

# **Legislative Regulation Review Committee**

2011-005a

Board of Education & Services for the Blind

**CONCERNING CHILDREN'S SERVICES**

M-39 REV. 1/77

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# STATE OF CONNECTICUT REGULATION

of the  
Board of Education and Services for the Blind  
Name of Agency

concerning  
the Children's Services Division  
Subject Matter of Regulation

Section 1. Sections 10-295-1 through 10-295-11 of the Regulations of Connecticut State Agencies are amended to read as follows:

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### **Program for Deaf-Blind Adults**

#### **Sec. 10-295-1. Use of funds**

(a) **Persons to be served:** Available funds shall be used to meet the needs of deaf-blind persons twenty-one years of age or over who were included in the pilot study authorized by SA 77-81 before any other deaf-blind adults are served.

(b) **Definitions:**

(1) **Blindness:** As set forth in Connecticut General Statutes, sec. 10-294a.

(2) **Visual Impairment:** As set forth in Connecticut General Statutes, sec. 10-294a.

(3) **Deafness:** A person is deaf if hearing is non-functional for the purpose of understanding ordinary conversation with optimum amplification.

(4) **Deaf Blind:** A combination of both auditory and visual impairments (legally blind or visually impaired) which are associated with communication disorders, and other mental and educational problems that preclude proper accommodation in existing programs.

(5) **Specialized Public or Private Facility:** A facility located within the state of Connecticut operated by a state agency or private agency licensed by the state which provides residential as well as necessary specialized services to meet the individual needs of a deaf-blind person.

(6) **Programs:** Identifiable services other than residential and basic care as required by an individual training plan-including, but not limited to, speech and hearing therapy; recreation; day activity center; work activity center; sheltered workshop; physical therapy, occupational therapy, etc.

(7) **Day Activity Center:** A center providing a variety of different activities, with highly structured supervision where there is emphasis on meaningful activity and on preparation for more independent functioning. The population attending such a day activity center shall require full-time supervision in order to perform simple crafts or worklike activities and their involvement may be for only a limited time span.

(8) **Work Activity Center:** A workshop, or a physically separated department of a workshop having an identifiable program, separate supervision and records, planned and designed to provide therapeutic activities for handicapped workers whose physical or mental impairment is so severe as to make their productive capacity inconsequential.

(9) **Sheltered Workshop:** A rehabilitation facility, or that part of a rehabilitation facility, engaged in a production or service operation and which is operated for the primary purpose of providing gainful employment or professional services to the handicapped as an interim step in the rehabilitation process for those who cannot readily be absorbed in the competitive labor market or during such time as employment opportunities in the competitive labor market do not exist.

(c) **Advisory committee:** There shall be an advisory committee to assist the board of education and services for the blind; and all major policy and planning issues will be reviewed with the committee before implementation. The committee shall hold at least four regular meetings annually with the provision for special meetings if necessary.

Official membership on the committee shall include: from the board of education and services for the blind-an administrator, a board member, and the agency coordinator; a representative of Oak Hill School; from the department of mental retardation-representatives from the central office, Southbury and Mansfield; a representative from the commission on the deaf and hearing impaired; a representative from the New England regional center; and one-third of the members shall be parent representatives (including at least one Southbury and one Oak Hill parent). Appropriate consultants will be invited including the American Foundation for the Blind and the Helen Keller National Center for Deaf Blind Youths and Adults.

(d) **Individual training plan (ITP) team:**

The ITP Team shall consist of:

The agency coordinator (chairperson).

The appropriate program coordinator.

The appropriate day program staff member.

The appropriate residential program staff member.

The student and/or guardian shall be invited.

Ancillary staff as appropriate will be included; i.e. medical person, social worker, vocational counselor, behavior specialist, therapists, consultants, etc.

(e) **Placement review team (PRT):** The placement review team shall consist of: the student and/or legal guardian, or independent advocate, board of education and services for the blind coordinator, current facility coordinator and accepting facility coordinator.

(Effective March 23, 1982)

**Sec. 10-295-2. Services to be provided**

(a) **Types of services to be provided**

Specialized public and private facilities: To the extent funding permits, deaf-blind adults served will receive special training programs from which they can profit. This funding will not be used to support basic care, which includes room, board and clothing. Funding is to be used to provide appropriate supplemental training programs as defined in these regulations and shall not be used when other programs are available for payment.

There will be periodic formal evaluation of progress, not less than annually, to assess the appropriateness of the present program as well as potential for higher levels of programming. The goal of services will be to maximize independent functioning, develop residence programs, and support special training programs at current placements until such time as appropriate community residence programs become available.

(b) **Follow up:** The board of education and services for the blind coordinator shall maintain a follow up on those students included in the planning who become inactive and who remain in Connecticut. Annually, a follow up effort will be made to determine current status and offer services if appropriate.

(Effective March 18, 1988)

**Sec. 10-295-3. Review of persons provided with services**

(a) **Annual review/individual training plan:** There shall be, at a minimum, an annual review of each deaf-blind person provided services under these guidelines.

That review will include a written individual training plan (ITP) which includes goals and recommendations for the coming year and assesses appropriateness of current placement. The ITP will be developed from a standardized format approved by the advisory committee. The student and/or guardian shall be invited to participate in the formal ITP development meeting. The student and/or guardian may bring an advocate if they so choose.

The ITP team shall meet in the spring and at other times as necessary.

Assessment materials should be provided as appropriate to team members before the meeting.

There shall be annual written documentation.

A student and/or guardian dissatisfied with the ITP plan shall have the right to appeal to the placement review team. A request for appeal should be made to the agency coordinator within thirty calendar days of the ITP meeting. A meeting to hear the appeal shall be scheduled within fifteen calendar days, but may be postponed by mutual consent of the student and/or guardian and coordinator.

If a student is unable to participate in the ITP meeting and there is no legal guardian, a report on the ITP plan will be referred by the agency coordinator to the state office of protection and advocacy for their consideration.

(b) **Changes in placements:** Any recommendation for change in placement will be reviewed by the placement review team (PRT).

