

Regulations of Connecticut State Agencies

TITLE 10. Education and Culture

Agency

Board of Education and Services for the Blind

Subject

Agency Organization, Practice and Procedure

Inclusive Sections

§§ 10-293-1—10-293-51

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Agency Organization, Practice and Procedure

PART I: Description and Organization

Sec. 10-293-1. Description

The Board of Education and Services for the Blind is established and empowered pursuant to Section 10-293 of the General Statutes.

(Effective July 23, 1987)

Sec. 10-293-2. Functions

The board is generally authorized to exercise specified grants of authority for the administration of statutes that provide for the development and implementation of programs of service for persons who are blind or seriously visually impaired as defined in Section 10-294a of CGS and to visit, inspect and report concerning the Connecticut Institute for the Blind pursuant to Section 10-298 of CGS.

(Effective July 23, 1987)

Sec. 10-293-3. Official address

All communications shall be addressed to the Executive Director of the Board of Education and Services for the Blind, 170 Ridge Road, Wethersfield, Connecticut 06109.

(Effective July 23, 1987)

Sec. 10-293-4. Board operations and signature of documents

The duly authorized and official documents of the board of every description shall be signed in behalf of the board's executive director. In the absence of the executive director, his designee shall be empowered to sign in behalf of the board. The executive director of the board shall be the chief administrator of all programs of service operated by the board.

(Effective July 23, 1987)

Sec. 10-293-5. Organization

The board's administrative organizational structure shall consist of the executive director, appointed by the Governor pursuant to Section 10-294 of the general statutes, and the five (5) following organizational units directly responsible to the executive director.

(a) Division of Adult Services, responsible for specialized social, educational and teaching services to improve the overall quality of life for legally blind adults pursuant to Sections 10-293, 10-295 (c), 10-297 and 10-298 of CGS including:

- (1) legal benefits such as issuance of certificates of legal blindness;
- (2) social services to perform intake and complete a needs assessment;
- (3) orientation and mobility instruction and rehabilitation teaching to assist clients to increase their independence in such areas as travel, home management, leisure time activity, communication and instruction in braille;
- (4) interagency cooperation to assist elderly legally blind adults to remain in their homes;

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(5) provision of visual aids and supplemental relief as authorized;

(6) provision of adaptive equipment to increase independence in activities of daily living. Any adaptive equipment from the agency that is currently held by a client or any adaptive equipment from the agency received by a client shall be the property of such client. At such time as the client no longer desires the equipment, disposal shall be at the client's discretion. The cost of maintenance or repair of the equipment shall rest with the client. In circumstances where a client requests, the agency shall reimburse the client 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;

(7) camping vacations for a limited number of children and adults; and

(8) such other activity as may be assigned by the executive director.

(b) **Division of Business and Administration**, responsible for centralized management and activities pursuant to Sections 10-293, 10-294 and 10-298 of the general statutes through:

(1) the development of policy;

(2) establishment of standards, priorities and coordination of resources;

(3) development of budgets;

(4) performance of such functions as accounting, personnel, payroll, data processing and inventory and stores control;

(5) maintenance and disposal of equipment;

(6) coordination of affirmative action activity; and

(7) such other activity as may be assigned by the executive director.

(c) **Division of Children's Services**, responsible for a uniform system of special education from birth through high school graduation (or age 21) for blind or visually impaired children including such children with multiple handicaps, pursuant to Sections 10-295 (a) and 10-295 (b) of the general statutes, by providing specialized teaching, materials specific to the remediation or amelioration of the visual disability and funding for specialized programs. The Division of Children's Services may also be responsible for:

(1) direct instructional services provided by special education teachers who teach visually handicapped children the skills necessary to succeed in pre-school or public school programs such as braille and the use of low vision aids;

(2) maintenance of the division resource center which purchases and loans specialized materials and equipment essential to a visually handicapped child's education;

(3) provision of financial assistance to towns for sending multiply handicapped children to specialized residential and day programs; and

(4) such other activity as may be assigned by the executive director.

(d) **Division of Industries and Sales**, responsible for workshop programs pursuant to Sections 10-298a, 10-298b and 10-304 of the general statutes to enable legally blind adults to become more financially and socially independent through the provision of skill evaluation, behavior modification and work training. The division is also responsible pursuant to Sections 10-303 and 10-304 of the general statutes for the small business

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enterprise program which enables qualified legally blind adults to become more financially independent through the operation of food service and vending facilities located in municipal, state, federal and private buildings. The division's programs include:

(1) progressive levels of workshop programming to assist blind persons to improve work skills and potential for competitive work;

(2) a home industries program which serves older and multiply handicapped homebound adults with therapeutic work activity, training and supplemental income;

(3) a work activity center which serves multiply handicapped blind adults with few work skills who require a highly supportive work environment with income based on piece rate production; and

(4) a sheltered workshop which provides:

(A) productive work training and more income in a supportive setting; and

(B) a competitive work experience and income with support services as needed.

(5) ongoing supportive and management services to blind vending facility operators who, under contract with the division, run the facilities as small business enterprises; and

(6) such other activity as may be assigned by the executive director.

(e) **Division of Vocational Rehabilitation**, responsible to the executive director for increasing and enhancing the employability of blind persons through a wide range of individualized vocational rehabilitation services as set forth in Section 10-306 of the general statutes. The division is also responsible for the provision of orientation and mobility instruction to blind children and adults by teaching them the skills necessary for them to travel in a safe, independent and consistent manner. Such services are provided in accordance with Sections 10-295 (c) and 10-306 of the general statutes.

