

*Regulations of Connecticut State Agencies*

TITLE 10. Education and Culture

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*Agency*

**Board of Education and Services for the Blind**

*Subject*

**Program for Deaf-Blind Adults**

*Inclusive Sections*

**§§ 10-295-1—10-295-25**

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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:** Having combined vision and hearing losses which challenge a person's ability to communicate and interact with others, to access information and to move about safely.

(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

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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; Amended May 9, 2011)

**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; Amended May 9, 2011)

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**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; Amended May 9, 2011)

**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, deaf-blind 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

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which is consistent with the state board of education regulations as they apply to children requiring special education who are blind, visually impaired, deaf-blind, or blind or visually impaired with additional impairments.

(Effective October 25, 1989; Amended May 9, 2011)

**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 10-295-25.

(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 “legally blind” as defined in section 10-294a of the general statutes. 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, deaf-blind 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) “Deaf-blind” refers to having combined vision and hearing losses which challenge a person’s ability to communicate and interact with others, to access information and to move about safely.

(8) “Director” refers to the Executive Director of the Board of Education and Services for the Blind or the Director’s designee.

(9) “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.

(10) “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-

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determination and compensatory or functional academic skills, including communication modes.

(11) “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.

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

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

(14) “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.

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

(16) “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.

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

(18) “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.

(19) “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.

(20) “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.

(21) “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.

(22) “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.

(23) “TVI,” “Teacher of the Visually Impaired,” or “Teacher of Students with Visual



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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.

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(Effective October 25, 1989; Amended May 9, 2011)

**Sec. 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).

(Effective October 25, 1989; Amended May 9, 2011)

**Sec. 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.

(Effective October 25, 1989; Amended May 9, 2011)

**Sec. 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.

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(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.

(Effective October 25, 1989; Amended May 9, 2011)

**Sec. 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



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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.

(Effective October 25, 1989; Amended May 9, 2011)

**Sec. 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 deaf-blind;
- (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

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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.

(Effective October 25, 1989; Amended February 26, 2009; Amended May 9, 2011)

**Sec. 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)

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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.

(Effective October 25, 1989; Amended May 9, 2011)

**Sec. 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

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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.

(Effective May 9, 2011)

**Sec. 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.

(Effective May 9, 2011)

**Sec. 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.

(Effective May 9, 2011)

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**Sec. 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.

(Effective May 9, 2011)

**Sec. 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.

(Effective May 9, 2011)

**Sec. 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.

(Effective May 9, 2011)

**Sec. 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.

(Effective May 9, 2011)

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**Sec. 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.

(Effective May 9, 2011)

**Sec. 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.

(Effective May 9, 2011)

**Sec. 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.

(Effective May 9, 2011)

**Sec. 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



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applicable Education Plan.

(Effective May 9, 2011)

**Sec. 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.

(Effective May 9, 2011)

**Sec. 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.

(Effective May 9, 2011)

**Sec. 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

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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.

(Effective May 9, 2011)