The PRT will also hear appeals from the ITP team. A student and/or guardian or advocate dissatisfied with the decision of the placement review team shall have the right to appeal to the advisory committee. Such request for appeal should be made in writing to the executive director of the board of education and services for the blind within thirty calendar days of the placement review team decision. A meeting to hear the appeal shall be scheduled within fifteen calendar days after receipt of such request but may be postponed to a later time by mutual consent of student and/or guardian or advocate and agency.

(Effective March 23, 1982)

**[Special Education Services**

**Sec. 10-295-4. Description**

These regulations shall apply to the board of education and services for the blind in its expenditure of funds and payment of costs of special education services as approved by the executive director and as described in Sections 10-295 (a) and (b) of the Connecticut General Statutes. Regulations adopted by the state board of education to implement Sections 10-76a to 10-76k of the General Statutes are acknowledged and insofar as it is possible, these regulations shall be construed in a manner which is consistent with the state board of education regulations as they apply to children requiring special education who are blind or visually impaired, or both

blind or visually impaired and deaf, or blind or visually impaired with other severe handicaps, or blind or visually impaired who are mentally retarded or emotionally maladjusted.

(Effective October 25, 1989)

**Sec. 10-295-5. Definitions**

(a) The definitions provided in Section 10-294a of the General Statutes shall govern the interpretation and application of Sections 10-295-4 to 10-295-11.

(b) In addition thereto, and except as otherwise required by context, the following definitions shall apply:

(1) "Board" refers to the board of education and services for the blind.

(2) "Director" refers to the executive director of the board.

(3) "Special Supplies and Equipment" refers to educationally-related material necessary to compensate for or ameliorate the educational dysfunction of the visually handicapped.

(4) "Support Personnel (aides, tutors, readers)" refers to individuals employed by or under contract to local or regional boards of education for the purpose of assisting classroom teachers in monitoring the activities of visually handicapped children or assisting visually handicapped children to derive maximum benefit from their educational experiences.

(5) "Teachers of the Visually Handicapped" refers to individuals employed for the purpose of providing special services and instruction for and on behalf of visually handicapped children and who are certified in education in accordance with criteria set forth by the state board of education and recognized by the board as capable of providing special education to the visually handicapped on the basis of their experience and training.

(6) "Visually Handicapped" refers to all residents of this state who, because of blindness or impaired vision as defined in Section 10-294a of the General Statutes, require special education programs, or whose vision may be greater than as defined in Section 10-294a of the General Statutes upon referral by the state board of education and upon the determination and approval by the director that such special education services are necessary to meet the child's visual needs.

(Effective October 25, 1989)

**Sec. 10-295-6. Expenditure for instruction**

The total financial commitment of the board in any one state fiscal year for special services and instruction provided to a visually handicapped child shall not exceed the maximum amounts set forth in Sections 10-295 (a) and (b) of the General Statutes. The board may, however, reimburse towns for authorized prior year expenses up to the maximum amount for that prior year as specified in Section 10-295 (a) and (b) of the General Statutes.

(Effective October 25, 1989)

**Sec. 10-295-7. Reimbursements to local or regional boards of education**

(a) Application by local or regional boards of education to the board for authority to request reimbursement of expenses to be incurred by them in each state fiscal year for special services and instruction provided to each visually handicapped child shall be made no later than the time in each year that such special services and instruction are scheduled to begin.

(b) Approval and acknowledgement of approval by the director for each application for reimbursement of expenses to be incurred by local or regional boards of education for special services and instruction to visually handicapped children shall be contingent upon:

(1) determination by the planning and placement team convened on behalf of each visually handicapped child that such special services and instruction are necessary to the development and implementation of each such child's individualized education program;

(2) the inclusion of such special services and instruction in the individualized education program of each such child; and

(3) evidence of the need for such special services and instruction for each child to prevent or remediate the educational dysfunction resulting from the visual handicap as each such child's individual special needs are identified by the planning and placement team convened on behalf of each such child.

(c) The following schedule will be followed by local or regional boards of education in submitting invoices to the board for payment of expenses incurred by such local or regional boards of education for special services and instruction provided to a visually handicapped child:

(1) invoices for expenses incurred during the first half of each state fiscal year shall be submitted to the board for payment no later than January 31 of that state fiscal year in which they were incurred; and

(2) invoices for expenses incurred during the second half of each state fiscal year shall be submitted to the board by the local education agency no later than July 31 immediately following the completion of that state fiscal year in which such expenses were incurred.

(Effective October 25, 1989)

**Sec. 10-295-8. Reimbursement to local or regional boards of education for personnel expenses**

(a) **Teacher of the Visually Handicapped**-determination of reimbursement by the board to local or regional boards of education for salaries, including fringe benefits and other expenses related to the employment of such teacher of the visually handicapped, paid by such local or regional board of education shall be based upon that portion of such teacher's time in which he or she was involved in providing special services and instruction to or on behalf of visually handicapped children as such time relates to the total time obligation of such teacher to the local or regional board of education. Such reimbursement shall be prorated by the board between and among the visually handicapped children served by such teacher and charged against the account or accounts of such child or children up to the legislated maximum expenditure allowed for each such child.

(b) **Special Education Classroom Teacher**-a local or regional board of education may apply to the board for reimbursement of a portion of the base salary of a special education classroom teacher to conduct a special education class within the local or regional board of education system. Approval of such application and reimbursement of such cost by the board will be based on the following:

(1) placement of a visually handicapped child in a special education classroom conducted by such teacher is approved by the planning and placement team convened on behalf of such a child as a placement that is essential to the design and implementation of that child's individualized education program;

(2) determination by the board that a visually handicapped child placed in such special education classroom has been identified by the board as having an additional severe handicap, and such child and either of such child's parents or guardian are residents of the state;

(3) determination by the board that the physical environment of the special education classroom accommodates such child's visual, auditory or kinetic functioning and efficiency; and

(4) the amount of allowable reimbursement will be determined by the board on the basis of that portion of such child's time in the special education classroom as it relates to his or her total education program time, multiplied by the ratio of such child to the total number of children in the special education classroom.

(c) Any local or regional board of education may grant to any teacher of the visually handicapped employed by it leave time each year for the purpose of enabling such teacher's participation and attendance in in-service and professional development programs and in regional or statewide special extracurricular enrichment activities for visually handicapped children sponsored by the board. It is recommended that each teacher of the visually handicapped should be granted up to seven days of such leave in a school year. This is a reimbursable expenditure under this section.