(Effective July 23, 1987; Amended February 26, 2009)

PART II: Rules of Practice Definitions

Sec. 10-293-6. Definitions

(a) **Definitions**

(1) The definitions provided by sections 4-166, 1-14, 1-18a, 10-294a through 10-300a inclusive, 10-303 and 10-306 of the general statutes shall govern the interpretation and application of Sections 10-293-6 through 10-293-25 of these regulations.

(2) "Board" means the board of education and services for the blind.

(3) "Executive Director" means the executive director of the board.

(4) "Hearing Officer" means the executive director, member of the board or an impartial person designated by the executive director to conduct hearings and recommend decisions.

(b) **Application and Construction**

This part of the regulations governs the practice and procedure before the board except where otherwise provided by state or federal statute or federal or board regulation. Any other procedural regulations of the board shall be construed so as to be consistent with this part.

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(c) Hearing Officers

The hearing officer shall be the executive director, a member of the board or any other person designated by the executive director in behalf of the board for the purpose of conducting any contested case to be heard under Chapter 54 of the general statutes. Such designation shall be limited to the particular contested case or investigation for which the appointment is made.

(1) The hearing officer shall convene and conduct all hearings required by law within the scope of the board and the executive director's designation. No testimony or argument shall become a part of the record or form a basis for any finding of the hearing officer unless the hearing officer is present in the place where the hearing is being conducted and personally hears or receives the testimony and argument there offered.

(2) The hearing officer shall examine witnesses under oath, receive oral and written evidence, rule on the admissibility of evidence, rule on the order in which the hearing is conducted and on all other aspects of its conduct in behalf of the board. Upon conclusion of the hearing, the hearing officer shall report to the board the hearing officer's proposed decision which shall include a statement of the reasons therefor and of each issue of fact and law necessary to the proposed decision.

(3) The hearing officer shall admit any person as a party if he/she is satisfied that:

(A) the person has rights, duties or privileges which are likely to be determined in such hearing; or

(B) the participation of such person as a party is necessary to the proper disposition of the hearing.

(4) Request for Party Status

(A) Any request for party status shall be made in writing unless made orally at the start of the hearing. If such request is made prior to the designation of a hearing officer, it shall be directed to the executive director. At any other time, such request shall be directed to the hearing officer. A copy of any written request shall be sent to all parties and to the appropriate unit of the board, and a list of the parties to whom the request was sent and a certification in substantially the following form shall be submitted to the executive director or the hearing officer, as applicable, with the request for party status:

I hereby certify that a copy of the above was mailed on (date) to all parties or their authorized representatives.

(signature of person mailing service)

(B) The hearing officer shall notify the person requesting party status of his/her decision, and, if the person is granted party status, the hearing officer shall notify all parties of such decision.

(Effective July 23, 1987)

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Sec. 10-293-7. Construction and amendment

These rules shall be so construed by the board and any hearing officer as to secure just, speedy and inexpensive determination of the issues presented hereunder. Amendments and additions to these rules may be adopted by the board by being duly promulgated as regulations in accordance with Chapter 54 of the General Statutes.

(Effective July 23, 1987)

Sec. 10-293-8. Extensions of time

Except as may be hereinafter provided, in the discretion of the board or any hearing officer, for good cause shown any time limit prescribed or allowed by these rules may be extended. All requests for extension shall be made before the expiration of the period originally prescribed or as previously extended.

(Effective July 23, 1987)

Sec. 10-293-9. Rules of conduct

Where applicable, the code of professional responsibility and the code of judicial conduct adopted and approved by the judges of the Superior Court govern the conduct of the board and all attorneys, agents, representatives and other persons who shall appear before the board or any hearing officer in any hearing or contested case.

(Effective July 23, 1987)

Sec. 10-293-10. Ex parte communication

Unless required for the disposition of ex parte matters authorized by law, neither the board, executive director nor any hearing officer or state employee assigned to assist such officer shall communicate directly or indirectly with any person or party concerning any issue of fact or with any party in connection with any issue of law involved in a contested case that has been commenced under these rules, except upon notice and opportunity for all parties to participate. Any hearing officer and the board may communicate with each other ex parte and may have the aid and advice of such members of the board's staff as are assigned to assist them in such contested case. In a contested case, this rule shall not be construed to preclude such routine communications as are necessary to permit the board staff, not assigned to render a decision or to make findings of fact and conclusions of law in a contested case, to investigate facts and to conduct the informal conferences that may be held pursuant to these rules of practice at any time before, during and after the hearing thereof.

(Effective July 23, 1987)

Sec. 10-293-11. Signatures

Every complaint, application, notice, motion, petition, brief and memorandum shall be signed in behalf of the person filing same. The board or the hearing officer, in their sound

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discretion, may waive the requirements of this section where justice so requires.

(Effective July 23, 1987)

Sec. 10-293-12. Service

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

(b) **On whom served.** All such documents and other papers shall be served by the person filing the same on every party in the proceeding and all such additional persons as the board or any hearing officer shall direct.

(c) **Service by the board.** A copy of any document or other paper served by the board, showing the addresses to whom the document or other paper was mailed and the date of mailing, shall be placed in the board's files and shall be prima facie evidence of such service and the date thereof.

