

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

Agency

State Board of Education

Subject

Organization Description, Rules of Practice, Public Inspection

Inclusive Sections

§§ 10-4-1—10-4-26

CONTENTS

Sec. 10-4-1.	Repealed
Sec. 10-4-2—10-4-3.	Repealed
Sec. 10-4-4—10-4-7.	Repealed

Personal Data

Sec. 10-4-8.	Personal data definitions
Sec. 10-4-9.	Personal data systems
Sec. 10-4-10.	Maintenance of personal data

Rules of Practice

Sec. 10-4-11.	Introduction
Sec. 10-4-12.	Definitions
Sec. 10-4-13.	General rules of practice before the agency

Contested Cases Generally

Sec. 10-4-14.	Contested cases generally
Sec. 10-4-15.	Parties and intervenor
Sec. 10-4-16.	Hearings
Sec. 10-4-17.	Proposed final decision
Sec. 10-4-18.	Decision and record in a contested case
Sec. 10-4-19.	Reconsideration
Sec. 10-4-20.	Declaratory rulings generally
Sec. 10-4-21.	Procedure for filing a request for declaratory ruling
Sec. 10-4-22.	Procedure following filing of request for declaratory ruling
Sec. 10-4-23.	Requests for promulgation, amendment or repeal of a regulation, generally
Sec. 10-4-24.	Procedures for filing request for promulgation, amendment or repeal of regulation
Sec. 10-4-25.	Procedure following filing of request for promulgation, amendment or repeal of regulation

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

Sec. 10-4-26. Request for notice regarding proposed regulations

Organization Description, Rules of Practice, Public Inspection

Sec. 10-4-1. Repealed

Repealed August 19, 1980.

Sec. 10-4-2—10-4-3. Repealed

Repealed April 30, 1993.

Sec. 10-4-4—10-4-7. Repealed

Repealed June 26, 1990.

Personal Data

Sec. 10-4-8. Personal data definitions

(a) “Agency” means the Connecticut State Board of Education acting through its administrative arm, the Connecticut State Department of Education.

(b) “Attorney” means an attorney at law empowered by a person to assert the confidentiality of or right of access to personal data under this chapter.

(c) “Authorized representative” means a parent, or a guardian or conservator, other than an attorney, appointed to act on behalf of a person and empowered by such person to assert the confidentiality of or right of access to personal data under the Personal Data Act.

(d) “Automated personal data system” means a personal data system in which data is stored, in whole or in part, in a computer or in computer accessible files.

(e) “Category of personal data” means the classifications of personal information set forth in the definition of Personal Data.

(f) “Computer accessible files” means any personal data which is stored on-line or off-line, which can be identified by use of electronic means, including but not limited to microfilm and microfilm devices, which includes but is not limited to magnetic tape, magnetic film, magnetic disks, magnetic drums, internal memory utilized by any processing device, including computers or telecommunications control units, punched cards, optically scanable paper or film.

(g) “Maintain” means collect, maintain, use or disseminate.

(h) “Manual personal data system” means a personal data system other than an automated personal data system.

(i) “Other data” means any information which because of name, identifying number, mark or description can be readily associated with a particular person.

(j) “Person” means an individual of any age concerning whom personal data is maintained in a personal data system, or a person’s attorney or authorized representative.

(k) “Personal data” means any information about a person’s education, finances, medical or emotional condition or history, employment or business history, family or personal relationships, reputation or character which because of name, identifying number, mark or description can be readily associated with a particular person. “Personal data” shall not be

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

§10-4-9

State Board of Education

construed to make available to a person any record described in subdivision (3) of subsection (b) of Connecticut General Statutes Section 1-19.

(l) "Personal data system" means a collection of records containing personal data.

(m) "Record" means any collection of personal data, defined in subsection (k) which is collected, maintained or disseminated.

(Effective July 28, 1986)

Sec. 10-4-9. Personal data systems

(a) Committees, Councils, and Volunteers.

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Committees, Councils, and Volunteers.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Manual.

(D) General Nature and Purpose:

Maintenance of a listing of all members of boards, committees or councils duly appointed by law, and of volunteers providing service to the agency.

(E) Title and Business Address of Responsible Official:

Commissioner of Education, 165 Capitol Avenue, Hartford, Connecticut.

(F) Routine Sources of Data Retrieval:

Data are received from applications, recommendations, and submissions by the person.

(G) Legal Authority for Collection, Maintenance and Use:

Sections 10-1; 10-3a; 10-4 (c); 10-4d; 10-4e; 10-43; 10-47b; 10-63k; 10-76i (a); 10-76s; 10-145a (b); 10-226; Public Act 85-377; and Special Act 85-48.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Education; employment or business history; and reputation or character.

(B) Categories of other data maintained may include the following:

None.

(C) Categories of persons on whom records are maintained are the following: Persons duly appointed by law and those persons accepted as volunteers.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

General supervision and administration by staff of the Commissioner.

(B) Retention Schedule:

Applicable retention schedules for state agencies.

(b) Connecticut Competency Examination for Prospective Teachers (CONNCEPT).

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

State Board of Education

§10-4-9

Connecticut Competency Examination for Prospective Teachers (CONNCEPT).

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Automated.

(D) General Nature and Purpose:

A complete data set is maintained for research, evaluation, and verification purposes.

(E) Title and Business Address of Responsible Official:

Chief, Bureau of Research and Teacher Assessment, 165 Capitol Avenue, Hartford, Connecticut.

(F) Routine Sources of Data Retrieval:

Personal data are obtained directly from an outside vendor hired to analyze information provided by examinees. The vendor provides a magnetic data tape to the agency. The information is retrieved from the CONNCEPT Registration Bulletin and the examination itself.

(G) Legal Authority for Collection, Maintenance and Use:

Chapter 54 of the Connecticut General Statutes and Public Act 85-532.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Education.

(B) Categories of other data maintained may include the following:

Education; mailing address; social security number; sex; telephone number; date of birth; ethnic status; and native language.

(C) Categories of persons on whom records are maintained are the following: All prospective teachers who register to take the CONNCEPT or who are waived from taking the CONNCEPT.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

(1) Data are used by the vendor in the preparation of testing materials; and

(2) A roster and summary listing of students statewide are used for research purposes by the Department staff.

(B) Retention Schedule:

Applicable retention schedules for state agencies.

(c) **Discrimination Complaints.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Discrimination Complaints.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Manual.

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

§10-4-9

State Board of Education

(D) General Nature and Purpose:

To establish and maintain a record of complaints as well as of the efforts of the agency to address the complaints.

(E) Title and Business Address of Responsible Official:

Chief, Office of Staff and Organizational Development, 165 Capitol Avenue, Hartford, Connecticut.

(F) Routine Sources of Data Retrieval:

Complainants bringing charges against the agency alleging discriminatory practices; individual respondents who are subjects of the charges; supervisors of the employees; and any other relevant source.

(G) Legal Authority for Collection, Maintenance, and Use:

Regulations of Connecticut State Agencies Section 46a-68-46.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Education; finances; medical or emotional condition or history; employment or business history; family or personal relationships; and reputation or character.

(B) Categories of other data maintained may include the following: None.

(C) Categories of persons on whom records are maintained are the following:

Employees and applicants for employment.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

Personal data are used for processing administrative complaints involving agency staff. The personal data are used to resolve disputes or as evidence in formal hearings. The personal data are used by the agency or any other state agency possessing jurisdiction over this subject matter.

(B) Retention Schedule:

Applicable retention schedules for state agencies.

(d) **Due Process Hearings—Child Nutrition Programs.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Due Process Hearings — Child Nutrition Programs.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Manual.

(D) General Nature and Purpose:

Maintenance of an official record of the hearing procedure before the Commissioner of Education.