(d) **Support Personnel**-a local or regional board of education may apply to the board for the reimbursement of the hourly wage or base salaries paid by it to aides, tutors or readers employed by it for the purpose of providing supplemental instruction or special assistance to visually handicapped children in the classroom. Approval of such application and reimbursement by the board will be based on:

(1) the base salary or hourly rate paid by the local or regional board of education to each such aide, tutor or reader; and

(2) the number of hours provided by each such aide, tutor or reader to or on behalf of a visually handicapped child during the period of time covered by such application for reimbursement.

(Effective October 25, 1989)

**Sec. 10-295-9. Reports by local or regional board of education**

(a) When an invoice for reimbursement is submitted by a local or regional board of education to the board such invoice shall provide the following information:

(1) identification of the visually handicapped child or children for whom reimbursement is included as part of such invoice;

(2) identification of the individual person or persons employed by the local or regional board of education whose compensation is included as part of such invoice;

(3) the position or function, and the service or instruction provided by each person within the local or regional board of education;

(4) the amount paid by the local or regional board of education to such person or persons who are included as part of such invoice;

(5) the basis for computing the requested reimbursement for each service or instruction included as part of such invoice; and

(6) the period of time covered for such service or instruction for which reimbursement is being requested as part of such invoice.

(b) Local or regional boards of education shall require teachers of the visually handicapped employed by them to submit to the board the following reports:

(1) an annual report of the progress of each visually handicapped child for whom such local or regional board of education is responsible shall be submitted by such teacher no later than June 15 of each year and shall include:

(A) identification of the visually handicapped child;

(B) a statement describing the child's visual dysfunction and related needs;

(C) a listing of the special services and instruction provided to the child during the recent year;

(D) a statement describing the benefit derived or the progress made by the child as a result of such special services and instructions; and

(E) a listing of the special services and instruction to be provided to the child in the next year.

(2) a report shall be submitted to the board by such teacher of any change of any such child's residence, visual functioning or needs, or special services and instruction provided to such a child not later than forty-five days from the time that such change occurred.

(c) A copy of the minutes of the most recent meeting of the planning and placement team concerning each visually handicapped child for whom the local or regional board of education is responsible shall be submitted to the board by such local or regional board no later than thirty days from the time that such meeting occurred.

(d) Failure by any local or regional board of education to make timely reports required by this regulation, or to comply with any of the schedules set forth in Sections 10-295-7 (a) or (c) or with Section 10-295-8 (c) of these regulations may result in a delay by the board in making timely payments to such a local or regional board of education.

(Effective October 25, 1989)

**Sec. 10-295-10. Provision of books, special supplies and equipment**

(a) Purchase and provision by the board to a visually handicapped child of such items as braille or large print books and related materials, special supplies and equipment will be made on the basis of the following:

(1) determination by such a child's planning and placement team that such items be provided to the child as they are necessary to implement the child's individualized education program; and

(2) the request to the board to purchase and provide such items to the child shall be submitted in writing by the teacher of the visually handicapped.

(b) Purchase and provision by the board to a visually handicapped child of any item of equipment costing six-hundred dollars or more will be contingent upon the requirements of subsection (a) of this section; and

(1) determination by such a child's planning and placement team that the use of such an item be included in the child's individualized education program;

(2) determination by the board that the item is necessary and appropriate to produce, reproduce or transcribe classroom text and related materials into tactual, auditory or enlarged forms; and

(3) an exception to the requirements of this subsection of this regulation may be made if there is evidence of a significant delay on the local or regional level which would adversely affect the design or implementation of a visually handicapped child's individualized education program. A request for an exception must be submitted in writing to the board by the teacher of the visually handicapped and approved by the director.

(c) Expenditure of funds by the board for purchase of special supplies and equipment for any visually handicapped child shall be subject to the following requirements:

(1) determination by the board that such expenditure for such purchase together with other obligations of the board for such a child shall not exceed the maximum amount set forth in Section 10-295 (a) and (b) of the General Statutes;

(2) any adaptive equipment from the agency that is currently held by a child or any adaptive equipment from the agency received by a child shall be the property of such child or the child's guardian. At such time as the child or guardian no longer desires the equipment, disposal shall be at the child or guardian's discretion. The cost of maintenance or repair of the equipment shall rest with the child or guardian. In circumstances where a child or guardian requests, the agency shall reimburse the child or guardian for the documented cost of the repair and applicable shipping of said equipment to and from the repair location. The agency shall accept returned equipment;

(3) such items shall not be used for purposes or by persons other than those for which or on whose behalf purchase and provision by the board was requested by the teacher of the visually handicapped and approved by the board; and

(4) no reimbursement or payment will be made by the board to or for any local or regional board of education, other agency or organization, or individual for any item purchased by them.

(Effective October 25, 1989)

**Sec. 10-295-11. Payments for an educational placement of a visually handicapped child outside the local or regional board of education.**

When the determination is made by the planning and placement team that the special needs of a visually handicapped child could best be met by such a child's placement in an educational or special facility that is not directly operated or funded by such child's local or regional board of education whether such educational or special facility is within or outside the state, the board may enter into an agreement with the local or regional board of education responsible for meeting the special education needs of such child. Such special education needs may include such items as room, board, tuition, transportation or other items reasonably considered necessary or relevant to the education of such visually handicapped child. The board's agreement to pay for or reimburse for such a placement shall be contingent upon the board's determination that the physical environment of the placement accommodates such visually handicapped child's visual, auditory or kinetic functioning and efficiency. This agreement may provide:

(1) determination by the board that the child has an additional severe handicap and that the child and either of his or her parents or guardian are residents of the state;

(2) that the local or regional board of education will remain primarily responsible for the minimum payment to the education agency/special facility in which the visually handicapped child is placed as such minimum payment relates to the average per pupil cost to such local or regional board of education for all of its children;

(3) that the board will make direct payments to the other education agency/special facility to cover the cost of such placement in excess of the minimum payment by the local or regional board of education;

(4) that such direct payment by the board together with other obligations of the board for such a child shall not exceed the maximum amount set forth for each visually handicapped child; and

(5) that the local or regional board of education will remain responsible for the payment of any cost in excess of its minimum payment of average per pupil cost and the board's direct payment for such placement.