(d) **Service as written notice.** Written notice of all orders, decisions or authorizations, issued by the board or any hearing officer shall be given to the party or his representative affected thereby and to such other person as the executive director or any hearing officer may deem appropriate by personal service upon such person or by certified mail return receipt requested.

(Effective July 23, 1987)

Sec. 10-293-13. Participation by persons other than parties

(a) **Permission to participate.** At any time prior to the commencement of oral testimony in any hearing on a contested case any person may request that the presiding officer permit that person to participate in the hearing. Any person not a party that is so permitted to participate in the hearing will be identified an intervenor in these regulations and will participate in those portions of the contested case that the presiding officer shall expressly allow.

(b) **Status of a non-party that has been admitted to participate.** No grant of leave to participate in the hearing as an intervenor or in any other manner shall be deemed to be an admission by the board that the person it has permitted to participate is a person that may be aggrieved by any final decision, order, or ruling of the board.

(Effective July 23, 1987)

Sec. 10-293-14. Representation of parties and intervenors

Each person authorized to participate in a contested case as a party or as an intervenor shall file a written notice of appearance with the hearing officer. Such appearance may be filed in behalf of parties and intervenors by an attorney, an agent, or other duly authorized representative subject to the rules hereinabove stated, setting forth the address and telephone number of such party or intervenor.

(Effective July 23, 1987)

Sec. 10-293-15. Commencement of contested case

When a hearing is required by law, the contested case shall commence on the date of filing of the request for the hearing for purposes of Section 4-181 of the General Statutes.

(Effective July 23, 1987)

Sec. 10-293-16. Notice of hearings

(a) **Persons notified.** Except when the board shall otherwise direct, the board shall give written notice of a hearing in any pending matter to all parties, to all persons who have been permitted to participate as intervenors, to all persons otherwise required by statute to be notified, and to such other persons as have filed with the board their written request for notice of hearing in a particular matter. Written notice shall be given to such additional persons as the board shall direct. The board may give such public notice of the hearing as the board shall deem appropriate within the provisions of Sections 1-15, 1-18a, 1-19 to 1-19b, inclusive, and 1-21 to 1-21k, inclusive of the General Statutes.

(b) **Contents of notice.** Notice of a hearing shall include but shall not be limited to the following: (1) a statement of the time, place and nature of the hearing; (2) a statement of the legal authority and jurisdiction under which the hearing is to be held and the particular sections of the statutes and regulations involved; (3) a short and plain statement of fact describing the purpose of the hearing and the principal facts to be asserted therein or, in lieu thereof, a copy of the request for the hearing.

(Effective July 23, 1987)

Sec. 10-293-17. Hearings, general provisions

(a) **Purpose of hearing.** The purpose of any hearing the board conducts under Chapter 54 of the General Statutes, shall be to provide to all parties an opportunity to present evidence and argument on all issues to be considered by the board.

(b) **Order of presentation.** In hearings on complaints, applications and petitions, the party that shall open and close the presentation of any part of the matter shall be the complainant, applicant or petitioner, unless otherwise provided by the board or the hearing officer for good cause shown.

(c) **Limiting number of witnesses.** To avoid unnecessary cumulative evidence, the board or the presiding officer may limit the number of witnesses or the time for testimony upon a particular issue in the course of any hearing.

(d) **Written testimony.** The board may, by order of the hearing officer, permit any party 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 witness who has given the evidence, provided that each such 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 hearing officer. Prior to its admission such written testimony shall be subject to objections by parties.

(Effective July 23, 1987)

Sec. 10-293-18. Rules of evidence

The following rules of evidence shall be followed in the admission of testimony and exhibits in all hearings held under Chapter 54 of the General Statutes.

(a) **General.** Any oral or documentary evidence may be received; but the hearing officer shall, as a matter of policy, exclude irrelevant, immaterial or unduly repetitious evidence. The board or hearing officer shall give effect to the rules of privilege recognized by law in Connecticut where appropriate to the conduct of the hearing. Subject to these requirements and subject to the right of any party to cross examine, any testimony may be received in written form as herein provided.

(b) **Documentary evidence, copies.** Documentary evidence may be received at the discretion of the board or hearing officer in the form of copies or excerpts, if the original is not found readily available. Upon request by any party an opportunity shall be granted to compare the copy with the original, which shall be subject to production by the person offering such copies.

(c) **Cross examination.** Such cross examination may be conducted as the hearing officer shall find to be required for a full and true disclosure of the facts.

(d) **Facts noticed, board records.** The board may take administrative notice of judicially cognizable facts, including the records and the prior decisions and orders of the board. Any exhibit admitted as evidence by the board in a prior hearing may be offered as evidence in a subsequent hearing and admitted as an exhibit therein; but the board shall not deem such exhibit to be cognizable in whole or in part for this purpose and shall not consider any facts set forth therein unless such exhibit is duly admitted as evidence in the matter then being heard.

(e) **Facts noticed, scope and procedure.** The board may take administrative notice of generally recognized technical or scientific facts within the board's specialized 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 board shall nevertheless employ the board's 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.

(Effective July 23, 1987)

Sec. 10-293-19. Uncontested disposition of complaint, application or petition

Unless precluded by law, any complaint, application or petition may be resolved by stipulation, agreed settlement, consent order or default, subject to the order of the board. Upon such disposition a copy of the order of the board shall be served on each party.

