



General Assembly

January Session, 2005

Raised Bill No. 1272

LCO No. 4328

* SB01272HS_ED_032405 *

Referred to Committee on Human Services

Introduced by:
(HS)

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

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

1 Section 1. Section 10-293 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2005*):

3 (a) The Board of Education and Services for the Blind shall consist of
4 seven members, six of whom shall be appointed by the Governor and
5 shall be residents of this state. The Commissioner of Social Services
6 shall be a member, ex officio. One of the members appointed by the
7 Governor shall be the parent of a child who receives services provided
8 by the board, and not less than two of the members appointed by the
9 Governor shall be blind persons. One of the members appointed by the
10 Governor, shall be designated by the Governor as the chairperson of
11 the board. The Governor may, for reasonable cause, remove any
12 appointed member and appoint another person to fill the vacancy for
13 the unexpired portion of the term. The board shall meet annually in
14 the month of September and may meet at any other time upon the call
15 of its [director] chairperson; and the [director] chairperson shall call a
16 meeting at the request of two members. Any appointed member who

17 fails to attend three consecutive meetings or fifty per cent of all
18 meetings held during any calendar year shall be deemed to have
19 resigned. A majority of the members in office shall constitute a
20 quorum. [The board shall adopt rules for its own action and
21 regulations for determining what persons shall receive benefits under
22 the provisions of this chapter.]

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

26 Sec. 2. Section 10-294 of the general statutes is repealed and the
27 following is substituted in lieu thereof (*Effective October 1, 2005*):

28 The Governor shall appoint an executive director of the board in
29 accordance with the provisions of section 4-7. The executive director
30 shall be a person who has (1) background, training or education
31 related to services for the blind, and (2) experience in program
32 administration, oversight and leadership. The compensation of said
33 director shall be determined in the manner provided in section 4-40.
34 No member of the board established pursuant to section 10-293, as
35 amended by this act, shall receive compensation for services rendered
36 unless such services are special and specially requested by the board,
37 in which case a moderate allowance may be made for the time actually
38 spent. The certificate of the director of the amount of any bill for such
39 services and expenses shall be sufficient warrant to the Comptroller for
40 the payment of the same. The board shall adopt rules for its own action
41 and regulations for determining which persons shall receive benefits
42 under the provisions of this chapter.

43 Sec. 3. Section 10-294a of the general statutes is repealed and the
44 following is substituted in lieu thereof (*Effective October 1, 2005*):

45 For the purposes of this chapter:

46 (a) A person is legally blind if [his or her] such person's central

47 visual acuity does not exceed 20/200 in the better eye with correcting
48 lenses, or if [his or her] such person's visual acuity is greater than
49 20/200 but is accompanied by a limitation in the fields of vision such
50 that the widest diameter of the visual field subtends an angle no
51 greater than twenty degrees;

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

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

59 Sec. 4. Section 10-295 of the general statutes is repealed and the
60 following is substituted in lieu thereof (*Effective October 1, 2005*):

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

74 (b) The Board of Education and Services for the Blind shall expend
75 funds for the services made available pursuant to subsection (a) of this
76 section from the educational aid for blind and visually handicapped
77 children account in accordance with the provisions of this subsection.

78 The expense of such services shall be paid by the state in an amount
79 not to exceed six thousand four hundred dollars in any one fiscal year
80 for each child who is blind or visually impaired. The Board of
81 Education and Services for the Blind may adopt such regulations as it
82 deems necessary to carry out the purpose and intent of this subsection.

83 (1) The Board of Education and Services for the Blind shall provide,
84 upon written request from any interested school district, the services of
85 teachers of the visually impaired, based on the levels established in the
86 individualized education or service plan. The agency shall also make
87 available its resources, including, but not limited to, the Braille and
88 large print library, to all teachers of public and nonpublic school
89 children. The agency may also provide vision-related professional
90 development and training to all school districts and cover the actual
91 cost for paraprofessionals from school districts to participate in agency
92 sponsored Braille training programs. The agency shall utilize
93 education consultant positions authorized as of July 1, 2001, funded by
94 moneys appropriated from the General Fund, to supplement new
95 staffing that will be made available through the educational aid for the
96 blind and visually handicapped children account, which shall be
97 governed by formal written policies established by the agency.