(Effective October 25, 1989)]

(NEW)

**Children's Services**

**Sec. 10-295-4. Description**

These regulations shall apply to the Children's Services Division at the Board of Education and Services for the Blind (BESB) in its provision of services, expenditure of funds and payment of costs of specialized services to children who are blind, deafblind or visually impaired, as approved by the executive director and as described in Sections 10-295 (a) and (b) of the Connecticut General Statutes. Regulations adopted by the state board of education to implement Sections 10-76a to 10-76k of the General Statutes are acknowledged and, insofar as it is possible, these regulations shall be construed in a manner which is consistent with the state board of education regulations as they apply to children requiring special education who are blind, visually impaired, deafblind, or blind or visually impaired with additional impairments.

**10-295-5. Definitions**

(a) The definitions provided in Section 10-294a of the General Statutes shall govern the interpretation and application of Sections 10-295-4 to 10-295-25.

(b) In addition thereto, and except as otherwise required by context, the following definitions shall apply:

(1) "Agency" or "BESB" refers to the Board of Education and Services for the Blind of the State of Connecticut as authorized in Chapter 174 of the Connecticut General Statutes.

(2) "BESB TVI" refers to a Teacher of the Visually Impaired who is employed by the Board of Education and Services for the Blind and holds the title Education Consultant or any related or successor title.

(3) "Birth-to-Three System" refers to the state of Connecticut program which operates under the requirements of Part C of the Individuals with Disabilities Education Act and assists and strengthens the capacity of families to meet the developmental and health-related needs of infants and toddlers who have delays or disabilities.

(4) "Blind" or "Legally Blind" refers to a central visual acuity that does not exceed 20/200 in the better eye with correcting lenses or does exceed 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 [see also Conn. Gen. Stat. Sec. 10-294a (a)]. The terms "blind" and "legally blind" are interchangeable for the purposes of these regulations.

(5) "Children's Services Division" refers to that division of the Board of Education and Services for the Blind which provides services to children who are blind, deafblind and visually impaired.

(6) "Children's Services Supervisor" refers to that BESB employee who has been designated by the Executive Director to supervise all education professionals employed by the agency to serve children.

(7) "Director" refers to the Executive Director of the Board of Education and Services for the Blind or the Director's designee.

(8) "Education Plan" refers to any of the following: an Individualized Education Program (IEP), an Individualized Family Service Plan (IFSP), a Section 504 Accommodation Plan and a Services Plan.

(9) "Expanded Core Curriculum" or "ECC" refers to a curriculum of instruction that encompasses the knowledge and skills that are needed by students with legal blindness or visual impairment in addition to a traditional academic core curriculum. The ECC includes orientation and mobility, social interaction skills, independent living skills, recreation and leisure skills, career education, use of assistive technology, sensory efficiency skills, self-determination and compensatory or functional academic skills, including communication modes.

(10) "IEP" refers to an Individualized Education Plan or Program developed in accordance with the requirements of Part B of the Individuals with Disabilities Education Act and state special education requirements.

(11) "IFSP" refers to an Individualized Family Service Plan developed in accordance with Part C of the Individuals with Disabilities Education Act.

(12) "Guardian" refers to a person having the authority and obligations as defined in Conn. Gen. Stat. Sec. 45a-604(5) and (6).

(13) "Learning Media Assessment" refers to an assessment tool used by the Teacher of the Visually Impaired to assist in identifying the best learning and literacy media for a student including print, Braille, audio, objects or any combination thereof.

(14) "Local TVI" refers to a Teacher of the Visually Impaired who is employed by or contracted by a Local Education Agency or LEA.

(15) "Local Education Agency" or "LEA" refers to a public board of education or other public authority legally constituted within Connecticut for either administrative control or direction of or to perform a service function for public elementary schools or secondary schools in a town, city, school district or other political subdivision of the state or for such combination of towns, cities or school districts as are recognized in Connecticut as an administrative agency for its public elementary schools or secondary schools.

(16) "Parent" refers to a person who stands in relation to a child as defined in Conn. Gen. Stat. Sec. 45a-604(1)-(3).

(17) "Professional Staff" refers to Teachers of the Visually Impaired, Education Consultants, Rehabilitation Technologists, Rehabilitation Teachers, Educational Projects Coordinators, Orientation and Mobility Teachers, Education Consultants-Mobility and any other related or successor titles that address the education or Expanded Core Curriculum of children who are blind or visually impaired.

(18) "Reading Rate Assessment" refers to an assessment administered and used by the Teacher of the Visually Impaired to track the rate, accuracy and fluency of a student's reading skills.

(19) "Section 504 Accommodation Plan" or "Section 504 Plan" refers to a plan for a child who does not have a learning disability but who has a disability which requires accommodation in the educational setting.

(20) "Services Plan" refers to a written statement that describes the special education and related services an LEA will provide to a parentally placed private school child with a disability.

(21) "Support Staff" refers to Quality Control Reviewers, Administrative Assistants, Office Assistants, Secretaries, Clerks, Clerk-Typists, Special Assistants to the Blind and any other related or successor titles for those job classifications that assist educational professionals in the execution of their duties and assignments.

(22) "TVI," "Teacher of the Visually Impaired," or "Teacher of Students with Visual Impairments" refers to a person who is certified under Connecticut State Department of Education guidelines to instruct students with legal blindness and visual impairment and is employed for the purpose of providing such special services and instruction.

(23) "Visually Impaired" refers to a central visual acuity that does not exceed 20/70 in the better eye with correcting lenses [see also Conn. Gen. Stat. Sec. 10-294a (b)].

#### **10-295-6. Referral and Eligibility**

(a) In order to be eligible for services from the Division of Children's Services at the Board of Education and Services for the Blind, a child must meet the definition of legal blindness or

visual impairment and have at least one parent or guardian who is a resident of the State of Connecticut. In addition, children of school age must be eligible for special education services through a Local Education Agency (LEA), as supported by the development of an Individualized Education Program (IEP), or be eligible for services under a Section 504 Accommodation Plan (Section 504 Plan) or Services Plan. Children who have not attained the age of three must meet the eligibility criteria for the statewide Birth-to-Three System as supported by the development of an Individualized Family Service Plan (IFSP).