(Effective July 23, 1987)

Sec. 10-293-20. Proposal for decision in a contested case

(a) The board will proceed in the following manner in contested cases where a majority

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of the board has not heard the case or read the record. If the decision is to be adverse to a complainant, applicant, petitioner, or any other party, the decision shall not be adopted by the board until a proposal for decision is served upon all of the 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 board. The board may limit the period of time for argument by serving notice of such limitation upon all of the parties simultaneously with the proposal for decision. For good cause shown, the board may enlarge the period of time for argument if the request is made in writing, stating the reasons therefor, and filed with the board on or before the Friday immediately prior to the proceeding at which such proposal for decision is scheduled to be discussed and/or acted upon by the board.

(b) In the proposal for decision to be served upon the parties, the hearing officer will set forth his/her reasons therefor and a statement of each issue of fact or law that he/she finds necessary to reach the conclusion contained in the proposed decision.

(c) Compliance with the above-stated requirement concerning the proposal for decision may be waived by a written stipulation of the parties.

(Effective July 23, 1987)

Sec. 10-293-21. Contents of the record in a contested case

The record of a hearing in a contested case shall include: (1) all motions, applications, petitions, complaints, responding pleadings, bills of particulars, notices of hearing, and intermediate rulings; (2) the evidence received and considered by the board; (3) questions and offers of proof, objections, and the presiding officer's rulings thereof during the hearing; and (4) the decision, opinion or report by the hearing officer to the board.

(Effective July 23, 1987)

Sec. 10-293-22. Requests for hearing general rule

These rules set forth the procedure to be followed by any person requesting a hearing under Sections 10-295 (a) through 10-295 (d) inclusive, 10-296, 10-297, 10-298, 10-298a and 10-298b, 10-300, 10-300a, 10-304 and 10-309 of the General Statutes.

All complaints shall be in writing and shall include the following components:

(a) the exact legal name of each person seeking relief and the address or principal place of business of each such person;

(b) a concise and explicit statement of the facts on which the board is expected to reply in granting the relief sought including but not limited to:

(1) the date of the alleged cause of the complaint;

(2) the substance of the circumstances and situation which formulate the basis for the complaint;

(3) the relief sought.

(Effective July 23, 1987)

Sec. 10-293-23. Procedure in response to complaint

The board may provide an opportunity for an informal conference to discuss the matter prior to any formal hearing. The board or hearing officer may require the attendance of the complainant and all other parties at such an informal conference at a time and place designated for the purpose of reaching an informal resolution of the matter or to determine the merit of conducting a formal hearing. Upon failure to resolve the matter at the informal conference and upon determining that a formal hearing is to be conducted as a contested case, the board or hearing officer shall order a hearing at a designated time and place. The board or hearing officer will give notice of the hearing in the form and manner hereinabove provided by these rules of practice. Such notice shall be sent to all parties against whom the complaint is asserted, together with a copy of the complaint.

(Effective July 23, 1987)

Sec. 10-293-24. Final decision

Following receipt of exceptions or briefs, and after oral argument, if any, the board shall render a final decision in accordance with Section 4-180 (a) of the General Statutes, as amended.

(a) The board may affirm, modify or reverse a proposed decision in whole or in part. The board or executive director may remand the matter to the hearing officer for further proceedings, including the reopening of the hearing for any stated purpose.

(b) All final decisions shall be in writing and signed by the executive director and a copy shall be sent by certified mail, return receipt requested to each party. A final decision shall be effective upon receipt or as stated in the decision, whichever is later.

(c) If a decision is made to remand or reopen a hearing, the hearing officer shall, as applicable, issue a revised proposed decision upon completion of the hearing, which decision shall be subject to the provisions of this section. Such remanded or reopened hearings shall be limited to the issues specified in the notice thereof.

(Effective July 23, 1987)

Sec. 10-293-25. Declaratory rulings

Petition for Declaratory Ruling

(a) Any person may at any time petition the board to make a declaratory ruling as provided by section 4-176 of the General Statutes. The petition shall be addressed to the executive director and state clearly and particularly the facts which give rise to the petition; identify the statute, regulation or order and the particular aspect of it to which the request is addressed; and state clearly and concisely the question or questions for which the petitioner requests a declaratory ruling. The petitioner shall sign the petition and include his or her name and address, and the name and address of his or her counsel, agent or representative, if any.

(b) Within thirty (30) days following receipt of a petition, the board shall determine whether to grant or deny the petition.

(c) If the board denies the petition, the executive director shall give the petitioner notice in writing stating the reasons for the denial based upon the data, facts and arguments submitted with the petition by the petitioner and upon such additional data, facts and arguments as the board shall deem appropriate.

(d) If the board deems a hearing necessary or helpful in determining any issue concerning the request for a declaratory ruling, the board shall schedule such hearing. The board shall provide for notice of hearing to be given by the petitioner to all parties who may be affected by or have an interest in the declaratory ruling.

(e) Any hearing held by the board concerning any issue raised in a petition for a declaratory ruling and any decision rendered by the board shall be conducted and rendered in accordance with these regulations.

