

TABLE OF CONTENTS

Description of Organization

Repealed	10-3a-1—10-3a-3
Description of organization.	10-3a-4
Commissioner of education.	10-3a-5

Description of Organization

Sec. 10-3a-1.

Repealed, January 25, 1985.

Sec. 10-3a-2.

Repealed, August 19, 1980.

Sec. 10-3a-3.

Repealed, April 30, 1993.

Sec. 10-3a-4. Description of organization

(a) The State Board of Education is delegated its administrative responsibilities and authority pursuant to Title 10 of the Connecticut General Statutes. It provides general supervision and control of the educational interests of the state, has responsibility for the internal audit of the State Department of Education and is the state board of vocational education for the purpose of cooperating with the federal government in the promotion and administration of vocational education. The State Board of Education conducts its business through the State Department of Education. The Commissioner of Education is the Secretary of the State Board of Education and the administrative officer of the State Department of Education.

(b) The organizational structure of the State Department of Education consists of: The Office of the Commissioner; The Division of Teaching, Learning and Assessment; The Division of Teaching and Learning Programs and Services; The Division of Finance and Internal Operations; The Division of Legal and Governmental Affairs; and the Connecticut Technical High School System. The divisions of Teaching, Learning and Assessment and Teaching and Learning Programs and Services are each headed by an associate commissioner. The division of Finance and Internal Operations is headed by a Chief Financial Officer. The Division of Legal and Governmental Affairs is headed by a legal director. The Connecticut Technical High School System is headed by a superintendent of schools.

(c) The major functions of the State Department of Education include, but are not limited to, the following:

(1) Office of the Commissioner: State Board relations, communications, and affirmative action;

(2) Division of Teaching, Learning and Assessment: curriculum, instruction, student assessment, educator preparation, certification, support and assessment, and educational equity;

(3) Division of Teaching and Learning Programs and Services: special education, early childhood, career and adult education, health and nutrition services and child, family and school partnerships;

(4) Division of Finance and Internal Operations: grants management, fiscal services, information technology, human resources and school facilities;

(5) Connecticut Technical High School System: operation of state technical high schools; and

(6) Division of Legal and Governmental Affairs: legal matters, legislation and teacher negotiations.

(d) The official business address of the State Board of Education and the State Department of Education is 165 Capitol Avenue, P.O. Box 2219, Hartford, Connecticut 06145-2219.

(e) The public may inspect the regulations, decisions and public records of the State Board of Education and the State Department of Education at their offices in Hartford. There is no prescribed form for requests for information. Written requests should be submitted to the Commissioner of Education at the above-stated official address.

(Effective April 30, 1993; amended December 30, 1997, March 2, 1999, February 29, 2000, October 3, 2006)

Sec. 10-3a-5. Commissioner of education

The Secretary of the State Board of Education is also the Commissioner of Education for the State Department of Education. He has the general responsibility to administer the activities of the State Department of Education in accordance with the policies of the State Board of Education and requirements of the statutes. In the discharge of this responsibility, he delegates certain functions to the associate commissioners, division directors, bureau chiefs and agents.

(Effective April 30, 1993; amended March 2, 1999)

TABLE OF CONTENTS

Organization Description, Rules of Practice, Public Inspection

Repealed 10-4-1—10-4- 7

Personal Data

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

Rules of Practice

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

Contested Cases Generally

Contested cases generally. 10-4-14
 Parties and intervenor. 10-4-15
 Hearings. 10-4-16
 Proposed final decision. 10-4-17
 Decision and record in a contested case 10-4-18
 Reconsideration 10-4-19
 Declaratory rulings generally. 10-4-20
 Procedure for filing a request for declaratory ruling 10-4-21
 Procedure following filing of request for declaratory ruling 10-4-22
 Requests for promulgation, amendment or repeal of a regulation, generally 10-4-23
 Procedures for filing request for promulgation, amendment or repeal of regulation. 10-4-24
 Procedure following filing of request for promulgation, amendment or repeal of regulation. 10-4-25
 Request for notice regarding proposed regulations 10-4-26

Organization Description, Rules of Practice, Public Inspection

Sec. 10-4-1.