#### **10-295-7. BESB Services to Preschool Age Children**

(a) The agency may cover the costs of eligible vision-related services and items for children as outlined in their IFSP, IEP (ages 3 and above) or Section 504 plan, consistent with state fee schedules from approved vendors.

(b) Children under the age of three who do not participate in the statewide Birth-to-Three System remain eligible for those BESB services that are included in the child's IFSP.

(c) BESB-eligible preschool children who turn 3 and are not eligible for an IEP may, with the approval of the Children's Services Supervisor, continue to receive consultation services from a BESB preschool TVI. These children may participate in Expanded Core Curriculum (ECC) activities sponsored by the agency. Low vision services and aids to maintain normal development may also be provided.

#### **10-295-8. BESB TVIs for School Age Children**

(a) The agency shall, consistent with Conn. Gen. Stat. Sec. 10-295, utilize a formula for determining the number of teachers needed to serve LEAs with students who are legally blind or visually impaired, assigning six points for each child who learns with Braille and one point for each other child. In determining the number of full-time certified TVIs necessary to optimally serve children on each caseload, twenty-five points shall represent one full-time equivalent position. LEAs shall have the option of choosing to receive the services of a BESB TVI to provide direct instruction and consultation services for eligible children.

(b) When appropriated funds are projected to be insufficient in any fiscal year to cover the cost of providing BESB TVIs and vision-related purchased services as set forth in statute, the agency is authorized to collect revenue on a per student, pro rata basis from all LEAs that have requested such services. In such circumstances, the agency shall notify LEAs in writing no later than January 1st of the school year, indicating the projected shortfall and the prorated fee necessary to cover the costs for the remainder of the school year. Such payments shall be paid to BESB before the end of the school year by a date determined by the agency.

(c) If an LEA is served by a BESB TVI, the agency may offer the following services:

- (1) Braille instruction for students when it is included in their applicable Education Plan;
- (2) direct instruction and guidance to a student in the ECC;
- (3) adaptive technology services including the recommendation of appropriate vision-related devices and aids and training in their use;
- (4) textbooks and materials from the agency's lending library to the LEA provided the books are returned when no longer needed for the educational needs of the child;
- (5) curriculum consultation for classroom teachers who have students with blindness or visual impairment;
- (6) in-service training and orientation on the education of children who are blind or visually impaired to staff of the LEA.

(d) When an IEP stipulates a level of service for a student that exceeds the time availability of the BESB TVI, the LEA shall be responsible for the provision of services that cannot be reasonably covered by the BESB staff member.

(e) LEAs shall notify BESB in writing by the last business day in May of each year if a BESB TVI is requested for the upcoming school year.

#### **10-295-9. Reporting Requirements**

(a) LEAs that hire or contract with their own TVI shall furnish the agency with the following information within 30 days:

- (1) all changes in students' addresses or visual status;
- (2) changes in the location of equipment lent by the agency;

(b) LEAs that hire or contract with their own TVI shall furnish the agency with the following information no later than the last business day of May of the school year:

- (1) an annual report on the educational progress and placement of each student on forms provided by the agency;
- (2) minutes of each student's Planning and Placement Team (PPT) meetings;
- (3) each student's applicable Education Plan;

(4) an annual Learning Media Assessment for any child who is legally blind or visually impaired who is not receiving instruction in Braille, regardless of age or presence of additional disabilities;

(5) an annual Reading Rate Assessment for every child who is seven years-old or older who is identified by the TVI as a reader of print, Braille or auditory formats;

(6) a summary and narrative of transition school-to-work activities offered to each student age 14 or older and the outcomes achieved or, if applicable, an explanation for why no such services were offered;

(7) a narrative summary of the expanded core curricula and extracurricular activities provided to the student or, if applicable, an explanation for why no such services were offered.

#### **10-295-10. Local TVIs and Teacher Reimbursement Process**

(a) If an LEA hires or contracts with its own certified TVI, the agency may offer the following services:

(1) TVI services to all students who are classified as deafblind;

(2) TVI services to all eligible students who attend state vocational-technical schools;

(3) TVI services to all eligible students who attend the Perkins School for the Blind;

(4) in-service training and orientation on the education of children who are blind or visually impaired to staff of the LEA;

(5) training to staff members of LEAs on the reimbursement process;

(6) textbooks and materials from the agency's lending library to the LEA provided the books are returned when no longer needed for the educational needs of the child;

(7) adaptive technology services including the recommendation of appropriate, vision-related devices and aids and training in their use;

(b) If an LEA served by a BESB TVI places a child into an LEA served by a local TVI, by written agreement of both of the LEAs and BESB, the local TVI of the receiving district may serve the child and may count the child on the local TVI caseload for point calculation.

(c) LEAs that hire or contract for their own certified TVI may seek reimbursement from the agency for the teacher's salary and benefits if the following conditions are met:

(1) the local TVI holds a valid certification for teaching students with blindness or visual impairment from the Connecticut State Board of Education;

(2) the LEA submits written certification of the salary and benefit costs of the TVI or the contractual rate paid to the TVI;

(3) the LEA submits written certification of the number of students who learn with Braille and the number of students who do not learn with Braille that are directly served by each local TVI;

(4) the LEA certifies that the TVI has obtained at least 5 hours of professional development training in vision impairment or blindness during the current school year and shall submit such certification by May 1st of that school year.

(d) BESB shall calculate the level of reimbursement on a pro rata formula basis, with 25 points representing full reimbursement for one full-time TVI. Points shall be assigned with six (6) points for each student who learns with Braille on the TVI's caseload and one (1) point for each student who does not learn with Braille on the TVI's caseload, as noted in the applicable Education Plan for each student. Only students directly served by the local TVI on an assigned caseload under an applicable Education Plan will be included in the formula reimbursement process. The total reimbursement cost for a local TVI shall not exceed the salary and benefits of a BESB TVI at the maximum pay for an Education Consultant 2.

(e) When reimbursing LEAs that employ or contract for a TVI on a less than full-time basis, the agency shall apply a pro rata formula reflecting the assigned caseload, as described in the formula in subsection (d) of this section, and the actual hours worked in comparison to a full time equivalent.