(Effective July 23, 1987)

Sec. 10-293-26—10-293-34. Reserved

Maintenance of Personal Data

Sec. 10-293-35. Personal data

(a) Definitions

In addition to the terms defined in Sections 4-190 and 10-306 of the Connecticut General Statutes, the following definitions shall apply to these regulations:

(1) “Category of Personal Data” means the classifications of personal information set forth in the Personal Data Act, Connecticut General Statute 4-190(9); and

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

(b) General Nature and Purpose of Personal Data Systems

(1) Except as otherwise specified in these regulations, all personal data systems operated or maintained by the board are located at the board’s official address which is 170 Ridge Road, Wethersfield, Connecticut.

(2) The board’s executive director is the responsible official for board personal data systems and all requests for disclosure or amendment of such records unless otherwise directed by these regulations should be made to the executive director at the address specified in subdivision (b) (1) of section 10-293-35.

(3) The board maintains six (6) personal data systems, the general nature and purpose of which are set forth in subparagraph (C) through (H) of section 10-293-35.

(4) In accordance with the Attorney General’s standards, the following information is provided for each personal data system:

- (A) Name of system;
- (B) Type of system (automated, manual or combination of both);
- (C) Purpose of system;
- (D) Routine sources of data for system;
- (E) Legal authority to collect, maintain and use personal data in the system;

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- (F) Categories of personal data maintained;
- (G) Categories of other data maintained;
- (H) Categories of persons on whom records are maintained;
- (I) Routine use of records, including types of users and purpose of use; and
- (J) Retention schedule adopted pursuant to Section 11-8a of the Connecticut General Statutes, if applicable.

(Effective July 28, 1988)

Sec. 10-293-36. Personnel records

The following information concerns the board's maintenance and use of records pertaining to the board's personnel:

- (1) Name: Board of Education and Services for the Blind Personnel File.
- (2) Type: Personnel records are maintained in both automated and manual form.
- (3) Purpose: Personnel records are maintained for the purpose of providing a history of payroll, budgeting, evaluation, discipline, health, employment qualifications and any other information necessary for the conduct of the board's personnel and employee related functions.

(4) Source of Data: Routine sources of information contained in personnel records may include the employee, previous employers of the employee, references provided by applicants, the employee's supervisor, attendance sheets, contracts, the Comptroller's Office, Department of Administrative Services, Division of Personnel and Labor Relations and state insurance carriers.

(5) Legal Authority: Personal data in personnel records are collected, maintained and used under authority of the State Personnel Act, Connecticut General Statutes, Section 5-193 et seq.

(6) Categories of Personal Data: Categories of personal data maintained in personnel records may include:

(A) financial information such as longevity payments, compensation plan, payroll and deductions; and

(B) employment information such as starting date, attendance information, vacation, sick and personal leave days accrued and used, title of position, and performance appraisal.

(7) Categories of other Data: include name, address, employee number, social security number, date of birth, designation of status as veteran, racial/ethnic designation and designation if handicapped.

(8) Category of Person: personnel records are maintained on all classified and unclassified employees of the board and on applicants for employment.

(9) Use of Records: Records in the Board of Education and Services for the Blind Personnel File are used by persons identified in subsection 10-293-50 (a) (1) of these regulations to:

(A) plan payroll and calculate budget;

(B) process promotions, reclassifications, transfers to another state agency and retirement;

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and

(C) assist in evaluation performance and other personnel functions.

(10) Retention Schedule: Financial records are retained until audited or three (3) years, whichever is later unless otherwise specified except that other state service records must be maintained for fifty-five (55) years.

(Effective July 28, 1988)

Sec. 10-293-37. Special education records

The following information concerns the maintenance and use of records in the board's special educational programs:

(1) Name: Special Education Program File

(2) Type: Automated and Manual

(3) Purpose: to enable the board to meet the requirements of Section 10-295 of the Connecticut General Statutes to provide special educational programs to all residents of the state who, because of blindness or impaired vision, require such special education.

(4) Source of Data: Routine sources of information maintained in the special educational program file include the student, the student's parents, physicians and other health care professionals or providers, and educational professionals and institutions.

(5) Legal Authority: Section 10-295 of CGS.

(6) Categories of Personal Data:

(A) Education including school name, level of study and performance or grade level;

(B) Health including physical and mental capacities, medical diagnosis, history of treatment and prognosis;

(C) Educational and vocational including vocational potential, psychological and other test results, pupil placement team reports and individual educational plans; and

(D) Financial including cost of student program.

(7) Categories of other Data: student name, address, date of birth, telephone number, social security number and case record number.

(8) Category of Person: blind or seriously visually impaired residents of the state regardless of age, requiring special educational programs.

(9) Use of Records: information in the special educational program files used by persons identified in Section 10-293-50 (a) (2) of these regulations to:

(A) establish eligibility for services;

(B) assist in selection of an appropriate program of study for each eligible applicant or student;

(C) establish the basis of cost of each individual program of study;

(D) assist in budgeting for the total program.

(10) Retention Schedule: personal data, academic and attendance records are retained for fifty (50) years; special educational programming information is retained not longer than six years after graduation of the student or graduation of the class to which he/she belonged.