(E) Title and Business Address of Responsible Official:

Chief, Office of Legal and Governmental Affairs, 165 Capitol Avenue, Hartford, Connecticut.

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

State Board of Education

§10-4-9

(F) Routine Sources of Data Retrieval:

Data are received from the evidence entered into the official hearing record.

(G) Legal Authority for Collection, Maintenance, and Use:

Connecticut General Statutes Sections 4-177 to 4-185a, inclusive.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Education; finances; medical or emotional condition or history; employment or business history; and reputation or character.

(B) Categories of other data maintained may include the following:

Any evidentiary submission that is received into the official hearing record.

(C) Categories of persons on whom records are maintained are the following:

Complainants and contract vendors participating in the programs.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

The hearing officer, Commissioner of Education, Secretary of the Department of Agriculture, and courts of competent jurisdiction review the records in order to render decisions.

(B) Retention Schedule:

Applicable retention schedules for state agencies.

(e) **Due Process Hearings—School Accommodations.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Due Process Hearings — School Accommodations.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Manual.

(D) General Nature and Purpose:

Maintenance of an official record of the hearing procedure.

(E) Title and Business Address of Responsible Official:

Chief, Office of Legal and Governmental Affairs, 165 Capitol Avenue, Hartford, Connecticut.

(F) Routine Sources of Data Retrieval:

Data are received from the exhibits entered into the official hearing record.

(G) Legal Authority for Collection, Maintenance, and Use:

Connecticut General Statutes Sections 10-186 and 4-177 to 4-185a, inclusive.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Education; medical; family or personal relationships; and reputation or character.

(B) Categories of other data maintained may include the following:

Any other data accepted into the official hearing record.

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

§10-4-9

State Board of Education

- (C) Categories of persons on whom records are maintained are the following:
Students in public and private schools.
- (3) Uses to be Made of Personal Data.
- (A) Routine Use of Records:
The personal data received and maintained in the official record are used by the Impartial Hearing Board to render its decision.
- (B) Retention Schedule:
Applicable retention schedules for state agencies.
- (f) **Due Process Hearings—Special Education Programs.**
- (1) General Nature and Purpose of Personal Data.
- (A) Name of System:
Due Process Hearings — Special Education.
- (B) Location of System:
25 Industrial Park Road, Middletown, Connecticut.
- (C) Automated, Manual, or Combination:
Manual.
- (D) General Nature and Purpose:
Maintenance of the record of the hearing involving a special education student.
- (E) Title and Business Address of Responsible Official:
Chief, Office of Legal and Governmental Affairs, 165 Capitol Avenue, Hartford, Connecticut.
- (F) Routine Sources of Data Retrieval:
Data consists of evidentiary exhibits accepted into the record before the Impartial Hearing Board.
- (G) Legal Authority for Collection, Maintenance, and Use:
Connecticut General Statutes Sections 10-76h and 4-177 to 4-185a, inclusive.
- (2) Categories of Personal Data.
- (A) Categories of personal data maintained may include the following:
Education; medical or emotional condition or history; family or personal relationships; and reputation or character.
- (B) Categories of other data maintained may include the following:
Any evidentiary submission that is received into the record.
- (C) Categories of persons on whom records are maintained are the following:
Special education students.
- (3) Uses to be Made of Personal Data.
- (A) Routine Use of Records:
The Impartial Hearing Board compiles a record for review in order to render a decision.
- (B) Retention Schedule:
Applicable retention schedules of state agencies.
- (g) **General Educational Development.**
- (1) General Nature and Purpose of Personal Data.

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

State Board of Education

§10-4-9

(A) Name of System:

General Educational Development.

(B) Location of System:

25 Industrial Park Road, Middletown, Connecticut.

(C) Automated, Manual, or Combination:

Combination.

(D) General Nature and Purpose:

To provide proof of the candidates achievement in the form of transcripts, diplomas and other forms of verification. Also, to provide a record of all persons who take the general educational development test which includes the categories of pass, fail, and incomplete.

(E) Title and Business Address of Responsible Official:

Chief, Bureau of Adult Education and Training, 25 Industrial Park Road, Middletown, Connecticut

(F) Routine Sources of Data Retrieval:

The data are obtained from the applicant, prior schools attended, and any other verifiable source.

(G) Legal Authority for Collection, Maintenance, and Use:

Connecticut General Statutes Section 10-5.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Education.

(B) Categories of other data maintained may include the following:

Name; address; language; social security number; and date of birth.

(C) Categories of persons on whom records are maintained are the following: Applicants for General Educational Development programs.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

The personal data are used to provide proof of the applicants achievement in the form of transcripts, diplomas, and other forms of verification by the agency. Applicants, employers, and academic institutions are users of the data.

(B) Retention Schedule:

Applicable record retention schedules for state agencies.

(h) **Human Resource Bank.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Human Resource Bank.

(B) Location of System:

Area Cooperative Educational Service, 205 Skiff Street, Hamden, Connecticut.

(C) Automated, Manual, or Combination:

Automated.

(D) General Nature and Purpose:

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

§10-4-9

State Board of Education

Provision of a central listing source of staff development leaders and consultants for local or regional boards of education.

(E) Title and Business Address of Responsible Official:

Chief, Bureau of Certification and Professional Development, 165 Capitol Avenue, Hartford, Connecticut.

(F) Routine Sources of Data Retrieval:

Person volunteers the information.

(G) Legal Authority for Collection, Maintenance and Use:

Section 10-4.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Education; employment or business history; and reputation, or character.

(B) Categories of other data maintained may include the following:

References; telephone number; and area of concentration.

(C) Categories of persons on whom records are maintained are the following:

Certified employees and education consultants.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

Local and regional school district personnel shall access the data base to locate the appropriate person in order to receive consultation.

(B) Retention Schedule:

Applicable retention schedules for state agencies.

(i) **Due Process Hearings and Special Education.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Special Education Due Process: Hearings.

(B) Location of System:

25 Industrial Park Road, Middletown, Connecticut.

(C) Automated, Manual, or Combination:

Combination.

(D) General Nature and Purpose:

Maintenance of an official record of the hearing procedure before an impartial hearing officer.

(E) Title and Business Address of Responsible Official:

Chief, Office of Legal Affairs, 165 Capitol Avenue, Hartford, Connecticut.

(F) Routine Sources of Data Retrieval:

Data are received from the evidence entered into the official hearing record.

(G) Legal Authority for Collection, Maintenance and Use:

Sections 10-76h and 10-186.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

State Board of Education

§10-4-9

Education; finances; medical or emotional condition or history; employment or business history; and reputation or character.

(B) Categories of other data maintained may include the following:

Any evidentiary submission that is received into the official hearing record.

(C) Categories of persons on whom records are maintained are the following:

Children who are eligible or may be eligible for special education or related services.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

The hearing officer and courts of competent jurisdiction review the records in order to render decisions.

(B) Retention Schedule:

Applicable retention schedules of state agencies.

(j) **Mediators and Arbitrators.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Mediator and Arbitrator Applications and Fee Schedules.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Manual.

(D) General Nature and Purpose:

Maintenance of a fee schedule for each mediator and arbitrator and applications for candidacy for mediator or arbitrator.

(E) Title and Business Address of Responsible Official:

Chief, Office of Legal and Governmental Affairs, 165 Capitol Avenue, Hartford, Connecticut.

(F) Routine Sources of Data Retrieval:

Data are provided by the mediator and arbitrators and candidates for mediator or arbitrator.

(G) Legal Authority for Collection, Maintenance, and Use:

Connecticut General Statutes Section 10-153f.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Education; finances; and employment or business history.

(B) Categories of other data maintained for each personal data system are the following:

None.