Repealed, August 19, 1980.

Secs. 10-4-2—10-4-3.

Repealed, April 30, 1993.

Secs. 10-4-4—10-4-7.

Repealed, June 26, 1990.

Personal Data

Sec. 10-4-8. Personal data definitions

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

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

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

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

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

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

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

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

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

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

(k) “Personal data” means any information about a person’s education, finances, medical or emotional condition or history, employment or business history, family or personal relationships, reputation or character which because of name, identifying number, mark or description can be readily associated with a particular person. “Personal data” shall not be construed to make available to a person any record described in subdivision (3) of subsection (b) of Connecticut General Statutes Section 1-19.

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

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

(Effective July 28, 1986)

Sec. 10-4-9. Personal data systems

(a) Committees, Councils, and Volunteers.

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Committees, Councils, and Volunteers.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Manual.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

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

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

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

(2) Categories of Personal Data.

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

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

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

None.

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

Persons duly appointed by law and those persons accepted as volunteers.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

General supervision and administration by staff of the Commissioner.

(B) Retention Schedule:

Applicable retention schedules for state agencies.

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

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Connecticut Competency Examination for Prospective Teachers (CONNCEPT).

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Automated.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

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

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

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

(2) Categories of Personal Data.

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

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

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

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

All prospective teachers who register to take the CONNCEPT or who are waived from taking the CONNCEPT.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

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

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

(B) Retention Schedule:

Applicable retention schedules for state agencies.

(c) **Discrimination Complaints.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Discrimination Complaints.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Manual.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

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

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

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

(2) Categories of Personal Data.

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

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

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

None.

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

Employees and applicants for employment.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

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

(B) Retention Schedule:

Applicable retention schedules for state agencies.

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

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Due Process Hearings — Child Nutrition Programs.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Manual.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

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

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

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

(2) Categories of Personal Data.

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

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

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

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

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

Complainants and contract vendors participating in the programs.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

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

(B) Retention Schedule:

Applicable retention schedules for state agencies.

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

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Due Process Hearings — School Accommodations.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Manual.

(D) General Nature and Purpose:

Maintenance of an official record of the hearing procedure.

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

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

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

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

(2) Categories of Personal Data.

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

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

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

Any other data accepted into the official hearing record.

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

Students in public and private schools.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

The personal data received and maintained in the official record are used by the Impartial Hearing Board to render its decision.

(B) Retention Schedule:

Applicable retention schedules for state agencies.

(f) **Due Process Hearings—Special Education Programs.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Due Process Hearings — Special Education.

(B) Location of System:

25 Industrial Park Road, Middletown, Connecticut.

(C) Automated, Manual, or Combination:

Manual.

(D) General Nature and Purpose:

Maintenance of the record of the hearing involving a special education student.

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

Data consists of evidentiary exhibits accepted into the record before the Impartial Hearing Board.

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

Connecticut General Statutes Sections 10-76h and 4-177 to 4-185a, inclusive.

(2) Categories of Personal Data.

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

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

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

Any evidentiary submission that is received into the record.

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

Special education students.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

The Impartial Hearing Board compiles a record for review in order to render a decision.

(B) Retention Schedule:

Applicable retention schedules of state agencies.

(g) **General Educational Development.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

General Educational Development.

(B) Location of System:

25 Industrial Park Road, Middletown, Connecticut.

(C) Automated, Manual, or Combination:

Combination.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

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

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

Connecticut General Statutes Section 10-5.

(2) Categories of Personal Data.

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

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

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

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

Applicants for General Educational Development programs.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

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

(B) Retention Schedule:

Applicable record retention schedules for state agencies.

(h) **Human Resource Bank.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Human Resource Bank.