(Effective July 28, 1988)

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Sec. 10-293-38. Register of blind

The following information is used in maintaining a registry of blind persons in the state:

- (1) Name: Register of Blind Persons.
- (2) Type of System: both automated and manual.
- (3) Purpose: to allow the board to meet the requirements of Sections 10-208 and 10-305 of CGS to prepare and maintain a registry of blind in the state including cause of blindness and capacity for education and industrial training.
- (4) Source of Data: routine sources of information are the blind or visually impaired person, physicians, optometrists, educational institutions and other state agencies such as the Division of Vocational Rehabilitation.
- (5) Legal Authority: Sections 10-298 and 10-305 of CGS.
- (6) Categories of Personal Data:
 - (A) medical including diagnosis, cause of blindness and prognosis;
 - (B) educational including grade level, performance level and potential for learning; and
 - (C) vocational including work history, vocational capacities and interests.
- (7) Categories of other Data: blind person's name, address, birth date and telephone number.
- (8) Category of Person: a register is maintained of all persons in the state who are reported to the board as being blind and may include persons who are reported as being seriously visually impaired and liable to become blind.
- (9) Use of Information: information in the Register of Blind Persons is used by persons identified in Section 10-293-50 (a) (3) of these regulations to:
 - (A) assist the board to work with other agencies;
 - (B) take measures to prevent blindness;
 - (C) develop resources to meet the educational, vocational, social and economic needs of blind persons;
 - (D) plan programs of training;
 - (E) determine the future need for resources; and
 - (F) to plan and prepare budget to meet the educational and vocational needs of blind persons.
- (10) Retention Schedule: the Register of Blind Persons is retained for five (5) years.

(Effective July 28, 1988)

Sec. 10-293-39. Workshop program file

The following information concerns the maintenance and use of records by the board in the operation of its workshop program.

- (1) Name: Workshop Program File.
- (2) Type: Automated and manual.
- (3) Purpose: To permit the board to meet its responsibility to develop and maintain workshops for training and employing blind persons in trades and occupations suited to their abilities; to aid blind persons to secure employment; to develop home industries; and

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to market their products and services.

(4) Source of Data: Routine sources of information maintained in the Workshop Program file are the blind person, physicians and other providers of medical and psychological services, the Division of Vocational Rehabilitation and other state agencies, educational institutions, previous employers of the blind person, workshop performance records, workshop evaluator and supervisor's records, workshop payroll records and budget information.

(5) Legal Authority: Section 10-298a through 10-298c of CGS.

(6) Categories of Personal Data:

(A) Education, including academic achievement and performance or grade level;

(B) Physical and mental capacities including medical diagnosis, history of treatment, prognosis and functional capacities;

(C) Vocational including psychological and vocational test results, past work history, vocational interests, measure of vocational performance and progress; and

(D) Financial including workshop earning capacity, and earnings from sale of products produced at home.

(7) Categories of other Data: Blind person's name, address, phone number, date of birth, social security number, payroll number and case record number.

(8) Category of Person: Legally blind persons in need of workshop training or employment to develop or use their skills in occupations or trades suited to their abilities.

(9) Information in the Workshop Program file is used by persons identified in Section 10-293-50 (a) (4) of these regulations to:

(A) evaluate job performance and progress of the blind worker;

(B) establish compensation rate or payroll for individual performance;

(C) assist in determining blind person's readiness to move into competitive employment; and

(D) identify the blind person's potential skills and capacities for vocational training.

(10) Retention Schedule: Five (5) years after the blind person becomes inactive as a workshop employee.

(Effective July 28, 1988)

Sec. 10-293-40. Vocational rehabilitation services

The following information is maintained and used by the board in its implementation and operation of a vocational rehabilitation program for eligible blind and seriously visually impaired persons:

(1) Name: Vocational Rehabilitation Client Services and Program.

(2) Type: Automated and manual.

(3) Purpose: To enable the board to implement a vocational rehabilitation program authorized by Sections 10-306 through 10-308 of the Connecticut General Statutes and Public Law 93-112, the Rehabilitation Act of 1973, as amended, for the vocational rehabilitation and placement in remunerative employment, persons whose capacity to earn

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a living has been lost or impaired by reason of lessened visual acuity.

(4) Source of Data: Routine sources of information maintained in the Vocational Rehabilitation Client Services and Program file include the client or applicant, physicians and other providers of health care services including psychologists and psychological examiners, rehabilitation centers and workshops, employers and previous employers of the client or applicant, referral sources, records of other agencies both public and private pertaining to the client or applicant's educational, vocational, disability or economic status, and records which may result from an administrative review or fair hearing.

(5) Legal Authority: Sections 10-306 through 10-308 of the Connecticut General Statutes and Public Law 93-112, the Rehabilitation Act of 1973, as amended.

(6) Categories of Personal Data:

(A) Educational, including performance or grade level and academic achievement;

(B) Physical and mental, including diagnosis, past treatment, prognosis, recommended treatment, and physical, mental and emotional capacities and limitations;

(C) Vocational including work history, vocational interests, employment potential, and training needs;

(D) Economic status including income, dependency on family or others, eligibility for state or other financial assistance or programs; and

(E) Social including ability to relate to others, degree of independence and ability to function in the community.

(7) Categories of other Data: Client's or applicant's name, address, telephone number, birth date, social security number and case record number.

(8) Category of Person: Blind or seriously visually impaired person whose capacity to earn a living has been lost or impaired as a result of lessened visual acuity and who may reasonably be expected to benefit from vocational rehabilitation services in terms of employability.

(9) Use of Records: Information in the Vocational Rehabilitation Client Services and Program file is used by persons identified in Section 10-293-50 (a) (5) of these regulations to:

(A) establish eligibility or ineligibility of the applicant or client for services;

(B) develop an individual written rehabilitation program (IWRP) of services with the client which may include any of the services defined in Section 10-306 of CGS;

(C) implement such IWRP;

(D) assist in placement of the client in competitive or other employment;

(E) provide post employment services as needed;

(F) identify resources needed to meet client needs and to assist in the development of such resources; and

(G) develop and plan program budget needs.