(C) Categories of persons on whom records may include the following:

Mediators and arbitrators duly appointed and candidates for said positions.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

Selection of mediators and arbitrators by management and labor; and maintenance of a

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

§10-4-9

State Board of Education

pool of candidates for future appointment by the Office of Legal and Governmental Affairs.

(B) Retention Schedule:

Applicable retention schedules for state agencies.

(k) **Minority and Female Employment Applications.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Minority and Female Employment Applications and Resumes.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Manual.

(D) General Nature and Purpose:

The personal data are maintained to comply with the recruitment requirements of the Commission on Human Rights and Opportunities. Regulations of Connecticut State Agencies Sections 46a-5-12 to 46a-68-74, inclusive.

(E) Title and Business Address of Responsible Official:

Chief, Office of Staff and Organizational Development, 165 Capitol Avenue, Hartford, Connecticut.

(F) Routine Sources of Data Retrieval:

The personal data are obtained from applicants for employment.

(G) Legal Authority for Collection, Maintenance, and Use:

Regulations of Connecticut State Agencies Sections 46a-5-12 to 46a-68-74, inclusive.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Education; finances; medical or emotional condition or history; employment or business history; family or personal relationships; and reputation or character.

(B) Categories of other data maintained may include the following:

Name; race; sex; address; date of birth; and social security number.

(C) Categories of persons on whom records are maintained are the following:

Minority and female applicants for state employment.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

The applications and resumes of minority and female candidates for employment are kept on file for recruitment purposes. The agency, the Commission on Human Rights and Opportunities, and the Equal Employment Opportunity Commission are the users of this personal data.

(B) Retention Schedule:

Applicable retention schedules for state agencies.

(l) **Minutes of the State Board of Education.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

State Board of Education

§10-4-9

Minutes of the State Board of Education.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual or Combination:

Manual.

(D) General Nature and Purpose:

Provision and maintenance of a record of all acts of the State Board of Education.

(E) Title and Business Address of Responsible Official:

Commissioner of Education, 165 Capitol Avenue, Hartford, Connecticut.

(F) Routine Sources of Data Retrieval:

The data are prepared by the Commissioner of Education for submission to the State Board of Education.

(G) Legal Authority for Collection, Maintenance and Use:

Section 10-2.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Education; medical or emotional condition or history; employment or business history; family or personal relationships; and reputation or character.

(B) Categories of other data maintained may include the following:

None.

(C) Categories of persons on whom records are maintained are the following:

Persons transacting business with the State Board of Education.

(3) Uses of Personal Data.

(A) Routine Use of Records:

Maintenance of an official record of all acts by the State Board of Education and the certification of the same to all concerned.

(B) Retention Schedule:

Applicable retention schedule of state agencies.

(m) **Official Personnel File.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Official Personnel File.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Manual.

(D) General Nature and Purpose:

Maintenance of an official personnel file for each employee.

(E) Title and Business Address of Responsible Official:

Chief, Office of Staff and Organizational Development, 165 Capitol Avenue, Hartford, Connecticut.

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

§10-4-9

State Board of Education

(F) Routine Sources of Data Retrieval:

Data are retrieved from the employee, the employee's supervisor, and any individual offering pertinent information concerning the employee.

(G) Legal Authority for Collection, Maintenance, and Use:

Connecticut General Statutes Sections 5-193 to 5-280, inclusive.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Education; finances; medical or emotional condition or history; employment or business history; family or personal relationships; and reputation or character.

(B) Categories of other data maintained may include the following:

Garnishment of wages and payments thereon; contracts and correspondence regarding deferred compensation/tax shelter annuity payroll deduction programs; documents relating to retirement plans; requests for approval of sabbatical leave; and criminal convictions.

(C) Categories of persons on whom records are maintained are the following:

All current employees and former employees of the last 55 years.

(3) Uses of Personal Data.

(A) Routine Use of Records:

The personal data collected and maintained are used by the agency's managers for supervisory functions as well as used for the administration of the office of personnel in order to maintain complete personnel documents required by the State Personnel Division, Office of the Comptroller, Group Insurance Carriers, and any other legitimate entity.

(B) Retention Schedule:

Applicable retention schedules for state agencies.

(n) **Personnel Affirmative Action Payroll Information System (PAPIS).**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Personnel Affirmative Action Payroll Information System (PAPIS).

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Automated.

(D) General Nature and Purpose:

PAPIS is an automated information system containing personal information on all agency employees. It is used to maintain current information on all employees which may be produced instantly.

(E) Title and Business Address of Responsible Official:

Chief, Office of Staff and Organizational Development; and Division Director, Division of Finance and Administrative Services, 165 Capitol Avenue, Hartford, Connecticut.

(F) Routine Sources of Data Retrieval:

Information obtained from employees directly through employment applications and payroll records.

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

State Board of Education

§10-4-9

(G) Legal Authority for Collection, Maintenance, and Use:
Connecticut General Statutes Sections 5-193 to 5-280, inclusive.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:
Finances; medical or emotional condition or history; and employment or business history.

(B) Categories of other data maintained may include the following:

Address; date of birth; sex; employee number; payroll number; job class and bargaining unit; ethnic origin; military service; and physical disability.

(C) Categories of persons on whom records are maintained are the following:

Current state employees.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

The personal data are used by the office of personnel for administrative purposes, the office of payroll for purposes of remuneration and benefits, agency managers for supervisory purposes, the office of affirmative action for monitoring and compliance, group insurance carriers for actuarial calculations, and any other entity demonstrating a legitimate business use.

(B) Retention Schedule:

Records are kept until the person is no longer an agency employee.

(o) **Public Customer of Vocational-Technical School Production Services.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Public Customer of Vocational-Technical School Production Services.

(B) Location of System:

Each of the seventeen regional vocational-technical schools and four satellites. A directory listing of all of the schools is located at the Office of the Commissioner, 165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Manual.

(D) General Nature and Purpose:

The system records the customers receiving production work services from the regional vocational-technical schools. Personal data are maintained in order to determine the eligibility of the customers desiring to do business with the agency.

(E) Title and Business Address of Responsible Official:

The Director of each regional vocational-technical school. A system directory listing of each regional vocational-technical school is located at the Office of the Commissioner, 165 Capitol Avenue, Hartford, Connecticut.

(F) Routine Sources of Data Retrieval:

Personal data are obtained from the customer or other sources with the written consent of the customer.

(G) Legal Authority for Collection, Maintenance, and Use:

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

§10-4-9

State Board of Education

Connecticut General Statutes Section 10-95.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Education; finances; employment or business history; family or personal relationships; and reputation or character.

(B) Categories of other data maintained may include the following:

None.

(C) Categories of persons on whom records are maintained are the following:

Customers for vocational production work.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

The personal data are collected in order to determine the credit status of the customer who requests production work whose labor value exceeds \$1,000. Each regional vocational-technical school uses the information to determine the eligibility for selection of production work projects.

(B) Retention Schedule:

Applicable retention schedules for state agencies.

(p) **Public School Professional Staff.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Public School Professional Staff.

(B) Location of System:

State Data Center, 340 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Automated.

(D) General Nature and Purpose:

The data are used to determine if teachers are certified properly, to provide the agency with mailing lists, and to provide aggregated statistical information for research.

(E) Title and Business Address of Responsible Officials:

Chief, Bureau of Certification and Professional Development; and Chief, Bureau of Research and Teacher Assessment, 165 Capitol Avenue, Hartford, Connecticut.

(F) Routine Sources of Data Retrieval:

The data are retrieved from applications by certifiable teachers and administrators. The data are gathered annually in the fall from local education agencies.