(B) Location of System:

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

(C) Automated, Manual, or Combination:

Automated.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

Person volunteers the information.

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

Section 10-4.

(2) Categories of Personal Data.

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

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

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

References; telephone number; and area of concentration.

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

Certified employees and education consultants.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

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

(B) Retention Schedule:

Applicable retention schedules for state agencies.

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

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Special Education Due Process: Hearings.

(B) Location of System:

25 Industrial Park Road, Middletown, Connecticut.

(C) Automated, Manual, or Combination:

Combination.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

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

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

Sections 10-76h and 10-186.

(2) Categories of Personal Data.

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

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

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

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

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

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

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

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

(B) Retention Schedule:

Applicable retention schedules of state agencies.

(j) **Mediators and Arbitrators.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Mediator and Arbitrator Applications and Fee Schedules.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Manual.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

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

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

Connecticut General Statutes Section 10-153f.

(2) Categories of Personal Data.

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

Education; finances; and employment or business history.

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

None.

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

Mediators and arbitrators duly appointed and candidates for said positions.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

Selection of mediators and arbitrators by management and labor; and maintenance of a pool of candidates for future appointment by the Office of Legal and Governmental Affairs.

(B) Retention Schedule:

Applicable retention schedules for state agencies.

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

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Minority and Female Employment Applications and Resumes.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Manual.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

The personal data are obtained from applicants for employment.

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

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

(2) Categories of Personal Data.

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

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

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

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

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

Minority and female applicants for state employment.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

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

(B) Retention Schedule:

Applicable retention schedules for state agencies.

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

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Minutes of the State Board of Education.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual or Combination:

Manual.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

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

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

Section 10-2.

(2) Categories of Personal Data.

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

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

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

None.

(C) Categories of persons on whom records are maintained are the following:
Persons transacting business with the State Board of Education.

(3) Uses of Personal Data.

(A) Routine Use of Records:

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

(B) Retention Schedule:

Applicable retention schedule of state agencies.

(m) **Official Personnel File.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Official Personnel File.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Manual.

(D) General Nature and Purpose:

Maintenance of an official personnel file for each employee.

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

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

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

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

(2) Categories of Personal Data.

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

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

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

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

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

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

(3) Uses of Personal Data.

(A) Routine Use of Records:

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

(B) Retention Schedule:

Applicable retention schedules for state agencies.

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

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Personnel Affirmative Action Payroll Information System (PAPIS).

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Automated.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

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

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

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

(2) Categories of Personal Data.

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

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

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

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

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

Current state employees.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

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

(B) Retention Schedule:

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

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

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Public Customer of Vocational-Technical School Production Services.

(B) Location of System:

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

(C) Automated, Manual, or Combination:

Manual.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

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

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

Connecticut General Statutes Section 10-95.

(2) Categories of Personal Data.

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

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

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

None.

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

Customers for vocational production work.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

The personal data are collected in order to determine the credit status of the customer who requests production work whose labor value exceeds \$1,000.

Each regional vocational-technical school uses the information to determine the eligibility for selection of production work projects.

(B) Retention Schedule:

Applicable retention schedules for state agencies.

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

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Public School Professional Staff.

(B) Location of System:

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

(C) Automated, Manual, or Combination:

Automated.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Officials:

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

(F) Routine Sources of Data Retrieval:

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

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

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

(2) Categories of Personal Data.

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

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

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

(C) Categories of persons on whom records are maintained are the following:
All certified teachers in the public schools, including superintendents.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

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

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

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

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

(B) Retention Schedule:

Applicable retention schedules of state agencies.

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

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Section 10-4b Inquiry.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Manual.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

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

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

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

(2) Categories of Personal Data.

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

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

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

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

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

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

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

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

(B) Retention Schedule:

Applicable retention schedules of state agencies.

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

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Individual Special Student Information System (ISSIS).

(B) Location of System:

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

(C) Automated, Manual, or Combination:

Automated.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

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

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

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

(2) Categories of Personal Data.