(f) When appropriated funds are insufficient to reimburse LEAs to the full extent of eligibility, a pro rata adjustment shall be applied equally to the distribution of TVI reimbursement funds.

#### **10-295-11. Funding Disbursement Process to LEAs**

(a) BESB may disburse funds that remain in the Educational Aid for the Blind and Visually Impaired Children account at the completion of each school year to LEAs that provide services to children who are blind or visually impaired. Such funding shall be disbursed to the Department of Special Education of each LEA and shall not exceed six thousand, four hundred dollars for each enrolled student who is blind or visually impaired. The amount of total funding available for such disbursements shall be determined after all expenditures have been made for the following purposes:

(1) purchased services for children in the preschool program, including adaptive items, consultations, contracted services and associated items, services and activities that either directly or indirectly benefit the vision-related preschool needs of students who are legally blind or visually impaired;

(2) purchased services for school-age children including, but not limited to vision-related items such as large print or Braille textbooks and materials, adaptive technology devices, low vision examinations, low vision aids, specialist evaluations, independent living evaluations and training, rehabilitation technology services, leadership development camps, transition school-to-work activities and associated items, services and activities that directly or indirectly benefit the vision-related educational needs of students who are legally blind or visually impaired;

(3) salaries, fringe benefits and related expenses associated with the additional TVIs needed to serve all communities that request services from BESB;

(4) salaries, fringe benefits and related expenses of professional and support staff in the agency providing educational and support services to eligible children;

(5) reimbursement for the cost of the salaries and fringe benefits for local TVIs hired directly or contracted for by LEAs up to the maximum level as established by BESB;

(b) Those funds remaining in the Educational Aid for the Blind and Visually Impaired Children account after subtracting the cost of items described in subdivisions (a)(1) to (a)(5) of this section and any outstanding purchasing commitments that can be reasonably expected to be liquidated by June 30th of the current school year shall be available for disbursement.

Disbursements shall be distributed to the LEAs on a pro rata formula basis with a two-to-one credit ratio for students who learn with Braille to students who do not learn with Braille based upon the annual child count data of eligible BESB students as determined by the agency on or about December 1<sup>st</sup> of the current school year. The maximum disbursement shall not exceed six thousand, four hundred dollars for each eligible student who learns with Braille or three thousand, two hundred dollars for each eligible student who does not learn with Braille.

(c) Each LEA shall identify from the list of all eligible children who are legally blind or visually impaired provided by the agency those students who are learning Braille as noted in their applicable Education Plan. The LEA shall confirm the accuracy of the child count data and be responsible for providing the current applicable Education Plan for each student to the agency.

(d) In order to be eligible for funding disbursement for each student, each LEA shall have submitted all information required under section 10-295-9 and subsection (c) of this section.

(e) BESB shall distribute these funds by June 30th of each school year.

#### **10-295-12. Paraprofessional Training**

(a) The agency may offer Braille instruction classes to paraprofessionals employed or contracted by LEAs. Priority for participation shall be granted first to paraprofessionals who are assigned to work directly with BESB-eligible students and who are endorsed by their school district and the agency.

(b) Upon request of the LEA, the agency may reimburse the full cost of any substitute paraprofessional brought in to cover the time period when a paraprofessional assigned to a BESB-eligible student is participating in Braille instruction classes sponsored by the agency. A written request from the TVI and the Special Education Director of the LEA in advance of each day of substitute paraprofessional coverage and an estimate of the cost for the substitute hours for each day are required. When it is known in advance that a substitute will be needed for coverage for more than one day, the request may encompass all of the eligible days. Upon completion of the substitute hours for each approved day, the LEA shall submit a billing invoice verifying the actual cost incurred.

(c) The agency may also pay for the mileage costs of the paraprofessional participating in Braille instruction classes. Such reimbursement shall be paid directly to the LEA at the state-approved mileage reimbursement rate for actual miles incurred for a round trip from the school to the training location. Such requests shall be submitted by the LEA in writing in advance of participation in each Braille instruction class and may encompass more than one day. The request will state the total mileage estimated for the participation in the classes. Upon completion of each training session, the LEA shall submit invoices for the round trip mileage incurred.

(d) The agency may reimburse paraprofessionals who participate in the Braille instruction classes and who are required by their school district to take accrued leave time, such as vacation or personal leave but excluding educational or professional development leave, or who are otherwise not compensated directly by the school district for the hours required for participation at Braille instruction classes sponsored by the agency for the actual cash value of vacation leave, personal leave or lost wages. In these circumstances, the Special Education Director of the LEA shall submit, in advance of the paraprofessional's participation, a written attestation of the

paraprofessional's lost wages or of the requirement that vacation or personal leave time must be used by the paraprofessional to participate in the Braille instruction classes. Such written certification shall include the hourly wage rate of the paraprofessional and the total number of hours of wages lost or hours of accrued leave charged. Upon completion of each training session for which the school district has not provided direct compensation to the paraprofessional, the paraprofessional seeking reimbursement from the agency shall submit an invoice that includes the date of the session.

(e) BESB may terminate the participation of a paraprofessional in agency training who does not demonstrate satisfactory progress or continuous and sequential participation in the Braille instruction classes.

#### **10-295-13. Low Vision Aids and Services**

In accordance with fee schedules adopted by the agency, the Board of Education and Services for the Blind may cover the cost of a child's low vision evaluation and follow-up training by a BESB-approved low vision provider. The cost of low vision devices recommended by the low vision provider may only be paid for in accordance with approved fee schedules and upon the request of the child's TVI. A child may receive low vision services even if those services are not in the child's applicable Education Plan.

#### **10-295-14. Rehabilitation Teaching and Technology Services**

(a) The agency may provide, within available staffing resources, or fund rehabilitation teaching services and coordinate educational projects to assist students in learning daily and independent living skills and all other aspects of the Expanded Core Curriculum (ECC).

(b) The agency may provide, within available staffing resources, or fund rehabilitation technology evaluations to determine the adaptive equipment needs of children. The agency may also provide or fund installation of such devices and training in their use. These services may be provided regardless of whether they are listed in the child's applicable Education Plan, except in a school setting, in which case the services must be in the plan.