(G) Legal Authority for Collection, Maintenance, and Use:

Connecticut General Statutes Sections 10-4 and 10-144 to 10-149, inclusive.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following: Education; finances; and employment history.

(B) Categories of other data maintained are the following:

Social security number; birth year; sex; race; teaching area; school level; and full-time

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

State Board of Education

§10-4-9

equivalent status.

(C) Categories of persons on whom records are maintained are the following:

All certified teachers in the public schools, including superintendents.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

(1) The Teacher Certification Office uses the name, social security number, school level, and school assignments for certification purposes;

(2) Consultants of the agency use the name and school addresses of professional staff in the school districts along with non-personalized statistical data;

(3) Researchers outside the agency may be provided with the names, addresses, and statistical characteristics of a random sample of staff for research related to education; and

(4) All other individuals requesting information are given statistical data gleaned from the individual records.

(B) Retention Schedule:

Applicable retention schedules of state agencies.

(q) **Section 10-4b Inquiry.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Section 10-4b Inquiry.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Manual.

(D) General Nature and Purpose:

Maintenance of a record of the preliminary investigation and of the record of the inquiry concerning the operation of school in accordance with the educational interests of the state.

(E) Title and Business Address of Responsible Official:

Chief, Office of Legal and Governmental Affairs, 165 Capitol Avenue, Hartford, Connecticut.

(F) Routine Sources of Data Retrieval:

Data consists of investigatory information and evidentiary exhibits accepted into the record before the State Board of Education.

(G) Legal Authority for Collection, Maintenance, and Use:

Section 10-4b of the Connecticut General Statutes and the regulations thereunder.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Education; finances; medical or emotional condition or history; employment or business history; family or personal relationships; and reputation or character.

(B) Categories of other data maintained may include the following:

Any investigatory materials and evidentiary submissions that are accepted into the record.

(C) Categories of persons on whom records are maintained may include the following:

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

§10-4-9

State Board of Education

The person initiating the request; students; and employees of the local or regional board of education.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

The records are used by the Commissioner of Education and the State Board of Education to render determinations and decisions pursuant to law.

(B) Retention Schedule:

Applicable retention schedules of state agencies.

(r) **Individual Special Student Information System (ISSIS).**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Individual Special Student Information System (ISSIS).

(B) Location of System:

State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Automated.

(D) General Nature and Purpose:

The provision of accurate and timely data to the agency regarding students identified or served under the provisions of Public Laws 89-313 and 94-142, and Sections 10-76a to 10-76h, inclusive, of the Connecticut General Statutes.

(E) Title and Business Address of Responsible Official:

Chief, Bureau of Evaluation and Student Assessment, 165 Capitol Avenue, Hartford, Connecticut.

(F) Routine Sources of Data Retrieval:

The data are gathered annually from local education agencies, state vocational-technical schools, and the state unified school districts, with the primary input falling between September and December, and a secondary input between January and August.

(G) Legal Authority for Collection, Maintenance, and Use:

Public Laws 89-313 and 94-142 and Sections 10-76a to 10-76h, inclusive, of the Connecticut General Statutes.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Education.

(B) Categories of other data maintained may include the following:

None.

(C) Categories of persons on whom records are maintained are the following:

Special education students.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

The data are used for providing grant information for the state and federal governments and for research. The users of the personal data are the agency, local education agencies,

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

State Board of Education

§10-4-9

state agencies (Department of Mental Retardation, Department of Children and Youth Services, Department of Public Health, Department of Corrections). All of the aforementioned and the public at large use non-personalized statistical summary data gleaned from the individual records.

(B) Retention Schedule:

Applicable retention schedules of state agencies.

(s) **Staff Supervisory Files.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Staff Supervisory File.

(B) Location of System:

A system directory listing is located at 165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Combination.

(D) General Nature and Purpose:

Files are maintained at the locale in order to record information related to educational assignment, evaluation of performance, length of service, and general supervision of employees.

(E) Title and Business Address of Responsible Officials:

Deputy Commissioner; Associate Commissioner, Division of Education and Support Services; Division Director, Division of Finance and Administrative Services; Associate Commissioner, Division of Teaching and Learning; and Division Director, Division of Grants Management; 165 Capitol Avenue, Hartford, Connecticut.

(F) Routine Sources of Data Retrieval:

Data are obtained from the employee or a supervisor.

(G) Legal Authority for Collection, Maintenance, and Use:

Connecticut General Statutes Sections 5-193 to 5-280, inclusive.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Education; finances; medical or emotional condition or history; employment or business history; family or personal relationships; and reputation or character.

(B) Categories of other data maintained may include the following:

Licensure in trade areas and certification in academic areas.

(C) Categories of persons on whom records are maintained are the following:

Applicants for vacancies and current employees of the State Department of Education.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

The files are maintained by the employees of the agency to identify applicants for employment vacancies. The personal data are used for supervisory purposes by the various managerial staff members.

(B) Retention Schedule:

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

§10-4-9

State Board of Education

Applicable retention schedules of state agencies.

(t) **Surrogate Parents.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Surrogate Parent Program.

(B) Location of System:

25 Industrial Park Road, Middletown, Connecticut.

(C) Automated, Manual, or Combination:

Combination.

(D) General Nature and Purpose:

Maintenance of a record of students for whom appointments of a surrogate parent are made by the Commissioner of Education.

(E) Title and Business Address of Responsible Official:

Chief, Bureau of Special Education and Pupil Services, 25 Industrial Park Road, Middletown, Connecticut.

(F) Routine Sources of Data Retrieval:

Data are received regarding a child's entitlement to have a surrogate parent appointed.

(G) Legal Authority for Collection, Maintenance and Use:

Connecticut General Statutes Sections 10-94g to 10-94k, inclusive.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Education; medical or emotional condition or history; and employment or business history.

(B) Categories of other data maintained may include the following:

Status of child or family with other agencies.

(C) Categories of persons on whom records are maintained are the following:

Children who are eligible or may be eligible for special education and related services who are eligible for a surrogate parent.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

Bureau of Special Education and Pupil Services selects surrogate parents for children in need of special education.

(B) Retention Schedule:

Applicable retention schedules for state agencies.

(u) **Teacher Certification Revocation.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Teacher Certification Revocation.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

State Board of Education

§10-4-9

Manual.

(D) General Nature and Purpose:

Maintenance of a record in order for the State Board of Education to determine the eligibility of a teacher to continue to hold his or her certificate.

(E) Title and Business Address of Responsible Official:

Chief, Office of Legal and Governmental Affairs, 165 Capitol Avenue, Hartford, Connecticut.

(F) Routine Sources of Data Retrieval:

Data consists of investigatory materials and any evidentiary exhibits accepted into the record before the State Board of Education.

(G) Legal Authority for Collection, Maintenance and Use:

Connecticut General Statutes Section 10-145b and the regulations thereunder.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Education; finances; medical or emotional condition or history; employment or business history; family or personal relationships; and reputation or character.

(B) Categories of other data maintained may include the following:

Any evidentiary submission that is accepted into the record, and any investigatory information concerning fraud or misrepresentation, neglect of duties, professional fitness, conviction of a crime involving moral turpitude or any other crime, and other due and sufficient causes.

(C) Categories of persons on whom records are maintained are the following:

Certified teachers pursuant to Section 10-145 of the Connecticut General Statutes.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

The State Board of Education compiles a record for review in order to determine whether probable cause exists to conduct a revocation hearing by the board and in order to render a decision following the revocation hearing.

(B) Retention Schedule:

Applicable retention schedules of state agencies.

(v) **Vocational-Technical School Student's Cumulative Record.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Student's Cumulative Record — Vocational Technical Schools.

(B) Location of System:

The directory listing of sites located at 165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Manual.