(10) Retention Schedule: Five (5) years after the case record becomes inactive; financial records after audit or three (3) years and in compliance with federal requirements set forth

in Federal Manual Section 74-7.

(Effective July 28, 1988)

Sec. 10-293-41. Vending facility program

The following information concerns the maintenance and use of records by the board in the vending facility program:

(1) Name: Vending Facility Program File.

(2) Type: Automated and Manual.

(3) Purpose: To allow the board to implement the food services and vending facility program in public buildings.

(4) Source of Data: Routine sources of information contained in the Vending Facility Program File include the vending facility operators, vocational rehabilitation case record, former employers of the vendor, reports of division of industries staff personnel, financial records of vendor including federal and state tax returns and register receipts and results of administrative reviews and full evidentiary hearings if any have been held, and the vendor's license and operating agreement.

(5) Legal Authority: Personal data in the Vending Facility Program file are collected, maintained and used under authority of Section 10-303 of CGS, the Randolph-Sheppard Vending Stand Act 20 USC 107, as amended, and the Vocational Rehabilitation Act of 1973, Public Law 93-112, as amended.

(6) Categories of Personal Data: Categories of personal data maintained in the Vending Facility Program file include:

(A) Educational, including level of academic achievement;

(B) Vocational including ability to manage a business, maintain records, relate to the public in a service and sales capacity;

(C) Physical and mental, including ability to perform the job requirements; and

(D) Financial including income, expenditures, gross and net profit.

(7) Categories of other Data: Categories of other data maintained in the Vending Facility Program file include the vendor's name, address, telephone number, social security number, and employee identification number.

(8) Category of Person: Persons who are blind or seriously visually impaired who have been licensed by the board to operate a vending facility in the state.

(9) Use of Records: Information in the Vending Facility Program file is used by persons identified in Section 10-303-33 (a) (6) of these regulations to:

(A) establish eligibility of the blind person to be licensed by the board as a vending facility operator;

(B) maintain an inventory of initial stock and supplies and equipment and to schedule equipment repairs;

(C) monitor and evaluate the vending facility in relation to its compliance with regulations and potential for growth and success;

(D) establish the basis for financial subsidization of the vendor by the board;

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- (E) plan and prepare budgets;
- (F) provide the basis for distribution of income;
- (G) provide data needed for transfer, promotional and insurance purposes; and
- (H) assist in the resolution of the blind vendor's dissatisfaction with board action or inaction.

(10) Retention Schedule: Five (5) years after the vendor becomes inactive; financial records, after audit or three (3) years and in compliance with the Federal Manual requirements set forth in Federal Manual Section 74-7.

(Effective July 28, 1988)

Sec. 10-293-42. Relevance, accuracy of personal data and waiver of access

(a) Personal data will not be maintained unless relevant and necessary to accomplish the lawful purposes of the board. Where the board finds irrelevant or unnecessary public records in its possession, it shall dispose of the records in accordance with its records retention schedule and with the approval of the Public Records Administrator 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 CGS Section 11-8a.

(b) The board will collect and maintain all records with accurateness and completeness. Insofar as it is consistent with the needs and mission of the board, the board, wherever practical, shall collect personal data directly from the person to whom a record pertains.

(Effective July 28, 1988)

Sec. 10-293-43. Internal distribution policy

Board employees involved in the operation of the board's personal data systems will be informed of the provisions of:

- (1) the Personal Data act;
- (2) the board's regulations adopted pursuant to Section 4-196 of CGS;
- (3) the Freedom of Information Act;
- (4) rules and regulations adopted by U.S. Department of Education to implement the Vocational Rehabilitation Act of 1973 as amended, 34 CFR and 361.49; and
- (5) any other state or federal statute or regulations concerning maintenance or disclosure of personal data kept by the board.

(Effective July 28, 1988)

Sec. 10-293-44. Protection of data

All board 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.

(Effective July 28, 1988)

Sec. 10-293-45. Incorporation into board contracts

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

(Effective July 28, 1988)

Sec. 10-293-46. Unnecessary duplication

The board 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.”

(Effective July 28, 1988)

Sec. 10-293-47. Protecting records

(a) The board 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) With respect to automated personal data systems:

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

(2) to the greatest extent practical, the board shall require visitors to such area to sign a visitors log and permit access to said area on a bona-fide need-to-enter basis only;

(3) the board, to the greatest extent practical, will insure that regular access to automated equipment is limited to operations personnel; and

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

(Effective July 28, 1988)

Sec. 10-293-48. Disclosure of personal data

(a) The board shall not disclose to the public client case records as stated in Section 10-311a of Connecticut General Statutes except as allowed under state and federal law.

(b) Disclosure of personal data to a person will be made as follows:

(1) Within four (4) business days of receipt of a written request, therefore, the board shall mail or deliver to the requesting individual a written response in plain language, informing him/her as to whether or not the board maintains personal data on that individual, the category and location of the personal data maintained on that individual and procedures available to review records.

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

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disclosure.

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

(4) The board 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) The board may refuse to disclose to any person medical, psychiatric or psychological data on that person if the board determines that such disclosure would be detrimental to that person.