#### **10-295-15. Provision of Adaptive Devices**

BESB may provide funding for the purchase of the most effective, least expensive, vision-related adaptive equipment, computers, software and peripherals that are essential to the child's participation in education. All equipment, including computers and adaptive devices with a purchase price of six-hundred dollars or more must be recommended in the child's applicable Education Plan. A computer shall not be considered necessary for vision-related needs and, therefore, shall not be ordered with BESB funds when no adaptive products such as large print or text-to-speech software are required by the student in order to use the computer. All adaptive technology devices, computers, software and peripherals shall be purchased in accordance with State of Connecticut purchasing procedures using state-authorized vendors. Any adaptive equipment from the agency that is currently held by a child or any adaptive equipment from the agency received by a child shall be the property of such child or the child's guardian. At such time as the child or guardian no longer desires the equipment, disposal shall be at the child or guardian's discretion. The cost of maintenance or repair of the equipment shall rest with the child or guardian. In circumstances where a child or guardian requests, the agency shall reimburse the child or guardian for the documented cost of the repair and applicable shipping of said equipment to and from the repair location. The agency shall accept returned equipment.

#### **10-295.16. Educational Materials**

The agency may provide and purchase materials, aids and devices such as, but not limited to, daily living aids, Braille and pre-Braille materials, and auditory or tactile learning materials that assist children with development in all aspects of the Expanded Core Curriculum.

#### **10-295-17. Braille and Large Print Texts**

The agency may provide Braille, large print or electronic media books that are either directly purchased for the student using agency funds or loaned to the student through the agency's lending library to students in public, private and parochial schools. Such books and materials shall remain the property of the State of Connecticut and shall be returned to the lending library when no longer needed for the student's educational program.

#### **10-295-18. Orientation and Mobility**

The agency may provide, within available staffing resources, or fund orientation and mobility services and aids regardless of whether the services or aids are listed in the child's applicable Education Plan, except that in a school setting such services or aids shall be provided for in the Education Plan.

**10-295-19. Vocational Rehabilitation**

Referral to the Vocational Rehabilitation Division of the agency for students who are legally blind may occur as early as the child's 14th birthday but should occur no later than the 16th birthday if the student has a pre-vocational or vocational component to his or her applicable Education Plan. When the child has reached the age of 14 and thereafter, the assigned Vocational Rehabilitation Counselor shall be included in the Planning and Placement Team process to ensure an effective transition into employment, vocational training or higher education after graduation.

**10.295-20. Psychological Evaluation**

BESB may pay for psychological testing through approved psychologists or other professionals certified or licensed to administer intellectual and developmental testing where such testing is recommended in the child's applicable Education Plan.

**10-295-21. Services to Non-Visually Impaired Children**

(a) The Board of Education and Services for the Blind (BESB), pursuant to Conn. Gen. Stat. Sec. 10-295(a), may provide time-limited educational services to a child whose vision may be greater than legally blind or visually impaired if the child is eligible for special education services as defined in Conn. Gen. Stat. Sec. 10-76a(4). These services will apply to a child who:

- (1) has a diagnosed progressive vision loss or
- (2) was a BESB client immediately preceding a determination that the child was no longer legally blind or visually impaired. Services in the cases described in this subdivision (2) will continue for the remainder of the current school year under the guidelines of the applicable Education Plan. Such services to said child in the subsequent school year will be limited to no-cost services, if available, such as consultation by a BESB TVI twice in a school year and the loan of large print textbooks and materials available from the lending library at BESB. No additional services will be provided unless a reevaluation by a physician or optometrist indicates that the child's eye condition is deteriorating and will result in visual impairment or legal blindness within the next school year.

**10-295-22. Enrollment in Private or Parochial Schools**

Students placed by their parent or guardian in a Connecticut private or parochial school may receive vision-related consultation services from BESB staff. These children may participate in Expanded Core Curriculum (ECC) activities sponsored by the agency. Low vision services and aids to maintain optimal visual functioning may also be provided. Other purchased vision-related goods and services may only be provided if recommended in the applicable Education Plan.

**10-295-23. Home Schooling**

Students who are being home-schooled may receive vision-related consultation services from BESB staff. These children may participate in Expanded Core Curriculum (ECC) activities sponsored by the agency. Low vision services and aids to maintain optimal visual functioning may also be provided. Other purchased vision-related goods and services may only be provided if recommended in the applicable Education Plan.

**10-295-24. Confidentiality and Availability of Case Records**

(a) The agency shall keep confidential all information in its possession concerning students served by the agency, both medical and personal, with the following exceptions:

- (1) when sharing or releasing the information is needed to protect the child or another person from possible physical harm or violence;
- (2) when the agency is ordered to share the information by a court order or subpoena;
- (3) when the information must be provided under mandatory reporting laws; or
- (4) when the child's parent or guardian has given written authorization for such disclosure.

(b) Medical, psychological or other information which the agency believes may be harmful to the child shall not be released directly to the parent or guardian but shall be provided to a physician, psychologist or other representative designated by the parent. The decision to withhold such information shall be made by the child's TVI in consultation with the Children's Services Supervisor.

**10-295-25. Appeals Procedures**

(a) Any parent or guardian of a child served by BESB who is dissatisfied with any determinations made by a BESB TVI concerning the furnishing or denial of services may request

a timely review of those determinations. The parent or guardian shall make a written request for a review of the decision that was made by the BESB TVI and state in the written request the nature of the matters to be addressed in the review. The agency may not institute a suspension, reduction or termination of services being provided under the applicable Education Plan during the review period unless the parent or guardian so requests or the agency has evidence that services have been obtained through misrepresentation, fraud, collusion or criminal conduct on the part of the parent or guardian.

(b) Primary Review - A parent or guardian may seek an initial review of a decision by sending a written request to the Children's Services Supervisor within 15 business days of the decision of the TVI. This review will be conducted and completed by the Children's Services Supervisor within twenty business days of receipt of the written request. The Children's Services Supervisor will make a decision to uphold, reverse or change the decision of the TVI within fifteen business days of the completion of the review.

(c) Final Review - A parent or guardian may seek a review of the decision of the Children's Services Supervisor by sending a written request within 15 business days of that decision to the Executive Director of the agency. This review will be conducted and completed within twenty business days of receipt of the written request. The Executive Director shall make a decision to uphold, reverse or change the decision of the Children's Services Supervisor within fifteen business days of the completion of the review. The parent or guardian may submit documentation and other evidence supporting their request during this stage of the review process.