(D) General Nature and Purpose:

Maintain a cumulative record of each student attending the regional vocational-technical schools.

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

§10-4-9

State Board of Education

(E) Title and Business Address of Responsible Official:

Director of each vocational-technical school. A system directory listing is located at 165 Capitol Avenue, Hartford, Connecticut.

(F) Routine Sources of Data Retrieval:

The personal data are obtained from the student's sending school, the student or the student's parents or legal guardian. Medical information of the student may be obtained from the school physician, the student's personal physician, psychologist or other paraprofessional.

(G) Legal Authority for Collection, Maintenance, and Use:

Connecticut General Statutes Section 10-95.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Education; medical or emotional condition or history; family or personal relationships; and reputation or character.

(B) Categories of other data maintained may include the following:

Personal information for counseling purposes.

(C) Categories of persons on whom records are maintained are the following: Applicants for admission; students currently enrolled; and former students.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

Instructional staff as well as support staff such as psychologists or social workers routinely use the personal data in order to identify and respond to educational or personal needs of students.

(B) Retention Schedule:

Applicable retention schedules for state agencies unless otherwise specifically required by state or federal law.

(w) **Gun Free Schools Disciplinary Report.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Gun Free Schools Disciplinary Report.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Automated.

(D) General Nature and Purpose:

The program is used to aggregate data on the numbers of firearms or explosive devices that have been possessed by students on school property or at a school-sponsored event and the resulting disciplinary action taken.

(E) Title and Business Address of Responsible Official:

Bureau Chief, Bureau of Curriculum and Instructional Programs, 165 Capitol Avenue, Hartford, Connecticut.

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

State Board of Education

§10-4-9

(F) Routine Sources of Data Retrieval:

Data is retrieved by procedures used for PC.

(G) Legal Authority for Collection, Maintenance, and Use:

Connecticut General Statutes Section 10-233c (j).

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Name of school, number of students expelled, and type of weapon confiscated.

(B) Categories of other data maintained may include the following:

None.

(C) Categories of persons on whom records are maintained are the following:

Public school students who were expelled for firearms or explosive devices on school property or at a school-sponsored event.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

Annual report to the U.S. Secretary of Education.

(B) Retention Schedule:

Three years minimum.

(x) **Special Education Due Process Data.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Special Education Due Process Data.

(B) Location of System:

Bureau of Special Education and Pupil Services, 25 Industrial Park Road, Middletown, Connecticut.

(C) Automated, Manual, or Combination:

Automated.

(D) General Nature and Purpose:

Data related to hearing and mediation proceedings. Maintain data related to hearings and mediations for statistical analysis.

(E) Title and Business Address of Responsible Official:

Education Consultant, 25 Industrial Park Road, Middletown, Connecticut.

(F) Routine Sources of Data Retrieval:

Data received from information submitted in official hearing and mediation record.

(G) Legal Authority for Collection, Maintenance, and Use:

Individuals with a Disability Education Act (IDEA) and Section 10-76h of the Connecticut General Statutes.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Name, disability, age and gender of child.

(B) Categories of other data maintained may include the following:

Name of school and district; names of attorneys; issues; dates of hearing; decisions date;

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

§10-4-9

State Board of Education

disposition of case and identification of prevailing party.

(C) Categories of persons on whom records are maintained are the following:

Children with disabilities.

(3) Uses to be made of personal data.

(A) Routine use of records:

Statistical analysis.

(B) Retention schedule:

Five years.

(y) **Adult Education Database Management.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Adult Education Database Management.

(B) Location of System:

25 Industrial Park Road, Middletown, Connecticut.

(C) Automated, Manual, or Combination:

Automated.

(D) General Nature and Purpose:

To document student achievement for individuals enrolled in mandated adult education programs, provide documentation for credits in adult diploma programs and programs funded in conjunction with other state agencies.

(E) Title and Business Address of Responsible Official:

Chief, Bureau of Adult Education and Training, 25 Industrial Park Road, Middletown, Connecticut.

(F) Routine Sources of Data Retrieval:

Data are obtained from the applicant, prior schools attended, and any verifiable source.

(G) Legal Authority for Collection, Maintenance, and Use:

Connecticut General Statutes Sections 10-67 to 10-73c, inclusive.

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:

Student demographic data and student attendance data.

(B) Categories of other data maintained may include the following:

Program data, test data and achievement data.

(C) Categories of persons on whom records are maintained are the following:

Students enrolled in mandated adult education programs offered under Connecticut General Statutes 10-67 to 10-73c, inclusive, and 10-5, and P.L. 100-297, as amended.

(3) Uses to be made of personal data.

(A) Routine use of records:

Federal and state reporting.

(B) Retention Schedule:

Five years.

(Effective July 28, 1986; Effective March 31, 1998)

Sec. 10-4-10. Maintenance of personal data

(a) All Personal Data Systems.

(1) Personal data will not be maintained unless relevant and necessary to accomplish the lawful purposes of the agency. Where an agency finds irrelevant or unnecessary public records in its possession, the agency shall dispose of the records in accordance with its records retention schedule and with the approval of the Public Records Administrator as per Connecticut General Statutes Section 11-8a, or, if the records are not disposable under the records retention schedule, request permission from the Public Records Administrator to dispose of the records under Connecticut General Statutes Section 11-8a.

(2) The agency will collect and maintain all records with accurateness and completeness.

(3) Insofar as it is consistent with the needs and mission of the agency, the agency, wherever practical, shall collect personal data directly from the persons to whom a record pertains.

(4) Agency employees involved in the operations of the agency's personal data systems will be informed of the provisions of the (i) personal data act, (ii) the agency's regulations adopted pursuant to Section 4-196, (iii) the Freedom of Information Act and (iv) any other state or federal statute or regulations concerning maintenance or disclosure of personal data kept by the agency.

(5) All agency employees shall take reasonable precautions to protect personal data under their custody from the danger of fire, theft, flood, natural disaster and other physical threats.

(6) The agency shall incorporate by reference the provisions of the Personal Data Act and regulations promulgated thereunder in all contracts, agreements or licenses for the operation of a personal data system or for research, evaluation and reporting of personal data for the agency or on its behalf.

(7) The agency requesting personal data from any other state or federal agency shall have an independent obligation to insure that the personal data is properly maintained.

(8) Only agency employees who have a specific need to review personal data records for lawful purposes of the agency will be entitled to access to such records under the Personal Data Act.

(9) The agency will keep a written up-to-date list of individuals entitled to access to each of the agency's personal data systems.

(10) The agency will insure against unnecessary duplication of personal data records. In the event it is necessary to send personal data records through interdepartmental mail, such records will be sent in envelopes or boxes sealed and marked "confidential."

(11) The agency will insure that all records in manual personal data systems are kept under lock and key and, to the greatest extent practical, are kept in controlled access areas.

(b) Automated Personal Data Systems

(1) The agency shall, to the greatest extent practical, locate automated equipment and records in a limited access area.

(2) To the greatest extent practical, the agency shall require visitors to such area to sign a visitor's log and permit access to said area on a bona-fide need-to-enter basis only.

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

§10-4-10

State Board of Education

(3) The agency, to the greatest extent practical, will insure that regular access to automated equipment is limited to operations personnel.

(4) The agency shall utilize appropriate access control mechanisms to prevent disclosure of personal data to unauthorized individuals.

(c) Disclosure of Personal Data to Person.

(1) Within four business days of receipt of a written request therefor, the agency shall mail or deliver to the requesting individual a written response in plain language, informing him/her as to whether or not the agency maintains personal data on that individual, the category and location of the personal data maintained on that individual and procedures available to review the records.

