



Substitute Senate Bill No. 1271

Public Act No. 05-156

**AN ACT CONCERNING THE ADMINISTRATION AND DUTIES OF
THE BOARD OF EDUCATION AND SERVICES FOR THE BLIND.**

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

Section 1. Section 10-298 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) The Board of Education and Services for the Blind shall, annually, as provided in section 4-60, submit to the Governor its report, containing a statement of the activities of the board during the preceding year. Said board shall prepare and maintain a register of the blind in this state which shall describe their condition, cause of blindness and capacity for education and [industrial] rehabilitative training. The board may register cases of persons whose eyesight is seriously defective and who are liable to become visually [handicapped] disabled or blind, and may take such measures in cooperation with other authorities as it deems advisable for the prevention of blindness or conservation of eyesight and, in appropriate cases, for the education of children and for the vocational guidance of adults having seriously defective sight but who are not blind. The agency shall establish criteria for low vision care and maintain a list of ophthalmologists and optometrists that are exclusively authorized to receive agency funds through established and existing state fee

Substitute Senate Bill No. 1271

schedules for the delivery of specifically defined low vision services that increase the capacity of eligible recipients of such services to maximize the use of their remaining vision.

(b) The board may accept and receive any bequest or gift of personal property and, subject to the consent of the Governor and Attorney General as provided in section 4b-22, any devise or gift of real property made to said board, and may hold and use such property for the purposes, if any, specified in connection with such bequest, devise or gift.

(c) The board shall provide the Department of Motor Vehicles with the names of all individuals sixteen years of age or older who, on or after October 1, 2005, have been determined to be blind by a physician or optometrist, as provided in section 10-305. The board shall provide simultaneous written notification to any individual whose name is being transmitted by the board to said department. The board shall update the list of names provided to the Department of Motor Vehicles on a quarterly basis. The board shall enter into a memorandum of understanding with the Department of Motor Vehicles to effectuate the purposes of this subsection.

Sec. 2. Section 10-311a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

The case records of the Board of Education and Services for the Blind maintained for the purposes of this chapter shall be confidential and the names and addresses of recipients of assistance under this chapter shall not be published nor used for purposes not directly connected with the administration of this chapter, except as necessary to carry out the provisions of [section] sections 10-298, as amended by this act, and 17b-6.

Sec. 3. Section 10-293 of the general statutes is repealed and the

Substitute Senate Bill No. 1271

following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) The Board of Education and Services for the Blind shall consist of seven members, six of whom shall be appointed by the Governor and shall be residents of this state. The Commissioner of Social Services shall be a member, ex officio. One of the members appointed by the Governor shall be the parent of a child who receives services provided by the board, and not less than two of the members appointed by the Governor shall be blind persons. One of the members appointed by the Governor, shall be designated by the Governor as the chairperson of the board. The Governor may, for reasonable cause, remove any appointed member and appoint another person to fill the vacancy for the unexpired portion of the term. The board shall meet annually in the month of September and may meet at any other time upon the call of its [director] chairperson; and the [director] chairperson shall call a meeting at the request of two members. Any appointed member who fails to attend three consecutive meetings or fifty per cent of all meetings held during any calendar year shall be deemed to have resigned. A majority of the members in office shall constitute a quorum. [The board shall adopt rules for its own action and regulations for determining what persons shall receive benefits under the provisions of this chapter.]

(b) The Board of Education and Services for the Blind shall be within the Department of Social Services for administrative purposes only.

Sec. 4. Section 10-294 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

The Governor shall appoint an executive director of the board in accordance with the provisions of section 4-7. The executive director shall be a person who has (1) background, training or education related to services for the blind, and (2) experience in program

Substitute Senate Bill No. 1271

administration, oversight and leadership. The compensation of said director shall be determined in the manner provided in section 4-40. No member of the board established pursuant to section 10-293, as amended by this act, shall receive compensation for services rendered unless such services are special and specially requested by the board, in which case a moderate allowance may be made for the time actually spent. The certificate of the director of the amount of any bill for such services and expenses shall be sufficient warrant to the Comptroller for the payment of the same. The board shall adopt rules for its own action and regulations for determining which persons shall receive benefits under the provisions of this chapter.

Sec. 5. Section 10-294a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

For the purposes of this chapter:

(a) A person is legally blind if [his or her] such person's central visual acuity does not exceed 20/200 in the better eye with correcting lenses, or if [his or her] such person's visual acuity is greater than 20/200 but is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty degrees;

(b) A person has impaired vision if [his or her] such person's central visual acuity does not exceed 20/70 in the better eye with correcting lenses. [; and]

[(c) Products are made or manufactured by or services are provided by blind persons if not less than seventy-five per cent of the man hours of direct labor required for such products or services are performed by blind persons.]