(d) Any dispute with or appeal of a decision made by a local TVI should be pursued with the LEA that employs that TVI.

(e) Parents and guardians retain all rights of appeal of an educational decision with the State Department of Education.

### Statement of Purpose

(A) This regulation change is proposed in order to modernize the agency's regulations governing the provision of educational services, materials and equipment (namely, Children's Services) by the Children's Services division of the Board of Education and Services for the Blind (BESB). The current regulations have only been changed once since 1989, (That change, from 2009, regarding client ownership of equipment has not been changed.) The division has modernized its operations in response to professional developments in the field since 1989 as well as in response to statutory enactments since then. This proposed language above will bring the regulations into alignment with these professional developments and statutory enactments (none of those enactments required the promulgation of new regulations). Also, the proposal changes some terminology which is now out of date.

The following is a synopsis of each of the sections in the new regulations. The numbers to the extreme left are for ease of review only -

- 1) 10-295-5 - Definitions - an expanded set of definitions adding and expanding terms for greater information and to incorporate new terminology;
- 2) 10-295-6 - Referral and Eligibility - establishes that a child must be blind or visually impaired under Connecticut law to qualify for services and must also have qualified for services through a formal Education Plan.
- 3) 10-295-7 - BESB Services to Preschool Age Children - establishes the conditions under which preschool children may receive BESB services and which services they may receive.
- 4) 10-295-8 - BESB TVIs for School Age Children - sets targets for teacher-student ratios, possible actions in the case of a revenue shortfall and details the services provided by a BESB Teacher of the Visually Impaired (TVI).
- 5) 10-295-9 - Reporting Requirements - details the information BESB needs to collect from local TVIs about services they provide to students and the educational progress of the student.
- 6) 10-295-10 - Local TVIs and Teacher Reimbursement Process - details the services provided by BESB when a school district (Local Education Agency or LEA) hires its own TVI. This section also outlines the reimbursement provided by BESB for the district's direct costs associated with the student(s) and the process for such reimbursement.

- 7) 10-295-11 – Funding Disbursement Process for LEAs – outlines the disbursement of funds by BESB to LEAs towards general costs associated with eligible students after direct costs have already been reimbursed.
- 8) 10-295-12 – Paraprofessional Training – details the training BESB provides to education paraprofessionals who work with BESB-aided students and the reimbursement BESB provides for the costs associated with such training.
- 9) 10-295-13 – Low Vision Aids and Devices – outlines the low vision (eye doctor) services BESB may support for BESB students and also the devices that may be provided as a result of such evaluations.
- 10) 10-295-14 – Rehabilitation Teaching and Technology Services – outlines the Rehab Teaching BESB both provides directly and pays for in behalf of BESB students and also outlines the Rehab Technology evaluations that the agency may provide or pay for.
- 11) 10-295-15 – Provision of Adaptive Devices – outlines the specialized equipment (for example, computers and software) the agency may provide to help students in their learning and the rules associated with its acquisition and ownership. The ownership provision (promulgated in 2009) is the one area of these regulations that is newer than 1989 and is retained verbatim.
- 12) 10-295-16 – Educational Materials – outlines the materials that the agency may provide - other than adaptive equipment and technology – that assist students both educationally and in daily living.
- 13) 10-295-17 – Braille and Large Print Texts – details the reading materials adapted for students who are blind or visually impaired that can be provided by the agency.
- 14) 10-295-18 – Orientation and Mobility – describes the provision of O & M services (safe travel training, e.g., white cane instruction) that the agency may provide to students.
- 15) 10-295-19 – Vocational Rehabilitation – outlines how VR services – a separate agency division – become available to high school-age students to help them prepare for college and careers and outlines the transition to that division's services.
- 16) 10-295-20 – Psychological Evaluation – explains that BESB may support psychological testing in certain situations.
- 17) 10-295-21 – Services to Non-Visually Impaired Children – explains how and when the agency will assist children who are not visually impaired or blind but recently were or may soon become so.
- 18) 10-295-22 – Enrollment in Private and Parochial Schools – outlines when and which services may be provided to eligible students in non-public schools.
- 19) 10-295-23 – Home Schooling – provides that certain agency services may be offered to eligible students who are home-schooled. This provision is new to agency operational guidelines.
- 20) 10-295-24 – Confidentiality and Availability of Case Records – outlines which records may be made available and to whom and how they are made available.
- 21) 10-295-25 – Appeals Procedures – details the procedure by which parents or students may appeal a denial of services by the agency and the stages of review involved.

Be it known that the foregoing:

Regulations  Emergency Regulations

Are:

Adopted  Amended as hereinabove stated  Repealed

By the aforesaid agency pursuant to:

Sections 4-168 and 10-294, 10-295(b), 10-295(e) and 10-309 of the General Statutes and  
 Section \_\_\_\_\_ of the General Statutes, as amended by Public Act No. \_\_\_\_\_ of the \_\_\_\_\_ Public Acts.  
 Public Act No. \_\_\_\_\_ of the \_\_\_\_\_ Public Acts.

After publication in the Connecticut Law Journal on October 19, 2010 of the notice of the proposal to:

Adopt  Amend  Repeal such regulations

(If applicable): And  the holding of an advertised public hearing on the 9th day of November, 2010

WHEREFORE, the foregoing regulations are hereby:

Adopted  Amended as hereinabove stated  Repealed

Effective:

When filed with the Secretary of the State.  
(OR)

The \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

In Witness Whereof:	DATE 3-14-2011	SIGNED (Head of Board, Agency or Commission) 	OFFICIAL TITLE, DULY AUTHORIZED ACTING EXECUTIVE DIRECTOR-BESB
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Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.: 3/21/11	SIGNED  Joseph Rubin	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL
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- Approved
- Disapproved
- Disapproved in part, (Indicate Section Numbers disapproved only)
- Rejected without prejudice.

By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes	DATE	SIGNED (Clerk of the Legislative Regulation Review Committee)
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Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE	SIGNED (Secretary of the State)	BY
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INSTRUCTIONS

One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.

Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.

Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.

Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.