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

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

(C) Categories of persons on whom records are maintained are the following:
Special education students.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

The data are used for providing grant information for the state and federal governments and for research. The users of the personal data are the agency, local education agencies, state agencies (Department of Mental Retardation, Department of Children and Youth Services, Department of Public Health, Department of Corrections). All of the aforementioned and the public at large use non-personalized statistical summary data gleaned from the individual records.

(B) Retention Schedule:

Applicable retention schedules of state agencies.

(s) **Staff Supervisory Files.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Staff Supervisory File.

(B) Location of System:

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

(C) Automated, Manual, or Combination:

Combination.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Officials:

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

(F) Routine Sources of Data Retrieval:

Data are obtained from the employee or a supervisor.

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

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

(2) Categories of Personal Data.

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

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

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

Licensure in trade areas and certification in academic areas.

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

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

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

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

(B) Retention Schedule:

Applicable retention schedules of state agencies.

(t) **Surrogate Parents.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Surrogate Parent Program.

(B) Location of System:

25 Industrial Park Road, Middletown, Connecticut.

(C) Automated, Manual, or Combination:

Combination.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

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

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

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

(2) Categories of Personal Data.

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

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

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

Status of child or family with other agencies.

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

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

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

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

(B) Retention Schedule:

Applicable retention schedules for state agencies.

(u) **Teacher Certification Revocation.**

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Teacher Certification Revocation.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Manual.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

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

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

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

(2) Categories of Personal Data.

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

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

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

Any evidentiary submission that is accepted into the record, and any investigatory information concerning fraud or misrepresentation, neglect of duties, professional

fitness, conviction of a crime involving moral turpitude or any other crime, and other due and sufficient causes.

(C) Categories of persons on whom records are maintained are the following:
Certified teachers pursuant to Section 10-145 of the Connecticut General Statutes.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

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

(B) Retention Schedule:

Applicable retention schedules of state agencies.

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

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Student's Cumulative Record — Vocational Technical Schools.

(B) Location of System:

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

(C) Automated, Manual, or Combination:

Manual.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

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

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

Connecticut General Statutes Section 10-95.

(2) Categories of Personal Data.

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

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

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

Personal information for counseling purposes.

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

Applicants for admission; students currently enrolled; and former students.

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

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

(B) Retention Schedule:

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

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

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Gun Free Schools Disciplinary Report.

(B) Location of System:

165 Capitol Avenue, Hartford, Connecticut.

(C) Automated, Manual, or Combination:

Automated.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

Data is retrieved by procedures used for PC.

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

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

(2) Categories of Personal Data.

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

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

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

None.

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

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

(3) Uses to be Made of Personal Data.

(A) Routine Use of Records:

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

(B) Retention Schedule:

Three years minimum.

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

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Special Education Due Process Data.

(B) Location of System:

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

(C) Automated, Manual, or Combination:

Automated.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

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

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

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

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:
Name, disability, age and gender of child.

(B) Categories of other data maintained may include the following:
Name of school and district; names of attorneys; issues; dates of hearing; decisions date; disposition of case and identification of prevailing party.

(C) Categories of persons on whom records are maintained are the following:
Children with disabilities.

(3) Uses to be made of personal data.

(A) Routine use of records:

Statistical analysis.

(B) Retention schedule:

Five years.

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

(1) General Nature and Purpose of Personal Data.

(A) Name of System:

Adult Education Database Management.

(B) Location of System:

25 Industrial Park Road, Middletown, Connecticut.

(C) Automated, Manual, or Combination:

Automated.

(D) General Nature and Purpose:

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

(E) Title and Business Address of Responsible Official:

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

(F) Routine Sources of Data Retrieval:

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

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

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

(2) Categories of Personal Data.

(A) Categories of personal data maintained may include the following:
Student demographic data and student attendance data.

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

Program data, test data and achievement data.

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

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

(3) Uses to be made of personal data.

(A) Routine use of records:

Federal and state reporting.