Sec. 6. Section 10-295 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

Substitute Senate Bill No. 1271

(a) All residents of this state, regardless of age, who, because of blindness or impaired vision, require specialized vision-related educational programs, goods and services, on the signed recommendation of the director of the Board of Education and Services for the Blind, shall be entitled to receive such instruction, programs, goods and services for such length of time as is deemed expedient by said director. Upon the petition of any parent or guardian of a blind child or a child with impaired vision, a local board of education may provide such instruction within the town or it may provide for such instruction by agreement with other towns as provided in subsection (d) of section 10-76d. All educational privileges prescribed in part V of chapter 164, not inconsistent with the provisions of this chapter, shall apply to the pupils covered by this subsection.

(b) The Board of Education and Services for the Blind shall expend funds for the services made available pursuant to subsection (a) of this section from the educational aid for blind and visually handicapped children account in accordance with the provisions of this subsection. The expense of such services shall be paid by the state in an amount not to exceed six thousand four hundred dollars in any one fiscal year for each child who is blind or visually impaired. The Board of Education and Services for the Blind may adopt such regulations as it deems necessary to carry out the purpose and intent of this subsection.

(1) The Board of Education and Services for the Blind shall provide, upon written request from any interested school district, the services of teachers of the visually impaired, based on the levels established in the individualized education or service plan. The agency shall also make available its resources, including, but not limited to, the Braille and large print library, to all teachers of public and nonpublic school children. The agency may also provide vision-related professional development and training to all school districts and cover the actual cost for paraprofessionals from school districts to participate in agency

Substitute Senate Bill No. 1271

sponsored Braille training programs. The agency shall utilize education consultant positions authorized as of July 1, 2001, funded by moneys appropriated from the General Fund, to supplement new staffing that will be made available through the educational aid for the blind and visually handicapped children account, which shall be governed by formal written policies established by the agency.

(2) The Board of Education and Services for the Blind shall use funds appropriated to said account, first to provide specialized books, materials, equipment, supplies, adaptive technology services and devices, specialist examinations and aids, preschool programs and vision-related independent living services, excluding primary educational placement, for eligible children without regard to a per child statutory maximum.

(3) The Board of Education and Services for the Blind may, within available appropriations, employ certified teachers of the visually impaired in sufficient numbers to meet the requests for services received from school districts. In responding to such requests, the agency shall utilize a formula for determining the number of teachers needed to serve the school districts, crediting six points for each Braille-learning child and one point for each other child, with one full-time certified teacher of the visually impaired assigned for every twenty-five points credited. The agency shall exercise due diligence to employ the needed number of certified teachers of the visually impaired, but shall not be liable for lack of resources. Funds appropriated to said account may also be utilized to employ rehabilitation teachers, rehabilitation technologists and orientation and mobility teachers in numbers sufficient to provide compensatory skills evaluations and training to blind and visually impaired children. Not later than October first of each year, the Board of Education and Services for the Blind shall determine the number of teachers needed based on the formula provided in this subdivision. Based on such

Substitute Senate Bill No. 1271

determination the Board of Education and Services for the Blind shall estimate the funding needed to pay such teachers' salaries, benefits and related expenses.

(4) In any fiscal year, when funds appropriated to cover the combined costs associated with providing the services set forth in subdivisions (2) and (3) of this subsection are projected to be insufficient, the Board of Education and Services for the Blind shall be authorized to collect revenue from all school districts that have requested such services on a per student pro rata basis, in the sums necessary to cover the projected portion of these services for which there are insufficient appropriations.

(5) Remaining funds in said account, not expended to fund the services set forth in subdivisions (2) and (3) of this subsection, shall be used to cover on a pro rata basis, the actual cost with benefits of retaining a teacher of the visually impaired, directly hired or contracted by the school districts which opt to not seek such services from the Board of Education and Services for the Blind, provided such teacher has participated in not less than five hours of professional development training on vision impairment or blindness during the school year. Reimbursement shall occur at the completion of the school year, using the caseload formula denoted in subdivision (3) of this section, with twenty-five points allowed for the maximum reimbursable amount as established by the agency annually.

(6) Remaining funds in such account, not expended to fund the services set forth in subdivisions (2), (3) and (5) of this subsection, shall be distributed to the school districts on a pro rata formula basis with a two-to-one credit ratio for Braille-learning students to non-Braille-learning students in the school district based upon the annual child count data provided pursuant to subdivision (1) of this subsection, provided the school district submits an annual progress report in a format prescribed by the agency for each eligible child.

Substitute Senate Bill No. 1271

(c) The Board of Education and Services for the Blind may provide for the instruction of the adult blind in their homes, expending annually for this purpose such sums as the General Assembly may appropriate.

(d) The Board of Education and Services for the Blind may expend up to ten thousand dollars per fiscal year per person twenty-one years of age or over who is both blind or visually impaired and deaf for the purpose of [sending such person to a specialized public or private facility within the state furnishing programs] providing services through specialized public and private entities from which such person can [profit] benefit. Said board may determine the criteria by which a person is [sent to a] eligible to receive specialized [public or private facility] services and may adopt regulations necessary to carry out the provisions of this subsection.

