to BESB. The children must be in a special education program and have an individualized education program, as required by BESB regulations.

The bill also eliminates BESB's authority to spend up to \$11,000 a year for children who are either blind or visually impaired and deaf, or have some other severe disability, to send them to specialized schools. It also eliminates state reimbursement to parents and local school boards that pay for clothing expenses (\$100 per year) and transportation to specialized residential facilities for the blind (\$300 per year), respectively. It eliminates BESB's authority to provide educational services to children referred by school boards whose vision is better than the statutory definitions of blindness and visual impairment (see BACKGROUND). And it eliminates BESB's authority to limit the provision of this assistance to these dually diagnosed children to state residents.

BESB ADULT SUPPORTS AND FUNDING SOURCES

The bill permits BESB to provide for the instruction of blind adults (age 18 and over) in any setting, not just in their homes. It allows funding for this instruction to come from all sources, not just funds that the General Assembly appropriates. It similarly allows BESB to purchase adaptive equipment for BESB clients using funds besides state appropriations. The bill removes the limit on how much BESB can spend for this equipment.

Under current law, all state residents, regardless of age, who need special educational programs due to blindness or visual impairment and whom the BESB director recommends, are entitled to receive such instruction that the director deems expedient. The director submits a list of these individuals to the BESB board each year. The bill expands this entitlement to include specialized equipment or support services. But it limits it so that supports are available only when either state appropriations or other funding is available.

By law, BESB can spend up to \$10,000 per fiscal year per person for anyone who is 21 years of age or older and is both blind or visually impaired and deaf. Currently, the money must be spent to send the person to a specialized facility in Connecticut. The bill instead broadens the use of these funds to pay for BESB to either directly or indirectly provide specialized support and services. It authorizes BESB to determine the criteria for these services, as they now do for the facility-provided services and to adopt implementing regulations.

SDE GRANTS FOR AUDIO TEXTS

The bill requires the SDE to provide grants to boards of education to enable students with disabilities such as blindness and dyslexia to use audiotope textbooks in the classroom. Specifically, the monies must be used for (1) training special education teachers in the use of these textbooks, (2) borrowing audiotope textbooks, and (3) purchasing equipment related to their use. The boards must apply for the grants at a time and in such manner that the SDE commissioner prescribes.

BACKGROUND

Blindness and Visual-Impairment Defined

State law considers someone to be blind if (1) his central visual acuity is not greater than 20/200 in the better eye with correcting lenses or (2) his visual acuity is better than 20/200 but he also has a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle greater than 20 degrees.

Impaired vision means that central visual acuity is no greater than 20/70 in the better eye with corrective lenses.

BESB and Educational Supports

BESB was created in 1893 to assist children who were unable to obtain education in the regular public schools due to blindness or “defective sight.” Initially, its main responsibility was to identify children needing educational services and to provide state funds for the costs of board and tuition at schools for blind and partially blind children. Today, most of BESB’s role in educational services for children has been superseded by the state’s special education system. But state law still authorizes BESB to provide assistance to school districts to specialized instructional services and materials for these children.

Related Bill

SHB 6664 (File 380) eliminates BESB and replaces it with the Connecticut Services for the Blind (CSB). It directs CSB, in collaboration with the SDE, to provide educational supports, within available appropriations, to local school districts to help them meet the educational needs of children with vision-related disabilities.

COMMITTEE ACTION

Program Review and Investigations Committee

Joint Favorable Substitute Change of Reference

Yea 11 Nay 0

Human Services Committee

Joint Favorable Substitute Change of Reference

Yea 17 Nay 0

Appropriations Committee

Joint Favorable Report

Yea 48 Nay 3