(2) Except where nondisclosure is required or specifically permitted by law, the agency shall disclose to any person upon written request all personal data concerning that individual which is maintained by the agency. The procedures for disclosure shall be in accordance with Connecticut General Statutes Sections 1-15 through 1-21k. If the personal data is maintained in coded form, the agency shall transcribe the data into a commonly understandable form before disclosure.

(3) The agency is responsible for reasonable verification of the identity of any person requesting access to his/her own personal data.

(4) The agency is responsible for ensuring that disclosure made pursuant to the Personal Data Act is conducted so as not to disclose any personal data concerning persons other than the person requesting the information.

(5) An agency may refuse to disclose to a person medical, psychiatric or psychological data on that person if the agency determines that such disclosure would be detrimental to that person.

(6) In any case where the agency refuses disclosure, it shall advise that person of his/her right to seek judicial relief pursuant to the Personal Data Act.

(7) If the agency refuses to disclose medical, psychiatric or psychological data to a person based on its determination that disclosure would be detrimental to that person and nondisclosure is not mandated by law, the agency shall, at the written request of such person, permit a qualified medical doctor to review the personal data contained in the person's record to determine if the personal data should be disclosed. If disclosure is recommended by the person's medical doctor, the agency shall disclose the personal data to such person; if nondisclosure is recommended by such persons' medical doctor, the agency shall not disclose the personal data and shall inform such person of the judicial relief provided under the Personal Data Act.

(8) The agency shall maintain a complete log of each person, individual, agency or organization who has obtained access or to whom disclosure has been made of personal data under the Personal Data Act, together with the reason for each such disclosure or access. This log must be maintained for not less than five years from the date of such disclosure or access or for the life of the personal data record, whichever is longer.

(d) Notice of Disclosure to a State Agency.

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

State Board of Education

§10-4-11

When an individual is asked to supply personal data to a state agency, including the agency, the agency shall disclose to that individual, upon request:

- (1) The name of such agency and division within such agency requesting the personal data;
- (2) The legal authority under which such agency is empowered to collect and maintain the personal data;
- (3) The individual's rights pertaining to such records under the Personal Data Act and agency regulations;
- (4) The known consequences arising from supplying or refusing to supply the requested personal data; and
- (5) The proposed use to be made of the requested personal data.

(e) Procedures for Contesting the Content of Personal Data Records.

(1) Any person who believes that the agency is maintaining inaccurate, incomplete or irrelevant personal data concerning him/her may file a written request with the agency for correction of said personal data.

(2) Within 30 days of receipt of such request, the agency shall give written notice to that person that it will make the requested correction, or if the correction is not to be made as submitted, the agency shall state the reason for its denial of such request and notify the person of his/her right to add his/her own statement to his/her personal data records.

(3) Following such denial by the agency, the person requesting such correction shall be permitted to add a statement to his or her personal data record setting forth what that person believes to be an accurate, complete and relevant version of the personal data in question. Such statements shall become a permanent part of the agency's personal data system and shall be disclosed to any individual, agency or organization to which the disputed personal data is disclosed.

(Effective July 28, 1986)

Rules of Practice

Sec. 10-4-11. Introduction

The rules which follow govern practice and procedure before the Board, the Commissioner, the Department or any hearing panel authorized to make or propose decisions on behalf of the Board, the Commissioner or Department. These rules are intended to be read in a manner which is consistent with the requirements of due process and any other statute, regulation or court order providing more specific procedure for particular proceedings. To the extent that any provision in these rules is inconsistent with more specific procedures required by law in particular proceedings, the more specific requirement shall take precedence.

(Effective June 26, 1990)

Sec. 10-4-12. Definitions

As used in Sections 10-4-11 through 10-4-26, inclusive:

(a) “Agency” means the Board, Commissioner, Department, or designated hearing panel, as applicable;

(b) “Board” means the State Board of Education.

(c) “Commissioner” means the Commissioner of Education.

(d) “Department” means the Department of Education.

(e) “Filing” means receipt.

(f) “Hearing Panel” means one or more designated members of the Board, the Commissioner, the Department or one or more duly designated individuals appointed by the Board, the Commissioner or other legally constituted hearing body.

(g) “Intervenor” means each person, other than a party, allowed to participate in a contested case.

(h) “Person” means any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character.

(Effective June 26, 1990)

Sec. 10-4-13. General rules of practice before the agency

(a) **Service.** Service of all documents and other papers filed in all proceedings, including, but not limited to, complaints, motions, petitions, applications, notices, briefs, and exhibits shall be by personal delivery or by first class mail, except as otherwise provided.

(b) **Extensions of Time.** Except as otherwise provided, the agency may, for good cause shown, extend any time limits prescribed or allowed by these rules. Each request for extension shall be requested prior to the expiration of the prescribed period.

(c) **Consolidation of Proceedings.** Proceedings involving related questions of law or fact may be consolidated at the discretion of the agency.

(d) **Transcripts.**

(1) **Transcript and Record.** A verbatim record of all hearings in a contested case shall be taken. Any party or other person requesting transcription of the verbatim record shall pay the reasonable cost of preparing such copy, except as otherwise provided by law.

(2) **Transcript Corrections.** Transcript corrections may be incorporated into the record, upon approval by the agency, at any time during the hearing or after the close of evidence, but not more than ten (10) days from the date of receipt of the transcript by the requesting party. The agency may call for the submission of proposed corrections and may make disposition thereof at appropriate times during the course of the proceeding.

(e) **Waiver of Rules.** The agency may waive application of these rules for good cause shown, except where specifically precluded by law.

(f) **Rules of Conduct.** Where applicable, the canons of professional ethics and the canons of judicial ethics adopted and approved by the judges of the superior court shall govern the conduct of the agency, state employees, and all attorneys, agents, representatives, and any other persons who shall appear in any proceeding or in any contested case on behalf of any

person.

(Effective June 26, 1990)

Contested Cases Generally

Sec. 10-4-14. Contested cases generally

The rules in Sections 10-4-11 through 10-4-19 set forth procedures to be followed by the agency in contested cases as defined in Chapter 54 of the General Statutes.

(Effective June 26, 1990)

Sec. 10-4-15. Parties and intervenor

(a) **Designation of Parties.** In issuing the notice of hearing, the presiding officer will designate as parties those persons whose participation is necessary to the proper disposition of a contested case. All other persons proposing to be named or admitted as parties shall apply for such designation in the manner hereinafter described.

(b) **Application to be Designated a Party.**

(1) Filing of Petition. Any person not designated as a party may file, with the presiding officer, a written petition to be so designated, such petition to be filed not later than five (5) days before the date of the initial hearing. Copies of such petition shall be mailed to all parties. The time period may be waived for good cause shown.

(2) Contents of Petition. The petition shall state the name and address of the petitioner; describe the manner in which the petitioner claims to be specifically affected by the proceeding; state the issues to be decided, the relief sought and the statutory or other authority therefor, and the nature of the evidence, if any, that the petitioner intends to present in event that the petitioner is designated as a party.

(3) Designation as Party. The agency shall consider in a timely manner, all such petitions and shall designate as a party any person whose legal rights, duties or privileges will be affected by the decision of the agency or any person who is determined to be necessary to the proper disposition of the contested case, unless such person's interests are deemed to be satisfactorily represented by the existing parties.

(c) **Application to be an Intervenor.**

(1) Request to Participate. At least five (5) days before the date of the initial hearing any person may file a written petition that the presiding officer permit that person to participate in the hearing as an intervenor. Copies of such petition shall be mailed to all parties. The time period may be waived for good cause shown.

(2) Contents of Request. In so requesting, the proposed intervenor shall state the person's name and address and shall specifically state facts that demonstrate the petitioner's participation is in the interests of justice. The proposed intervenor shall further state in what way and to what extent that person proposes to participate in the hearing.