(e) The Board of Education and Services for the Blind may, within available appropriations, purchase adaptive equipment for persons receiving services pursuant to this chapter. [The cost of such purchases shall not exceed, and shall be included in, the maximum amount authorized for instructional expenses under subsection (b) of this section.]

Sec. 7. Section 10-296 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

The director may, within [the expenditure therefor provided in section 10-295] available appropriations, contract with public or private [institutions] entities, individuals or private enterprises [having facilities] for the instruction of the blind. [, for the education, board and keep of blind persons who are bona fide residents of this state found by the director to be fitted for such instruction. Said director may compel attendance of any blind child, until such child attains the age of sixteen years, at an institution providing instruction as defined in

Substitute Senate Bill No. 1271

this section; and, if the parents or guardians of such child do not assent thereto, on the application of the director the court of probate of the district wherein such child resides shall, after investigation and after reasonable notice to the parents or guardians of such child of the time and place of hearing upon such application, inquire further into the facts and, if such court finds action warranted, it shall issue an order as to the attendance of such child at a school or an institution deemed most suitable for his instruction.]

Sec. 8. Section 10-298a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) The Board of Education and Services for the Blind [is authorized] may, within available appropriations, (1) [to] maintain and develop workshops for training and employing blind persons in trades and occupations suited to their abilities, for the purpose of producing suitable products and services used by departments, agencies and institutions of the state and its political subdivisions, including, but not limited to towns, cities, boroughs and school districts; (2) [to] aid blind persons in securing employment, in developing home industries and in marketing their products and services; [and] (3) [to] develop and implement rules and guidelines to guarantee that the dignity and rights of citizens involved in such workshops and work training programs shall be maintained; and (4) fund employment and vocational training at community rehabilitation facilities.

(b) For any fiscal year that the board operates a workshop pursuant to subsection (a) of this section, the board shall file with the Comptroller a balance sheet as of June thirtieth and a statement of operations for the fiscal year ending on that date. A copy of such statement shall be filed with the Auditors of Public Accounts.

Sec. 9. Section 10-298b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

Substitute Senate Bill No. 1271

Whenever any of the products made or manufactured or services provided by blind persons under the direction or supervision of the Board of Education and Services for the Blind meet the requirements of any department, institution or agency supported in whole or in part by the state as to quantity, quality and price such products shall have preference, except over articles produced or manufactured by Department of Correction industries as provided in section 18-88, and except for emergency purchases made under section 4-98. All departments, institutions and agencies supported in whole or in part by the state shall purchase such articles and services from the Board of Education and Services for the Blind. Any political subdivision of the state may purchase such articles made or manufactured and services provided by the blind through the Board of Education and Services for the Blind. Said board shall issue at sufficiently frequent intervals for distribution to the Commissioner of Administrative Services, the Comptroller and the political subdivisions of the state, a catalog showing styles, designs, sizes and varieties of all products made by blind persons pursuant to this section or [handicapped] disabled persons pursuant to section 17b-656 and describing all available services provided by the blind or [handicapped] disabled.

Sec. 10. Section 10-306 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

The Board of Education and Services for the Blind may maintain a [rehabilitation service for the] vocational rehabilitation [and placement in remunerative employment of persons whose capacity to earn a living has been lost or impaired by reason of lessened visual acuity. For the purpose of this section and sections 10-307 and 10-308: "Vocational rehabilitation" means any services, provided directly or through public or private instrumentalities, found to be necessary to compensate a person whose visual acuity has been impaired for his or her employment handicap and to enable such person to engage in a

Substitute Senate Bill No. 1271

remunerative occupation, including, but not limited to, medical and vocational diagnosis, vocational guidance, counseling and placement, rehabilitation training, physical restoration, transportation, occupational licenses, customary occupational tools and equipment, maintenance and training books and materials; "rehabilitation training" means all necessary training provided for a person whose visual acuity has been impaired to compensate for his or her employment handicap, including, but not limited to, manual, preconditioning, prevocational, vocational and supplementary training and training provided for the purpose of achieving broader and more remunerative skills and capacity; and "physical restoration" means any medical, surgical or therapeutic treatment necessary to correct or substantially reduce within a reasonable length of time the employment handicap of a person whose visual acuity has been impaired, including, but not limited to, medical, psychiatric, dental and surgical treatment, nursing service, hospital care, convalescent home care, drugs, medical and surgical supplies and prosthetic appliances, but excluding curative treatment for acute or transitory conditions] program as authorized under the Federal Rehabilitation Act of 1973, 29 USC 791 et seq., for the purpose of providing and coordinating the full scope of necessary services to assist legally blind recipients of services from the board to prepare for, enter into and maintain employment consistent with the purposes of said act.

Sec. 11. Sections 10-294b and 10-311 of the general statutes are repealed. (*Effective October 1, 2005*)

Approved June 24, 2005