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

(7) If the board 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 board shall, at the written request of such person, permit a qualified medical doctor to review the personal data and to determine if the personal data should be disclosed. If disclosure is recommended by the medical doctor, the board shall disclose the personal data to such person. If nondisclosure is recommended by the medical doctor, the board shall not disclose the personal data and shall inform such person of the judicial relief provided in the Personal Data Act.

(8) The board 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 such disclosure or access. This log must be maintained for not less than five (5) years from the date of such disclosure or access or for the life of the personal data record, whichever is longer.

(Effective July 28, 1988)

Sec. 10-293-49. Procedures for contesting the content of personal data records

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

(b) Within thirty (30) days of receipt of such request, the board 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 board 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 own personal data records.

(c) Following such denial by the board, the person requesting such correction shall be permitted to add a statement to his/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 statement shall become a permanent part of the board's personal data system and shall be disclosed to any individual, agency or organization to which the personal data is disclosed.

(Effective July 28, 1988)

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Sec. 10-293-50. Users of personal data

Information in the board's personal data systems is collected, maintained and used in each system, unless otherwise specified below, at the board's official office address located at 170 Ridge Road, Wethersfield, Connecticut. The Executive Director, Executive Secretary 2 and Affirmative Action Officer use information in all personal data systems for purposes of administration, management and control and to monitor compliance with affirmative action policies. Other users of information in the board's personal data systems and purposes are set forth below:

(1) Users of Board of Education and Services for the Blind Personnel File and purpose are:

- (A) Administrative Service Officer 2; administers personnel policies;
- (B) Administrative Service Officer 1; administers personnel policies;
- (C) Accountant 1; performs payroll related functions; and
- (D) Business Services Officer; performs payroll related functions.

(2) Users of the Special Education Program file and purposes are:

- (A) Chief of Children's Services; program management;
- (B) Supervisor Children's Services; program monitoring and coordination;
- (C) Executive Secretary 1; clerical supervision;
- (D) Senior Clerk; maintains special educational records;
- (E) Secretary; maintains special educational records;
- (F) Education Consultants 2 and 1; student program guidance and development; and
- (G) Social Worker; provides social service to student and family.

(3) Users of information in the Register of Blind Persons and purposes are:

- (A) Head Clerk; maintains register;
- (B) Clerk; assists in data entry;
- (C) Executive Secretary 2; clerical supervision;
- (D) Social Workers; intake and referral.

(4) Users of Workshop Program File located at 114 Shield Street, West Hartford, Connecticut and purposes are:

- (A) Chief of Industries; manages workshop;
- (B) Administrative Secretary; maintains workshop records;
- (C) Workshop Supervisor 2; manages workshop;
- (D) Workshop Supervisor 1; manages workshop;
- (E) Accountant I; performs client payroll related functions;
- (F) Financial Clerk; provides client payroll related functions;
- (G) Industries Instructors; provide training services; and
- (H) Secretary; maintains client personal data records.

(5) Users of Vocational Rehabilitation Client Services and Program File which also maintains some records at 1642 Bedford Street, Stamford, Connecticut and purposes are:

- (A) Chief of Vocational Rehabilitation; administers vocational rehabilitation program;
- (B) Supervisor of Vocational Rehabilitation; administers client case service program;

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- (C) Executive Secretary; maintains client personal data records;
 - (D) Secretary; maintains client personal data records;
 - (E) Clerk; files and maintains personal data records;
 - (F) Senior Vocational Rehabilitation Counselors; provide counseling and other vocational rehabilitation services;
 - (G) Vocational Rehabilitation Counselors; provide counseling and other vocational rehabilitation services;
 - (H) Assistant Vocational Rehabilitation Counselors; provide counseling and other vocational rehabilitation services;
 - (I) Supervisor of Mobility; administers mobility instruction program;
 - (J) Mobility Instructors; provide mobility instruction to blind clients; and
 - (K) Dictating Machine Operator; transcribes personal data records.
- (6) Users of Vending Facility Program File, maintained at both central office and at 114 Shield Street, West Hartford, Connecticut and purposes are:
- (A) Chief of Industries; administers vending facility program;
 - (B) Supervisor of Vending Facilities; administers vending facility programs;
 - (C) Field Representatives; monitors and evaluates vending facilities;
 - (D) Administrative Secretary; maintains personal data files in vending facility program;
 - (E) Accountant; performs payroll and fiscal record keeping functions; and
 - (F) Senior Clerk; maintains personal data files.

(Effective July 28, 1988)

Sec. 10-293-51. Other provisions

- (a) If the board requests personal data from any other state agency, it shall have the independent obligation to insure that the personal data is properly maintained.
- (b) Only board employees who have a specific need to review personal data records for lawful purposes of the board will have access to such records under the Personal Data Act.
- (c) The board will keep a written up-to-date list of individuals entitled to access to each of the board's personal data systems.
- (d) When an individual is asked to supply personal data to the board, the board shall disclose to that individual, upon request:
 - (1) the name of the board and the division within the board requesting the personal data;
 - (2) the legal authority under which the board is empowered to collect and maintain the personal data;
 - (3) the individual's rights pertaining to such records under the Personal Data Act and board regulations;
 - (4) the known consequences arising from supplying or refusing to supply the requested information; and
 - (5) the proposed use to be made of the requested personal data.

(Effective July 28, 1988)