(3) Designation as Intervenor. The presiding officer will determine the proposed intervenor's participation in the hearing, taking into account whether such participation will

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

§10-4-16

State Board of Education

furnish assistance in resolving the issues of the contested case and whether such participation will impair the orderly conduct of the hearing.

(d) **Participation by Intervenor.** The intervenor's participation shall be limited to those particular issues, that state of the proceedings, and that degree of involvement in the presentation of evidence and argument that the agency shall expressly permit at the time such intervention is allowed.

(Effective June 26, 1990)

Sec. 10-4-16. Hearings

(a) **Place of Hearings.** Unless by statute or by direction of the agency a different place is designated, all hearings shall be held at the Department.

(b) **Notice of Hearings.**

(1) **Persons Notified.** Notice of a hearing in any contested case shall be given to all parties, to all persons who have become intervenors, to all persons otherwise required by statute to be notified, and to such additional persons as the agency shall direct. Notice may be given by newspaper publication and by such other means that the agency may deem appropriate.

(2) **Contents of Notice.** The notice shall contain

(A) A statement of the time, place, and nature of the hearing;

(B) A statement of the legal authority and jurisdiction under which the hearing is to be held;

(C) A reference to the particular sections of the statutes and regulations involved; and

(D) A short and plain statement of the matters asserted. If the agency or party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.

(3) **Length of Notice.** Unless otherwise provided by law, or unless the agency finds that a shorter period of notice is reasonable and consistent with the public interest, notice of a hearing shall be given at least fourteen (14) days prior thereto.

(4) **Continuances.** For good cause shown, the agency may grant a continuance.

(c) **Witnesses, Subpoena, and Production of Records.** The presiding officer may, if it is necessary for a just resolution of a contested case, cause subpoenas to be issued directing any person whose testimony may be related to the matters before the agency to appear and give such evidence as is necessary. Said subpoena may direct the production for examination of any records or documents or other evidence relating to the issues before the agency.

(d) **Conduct of Hearing.**

(1) **Purpose of Hearing.** The purpose of any hearing in a contested case is to provide the parties an opportunity to present evidence and argument on all issues to be considered by the agency.

(2) **Order of Procedure.** The order of procedure at hearings shall be determined by the agency.

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

State Board of Education

§10-4-16

(3) **Limiting Number of Witnesses.** To avoid unnecessary cumulative evidence, the agency may limit the number of witnesses or the time for testimony upon a particular issue in the course of any hearing.

(4) **Written Testimony.** The agency may permit any party or witness to offer testimony in written form. Such written testimony shall be received in evidence with the same force and effect as though it were stated orally by the party or witness who has given the evidence, provided that each such party or witness shall be present at the hearing at which the testimony is offered, shall adopt the written testimony under oath, and shall be made available for cross examination as directed by the agency. Prior to its admission such written testimony shall be subject to objections by parties.

(e) Rules of Evidence.

(1) **General.** Any oral or documentary evidence may be received, but it shall be the policy of the agency to exclude irrelevant, immaterial or unduly repetitious evidence. The agency shall give effect to the rules of privilege recognized by law, where appropriate to the conduct of the hearing.

(2) **Documentary Evidence, Copies.** Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available, and upon request, parties and the agency conducting the proceeding shall be given an opportunity to compare the copy with the original.

(3) **Cross Examination.** Cross examination, as the agency shall find to be required for a full and true disclosure of the facts, shall be permitted.

(4) **Facts Noticed.** The agency may take administrative notice of judicially cognizable facts, including the records and the prior decisions and orders of the agency.

(5) **Facts Noticed, Scope and Procedure.** The agency may take administrative notice of generally recognized technical or scientific facts within its knowledge. Parties shall be afforded an opportunity to contest the material so noticed by being notified before or during the hearing, or by an appropriate reference in preliminary reports or otherwise of the material noticed. The agency shall employ its experience, technical competence, and specialized knowledge in evaluating the evidence presented at the hearing for the purpose of making its findings of fact and arriving at a final decision.

(f) Stipulations. Parties may by stipulation in writing filed with the agency, agree upon the facts or any portion thereof, which stipulation may be entered as evidence at the hearing. The agency may require such additional evidence as it deems necessary.

(g) Filing of Added Exhibits.

(1) **Additional Evidence.** At any stage of the hearing the agency may call for further evidence upon any issue, and require such evidence to be produced by the party or parties concerned or by the Department, either at that hearing or adjournments thereof. At the hearing, the agency may authorize any party to file specific documentary evidence as a part of the record within a specified time, provided that every other party shall be afforded a reasonable opportunity to review and rebut said evidence.

(2) **Filing of Documents Subsequent to Hearing.** The presiding officer may order or may,

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

§10-4-17

State Board of Education

for good cause shown, allow the parties to file evidentiary documents of any kind, or exhibits, at a time subsequent to the completion of the hearing, such time to be determined by the agency. If a request for such subsequent filing is granted, the requesting party shall on or before the date set for filing, send copies of all documents or exhibits which are the subject of the request to all parties. If such requirement for copies is impracticable, the agency may suspend the above provisions; in such cases, the agency shall allow reasonable inspection of the original by all parties. Other parties may file additional documentary evidence to rebut or explain such late filed exhibit.

(h) **Oral Argument, When Made.** When, in the opinion of the presiding officer, time permits and the nature of the proceedings, the complexity or importance of the issues of fact or law involved, and the public interest warrant, the agency, either on its own motion or at the request of a party at or before the close of the taking of testimony may allow and fix a time for the presentation of oral argument, imposing such limits of time on the argument as deemed appropriate in the proceeding.

(i) **Briefs.**

(1) General. Briefs may be filed by a party either before or during the course of the hearing, or within such time thereafter as the agency shall designate. The order of filing briefs after the hearing including reply briefs will be designated by the agency.

(2) Contents and Scope of Briefs, Proposed Findings and Order. Briefs may contain: (1) a concise statement of the case, (2) an abstract of the evidence relied upon by the party filing, with reference to the pages of record, if available, or exhibits where the evidence appears, (3) argument and authorities, and (4) proposed findings and conclusions and, if desired, a proposed form of order or rule.

(j) **Disposition Without Hearing.** Unless precluded by law, any contested case may be resolved by stipulation, agreed settlement, consent order or default.

(k) **Statements by Other Than Parties or Intervenors.** Persons not named as parties or intervenors may, in the discretion of the presiding officer, be given an opportunity to present oral or written statements, provided such statement is given under oath or affirmation.

If such statements are to be considered as evidence, the presiding officer may give all parties the opportunity to challenge or rebut the statement and to cross-examine the maker of the statement.

(Effective June 26, 1990)

Sec. 10-4-17. Proposed final decision

This Section does not apply to a hearing panel action pursuant to Sections 10-76h or 10-186 of the General Statutes.

(a) The decision by a hearing panel shall be treated as a proposed final decision within the meaning of that term as it is used in Chapter 54 of the General Statutes, and as it is specifically used in Section 4-179.

(b) The hearing panel's proposed final decision shall not be adopted by the agency until

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

State Board of Education

§10-4-19

it has been served upon all parties, and until an opportunity has been afforded to each party adversely affected by the proposed decision to file exceptions, to present briefs, and to make oral argument before the agency. The agency may limit the period of time for argument by serving notice of such limitation upon all of the parties simultaneously with the proposed final decision. For good cause shown, the agency may extend the period of time for argument if the request is made in writing, stating the reasons therefor, and filed with the agency seven (7) days prior to the proceeding at which such proposed final decision is scheduled to be discussed or acted upon by the Board.

(c) In the proposed final decision to be served upon the parties, the hearing panel will set forth its summary of each issue of fact or law that it finds necessary to reach the conclusion contained in the proposed final decision.

