



# House of Representatives

## File No. 784

General Assembly

January Session, 2001

**(Reprint of File No. 659)**

Substitute House Bill No. 6663  
As Amended by House Amendment  
Schedules "A" and "B"

Approved by the Legislative Commissioner  
May 18, 2001

**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 boards of education to provide, for a fee, (1) the services of teachers of  
4 the visually impaired and other persons who provide educational and  
5 rehabilitative services that are employed by the Board of Education  
6 and Services for the Blind for children who are blind or visually  
7 impaired, and (2) related professional 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 boards of education written  
14 guidelines concerning its policies and procedures for the provision of  
15 services and 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 the Board of Education and  
21 Services for the Blind from local or regional boards of education shall  
22 be deposited in the General Fund and credited to the account.  
23 Payments shall be made from the account for expenses relative to the  
24 provision of educational services to children who are blind or visually  
25 impaired. Bills contracted by the Board of Education and Services for  
26 the Blind for the purposes specified in this section shall be paid by  
27 order of the Comptroller against the account in the manner provided  
28 by law for the payment of all claims against the state. At the end of  
29 each fiscal year, any surplus as of June thirtieth shall be credited to the  
30 local or regional board of education that remitted the funds to be  
31 applied toward services provided in the following year.

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

42 (b) Funds in such account shall be used first to provide specialized  
43 instructional materials, including Braille and large print books and  
44 adaptive equipment and technology and related training necessary for  
45 accessing educational programs that are required by eligible students

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

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

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

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

74 (a) All residents of this state, regardless of age, who, because of  
75 blindness or impaired vision, require [special] educational programs,  
76 specialized equipment or specialized support and services, on the  
77 signed recommendation of the director of the Board of Education and

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

113 the thirty-first of December and by the first of December for expenses  
114 incurred during the preceding first of January through the thirtieth of  
115 June.]

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

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

137 [(d)] (c) The Board of Education and Services for the Blind may  
138 expend up to ten thousand dollars per fiscal year per person twenty-  
139 one years of age or over who is both blind or visually impaired and  
140 deaf for the purpose of [sending such person to a specialized public or  
141 private facility within the state furnishing programs] directly or  
142 indirectly providing specialized support and services from which such  
143 person can profit. Said board may determine the criteria by which a  
144 person is [sent to a specialized public or private facility] eligible to  
145 receive specialized support and services and may adopt regulations

146 necessary to carry out the provisions of this subsection.

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

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

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

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

167 Sec. 7. This act shall take effect July 1, 2001, except that sections 1 to  
168 4, inclusive, and section 6 shall take effect July 1, 2003.

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:

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**OFA Fiscal Note**

**State Impact:** See Explanation Below

**Affected Agencies:** Board of Education and Services For The Blind

**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 boards of education 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.

House "A" is technical in nature and has no fiscal impact.

House "B" is technical in nature and has no fiscal impact

**OLR Amended Bill Analysis**

sHB 6663 (as amended by House "A" and House "B")\*

***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 boards of education 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 boards 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 boards to offset costs of teachers of the visually impaired and other related 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 boards of education for the use of audiotape textbooks.

The bill repeals an obsolete 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 they reach the age of 16.

\*House Amendment "A" makes it clear that the BESB educational assistance goes to the local and regional school boards and not the school districts.

\*House Amendment "B" makes all of the bill's provisions, except for the SDE grant program, effective on July 1, 2003.

EFFECTIVE DATE: July 1, 2001 for the SDE grant program and July 1, 2003 for the fee-for-service educational program; establishment of the vision education service account; and 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 boards of education to provide (1) the services of teachers or other BESB employees who provide 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 boards 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 boards 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, who must pay for it out of the account, and do so 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 boards, and allows them to be applied toward services provided in the following year.

In practice, BESB currently 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 will be used to (1) assist local and regional school boards 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 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 who are blind or visually impaired require and (2) vision-related materials and services for blind and visually-impaired children under age six.

If there are any remaining funds, they must be used to pay the school boards, 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 which can include orientation and mobility training and independent living skills.

To qualify for payments from this account, the school boards 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 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 these children can petition their local school board 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 parents, 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 to send blind or visually impaired children who are also either deaf or have some other severe disability, 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 the

instruction 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 for any person 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 audiotape textbooks in the classroom. Specifically, the monies must be used for (1) training special education teachers in the use of these textbooks, (2) borrowing audiotape textbooks, and (3) purchasing equipment related to their use. The boards must apply for the grants at a time and in a manner the education 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 his fields of vision are limited 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 for specialized instructional services and materials for these children.

**Related Bill**

sHB 6664 (Files 380, 725), passed by the House, 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.

**Legislative History**

The House referred the bill (File 659) to the Education Committee on May 11. Education reported the bill favorably, unchanged, on May 16.

**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

## Education Committee

Joint Favorable Report

Yea 28 Nay 0