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

105 (3) The Board of Education and Services for the Blind may, within
106 available appropriations, employ certified teachers of the visually
107 impaired in sufficient numbers to meet the requests for services
108 received from school districts. In responding to such requests, the
109 agency shall utilize a formula for determining the number of teachers

110 needed to serve the school districts, crediting six points for each
111 Braille-learning child and one point for each other child, with one full-
112 time certified teacher of the visually impaired assigned for every
113 twenty-five points credited. The agency shall exercise due diligence to
114 employ the needed number of certified teachers of the visually
115 impaired, but shall not be liable for lack of resources. Funds
116 appropriated to said account may also be utilized to employ
117 rehabilitation teachers, rehabilitation technologists and orientation and
118 mobility teachers in numbers sufficient to provide compensatory skills
119 evaluations and training to blind and visually impaired children. Not
120 later than October first of each year, the Board of Education and
121 Services for the Blind shall determine the number of teachers needed
122 based on the formula provided in this subdivision. Based on such
123 determination the Board of Education and Services for the Blind shall
124 estimate the funding needed to pay such teachers' salaries, benefits
125 and related expenses.

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

134 (5) Remaining funds in said account, not expended to fund the
135 services set forth in subdivisions (2) and (3) of this subsection, shall be
136 used to cover on a pro rata basis, the actual cost with benefits of
137 retaining a teacher of the visually impaired, directly hired or
138 contracted by the school districts which opt to not seek such services
139 from the Board of Education and Services for the Blind, provided such
140 teacher has participated in not less than five hours of professional
141 development training on vision impairment or blindness during the
142 school year. Reimbursement shall occur at the completion of the school

143 year, using the caseload formula denoted in subdivision (3) of this
144 section, with twenty-five points allowed for the maximum
145 reimbursable amount as established by the agency annually.

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

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

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

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

174 Sec. 5. Section 10-296 of the general statutes is repealed and the
175 following is substituted in lieu thereof (*Effective October 1, 2005*):

176 The director may, within [the expenditure therefor provided in
177 section 10-295] available appropriations, contract with public or
178 private [institutions] entities, individuals or private enterprises [having
179 facilities] for the instruction of the blind. [, for the education, board and
180 keep of blind persons who are bona fide residents of this state found
181 by the director to be fitted for such instruction. Said director may
182 compel attendance of any blind child, until such child attains the age
183 of sixteen years, at an institution providing instruction as defined in
184 this section; and, if the parents or guardians of such child do not assent
185 thereto, on the application of the director the court of probate of the
186 district wherein such child resides shall, after investigation and after
187 reasonable notice to the parents or guardians of such child of the time
188 and place of hearing upon such application, inquire further into the
189 facts and, if such court finds action warranted, it shall issue an order as
190 to the attendance of such child at a school or an institution deemed
191 most suitable for his instruction.]

192 Sec. 6. Section 10-298 of the general statutes is repealed and the
193 following is substituted in lieu thereof (*Effective October 1, 2005*):

194 (a) The Board of Education and Services for the Blind shall,
195 annually, as provided in section 4-60, submit to the Governor its
196 report, containing a statement of the activities of the board during the
197 preceding year. Said board shall prepare and maintain a register of the
198 blind in this state which shall describe their condition, cause of
199 blindness and capacity for education and [industrial] rehabilitative
200 training. The board may register cases of persons whose eyesight is
201 seriously defective and who are liable to become visually
202 [handicapped] disabled or blind, and may take such measures in
203 cooperation with other authorities as it deems advisable for the
204 prevention of blindness or conservation of eyesight and, in appropriate
205 cases, for the education of children and for the vocational guidance of

206 adults having seriously defective sight but who are not blind. The
207 agency shall establish criteria for low vision care and maintain a list of
208 ophthalmologists and optometrists that are exclusively authorized to
209 receive agency funds through established and existing state fee
210 schedules for the delivery of specifically defined low vision services
211 that increase the capacity of eligible recipients of such services to
212 maximize the use of their remaining vision.

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

219 Sec. 7. Section 10-298a of the general statutes is repealed and the
220 following is substituted in lieu thereof (*Effective October 1, 2005*):

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

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

238 statement shall be filed with the Auditors of Public Accounts.

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

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

261 Sec. 9. Section 10-306 of the general statutes is repealed and the
262 following is substituted in lieu thereof (*Effective October 1, 2005*):

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

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

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

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	10-293
Sec. 2	<i>October 1, 2005</i>	10-294
Sec. 3	<i>October 1, 2005</i>	10-294a
Sec. 4	<i>October 1, 2005</i>	10-295

Sec. 5	<i>October 1, 2005</i>	10-296
Sec. 6	<i>October 1, 2005</i>	10-298
Sec. 7	<i>October 1, 2005</i>	10-298a
Sec. 8	<i>October 1, 2005</i>	10-298b
Sec. 9	<i>October 1, 2005</i>	10-306
Sec. 10	<i>October 1, 2005</i>	10-294b and 10-311 repealed

HS

Joint Favorable C/R

ED