(d) Compliance with the provisions of this section may be waived by a written stipulation of the parties.

(Effective June 26, 1990)

Sec. 10-4-18. Decision and record in a contested case

(a) **Final Decisions in a Contested Case.** All decisions and orders of the agency concluding a contested case shall be rendered within ninety days following the close of evidence or the due date for the filing of briefs, whichever is later, and shall be in writing or orally stated on the record and shall be made part of the record of such case. The agency shall state in the final decision the name of each party and the most recent mailing address, provided to the agency, of the party or his authorized representative. The final decision shall be delivered promptly to each party or his authorized representative, personally or by United States mail, certified or registered, postage prepaid, return receipt requested. The final decision shall be effective when personally delivered or mailed or on a later date specified by the agency.

(b) **Maintenance of Record.** The Department shall be responsible for keeping the record in all contested cases. The record shall consist of the notice of the hearing, the return receipt for any decisions or orders sent to the parties by registered mail and those items designated as part of the record. The Department shall also include all written orders and final decisions.

(Effective June 26, 1990)

Sec. 10-4-19. Reconsideration

(a) Within fifteen (15) days after personal delivery or mailing of a final decision, a party may file a written petition for reconsideration of the decision on the grounds that (1) an error of fact or law should be corrected; (2) new evidence has been discovered which materially affects the merits of the case and which for good reasons was not presented in the agency proceedings; or (3) other good cause.

Copies of said petition shall be mailed to all parties and intervenors.

(b) Within twenty-five (25) days of the filing of the petition, the agency shall determine whether reconsideration is appropriate, provided that if no decision is made within the

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

§10-4-20

State Board of Education

twenty-five days, it shall be considered a denial.

(c) Within ninety (90) days of the filing, the agency, if it determines that reconsideration is appropriate, shall commence additional proceedings consistent with the provisions of Sections 10-4-15 through 10-4-18, inclusive, of the regulations.

(Effective June 26, 1990)

Sec. 10-4-20. Declaratory rulings generally

The rules in Section 10-4-21 through 10-4-22 set forth the process whereby the agency shall consider petitions for declaratory rulings.

(Effective June 26, 1990)

Sec. 10-4-21. Procedure for filing a request for declaratory ruling

(a) **Who May File.** Any interested person(s) (hereinafter petitioner) may petition the agency, as appropriate, to issue a declaratory ruling regarding the validity of any regulation or the applicability to specified circumstances of any statute, regulation or order enforced, administered or promulgated by the agency.

(b) **Petition Requirements.**

(1) A petition for declaratory ruling shall meet the following requirements:

(A) The petition shall be in writing;

(B) The petition shall identify the particular statute, regulation or order and the particular aspect of it to which the petition is addressed;

(C) The petition shall clearly state the issue or issues upon which a declaratory ruling is requested as well as appropriate factual background;

(D) The petition shall be signed by the petitioner and state the petitioner's name and address. If the petitioner represents an organization, the name and address of the organization shall be included. Where applicable, the petition shall contain the name and address of the petitioner's counsel, agent or representative; and

(E) The petition shall be filed, either by mail or hand delivery, during normal business hours, with the Office of the Commissioner, at 165 Capitol Avenue, Hartford, Connecticut 06106.

(2) The petition may include argument in support of, or may be supplemented by a brief in support of the petitioner's position, with such legal citation as may be appropriate.

(3) The petitioner shall send a copy of the petition by registered or certified mail to any person or organization that may be immediately affected by the request.

(A) The petition shall include the names of the persons or organizations so notified.

(B) If the petitioner is in doubt as to whom should be notified, he or she may apply to the agency for an order of notice.

(Effective June 26, 1990)

Sec. 10-4-22. Procedure following filing of request for declaratory ruling

Within thirty days following receipt of the petition, the agency shall give notice to all

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

State Board of Education

§10-4-24

persons who are required to be so notified and to all persons who have requested notice of declaratory ruling petitions on the subject matter of the petition.

(a) The agency may give notice that a declaratory ruling has been requested to any person or organization and may receive and consider data, facts, arguments or opinions from persons other than the petitioner.

(b) The agency may demand such additional data, facts, arguments or opinions as may be relevant to the requested declaratory ruling.

(c) Within sixty days following receipt of a petition for declaratory ruling, the agency shall determine whether to rule on the petition.

(1) If a ruling on the petition is denied, the agency shall send a written notice of the denial stating the reasons therefore to the petitioner and other interested persons or organizations.

(2) If a ruling on the petition is granted, the agency shall:

(A) Issue a declaratory ruling;

(B) Order the matter set for specified proceeding; or

(C) Agree to issue a declaratory ruling by a specified date.

(3) If the agency deems a hearing necessary or helpful in determining any issue concerning the petition for declaratory ruling, the agency shall schedule such hearing and give such notice thereof as shall be appropriate. The agency may appoint a hearing agent to conduct and report on the hearing.

(d) Within ninety (90) days following the close of evidence, or the filing of briefs, if appropriate, the agency shall render a written ruling and shall send it to the petitioner and other interested persons or organizations.

(Effective June 26, 1990)

Sec. 10-4-23. Requests for promulgation, amendment or repeal of a regulation, generally

The rules in Section 10-4-20 through 10-4-23, inclusive, set forth the process whereby the Board shall consider petitions requesting the promulgation, amendment or repeal of a regulation.

(Effective June 26, 1990)

Sec. 10-4-24. Procedures for filing request for promulgation, amendment or repeal of regulation

(a) **Who May File.** Any interested person(s) (hereinafter petitioner) may at any time petition the Board to promulgate, amend or repeal any regulation.

(b) **Petition Requirement.**

(1) A petition requesting promulgation, amendment or repeal of any regulation shall meet the following requirements:

(A) The petition shall be in writing;

(B) The petition shall clearly state the regulation(s) which petitioner would like

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

§10-4-25

State Board of Education

promulgated, amended or repealed;

(C) The petition shall state the statutory authority for the proposed changes, if applicable;

(D) The petition shall set forth clearly and concisely the text of the proposed change;

(E) The petition shall state the facts and arguments that favor the action it proposes by including such data, facts and arguments in the petition or in a brief annexed thereto;

(F) The petition shall be signed by the petitioner and state petitioner's name and address. If the petitioner represents an organization, the name and address of the organization shall be included. Where applicable, the petition shall contain the name and address of the petitioner's counsel, agent or representative; and,

(G) The petition shall be filed with the State Board of Education, either by mail or hand delivery, during normal business hours at 165 Capitol Avenue, Hartford, Connecticut 06106.

(Effective June 26, 1990)

Sec. 10-4-25. Procedure following filing of request for promulgation, amendment or repeal of regulation

(1) Within thirty (30) days following receipt of the petition, the Board shall determine whether to deny the petition or to initiate regulation making proceedings in accordance with the law.

(2) If the Board denies the petition, it shall give the petitioner notice in writing, stating the reasons for the denial.

(Effective June 26, 1990)

Sec. 10-4-26. Request for notice regarding proposed regulations

(a) **Who May File.** Any interested person(s) (hereinafter petitioner) may file at any time a request to receive notice of proposed regulations.

(b) **Form of Request.**

(1) A request to receive notice of proposed regulations shall meet the following requirements:

(A) The request shall be made in writing;

(B) The request shall clearly state the subject matter of any proposed regulation of interest;

(C) The petition shall be signed by the petitioner and state petitioner's name and address. If the petition represents an organization, the name and address of the organization shall be included.

(c) **The Effective Period.** The request for notification of proposed regulations shall be in effect only during the calendar year in which it is filed.

(Effective June 26, 1990)