(B) Retention Schedule:

Five years.

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

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

(a) All Personal Data Systems.

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

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

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

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

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

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

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

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

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

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

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

(b) Automated Personal Data Systems

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

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

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

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

(c) Disclosure of Personal Data to Person.

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

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

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

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

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

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

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

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

(d) Notice of Disclosure to a State Agency.

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

(1) The name of such agency and division within such agency requesting the personal data;

(2) The legal authority under which such agency is empowered to collect and maintain the personal data;

(3) The individual's rights pertaining to such records under the Personal Data Act and agency regulations;

(4) The known consequences arising from supplying or refusing to supply the requested personal data; and

(5) The proposed use to be made of the requested personal data.

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

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

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

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

(Effective July 28, 1986)

Rules of Practice

Sec. 10-4-11. Introduction

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

(Effective June 26, 1990)

Sec. 10-4-12. Definitions

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

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

(b) "Board" means the State Board of Education.

(c) "Commissioner" means the Commissioner of Education.

(d) "Department" means the Department of Education.

(e) "Filing" means receipt.

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

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

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

(Effective June 26, 1990)

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

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

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

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

(d) **Transcripts.**

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

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

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

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

(Effective June 26, 1990)

Contested Cases Generally**Sec. 10-4-14. Contested cases generally**

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

(Effective June 26, 1990)

Sec. 10-4-15. Parties and intervenor

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

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

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

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

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

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

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

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

(3) Designation as Intervenor. The presiding officer will determine the proposed intervenor's participation in the hearing, taking into account whether such participation will furnish assistance in resolving the issues of the contested case and whether such participation will impair the orderly conduct of the hearing.

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

(Effective June 26, 1990)

Sec. 10-4-16. Hearings

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

(b) **Notice of Hearings.**

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

(2) Contents of Notice. The notice shall contain

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

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

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

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

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

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

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

(d) **Conduct of Hearing.**

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

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

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

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

(e) **Rules of Evidence.**

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

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

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

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

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

(f) **Stipulations.** Parties may by stipulation in writing filed with the agency, agree upon the facts or any portion thereof, which stipulation may be entered as

evidence at the hearing. The agency may require such additional evidence as it deems necessary.

(g) **Filing of Added Exhibits.**

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

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

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

(i) **Briefs.**

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

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

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

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

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

(Effective June 26, 1990)

Sec. 10-4-17. Proposed final decision

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

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

(b) The hearing panel's proposed final decision shall not be adopted by the agency until it has been served upon all parties, and until an opportunity has been afforded to each party adversely affected by the proposed decision to file exceptions, to present briefs, and to make oral argument before the agency. The agency may limit the period of time for argument by serving notice of such limitation upon all of the parties simultaneously with the proposed final decision. For good cause shown, the agency may extend the period of time for argument if the request is made in writing, stating the reasons therefor, and filed with the agency seven (7) days prior to the proceeding at which such proposed final decision is scheduled to be discussed or acted upon by the Board.

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

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

(Effective June 26, 1990)

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

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

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

(Effective June 26, 1990)

Sec. 10-4-19. Reconsideration

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

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

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

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

(Effective June 26, 1990)

Sec. 10-4-20. Declaratory rulings generally

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

(Effective June 26, 1990)

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

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

(b) **Petition Requirements.**

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

(A) The petition shall be in writing;

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

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

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

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

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

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

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

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

(Effective June 26, 1990)

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

Within thirty days following receipt of the petition, the agency shall give notice to all persons who are required to be so notified and to all persons who have requested notice of declaratory ruling petitions on the subject matter of the petition.

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

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

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

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

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

(A) Issue a declaratory ruling;

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

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

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

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

(Effective June 26, 1990)

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

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

(Effective June 26, 1990)

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

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

(b) **Petition Requirement.**

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

(A) The petition shall be in writing;

(B) The petition shall clearly state the regulation(s) which petitioner would like promulgated, amended or repealed;

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

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

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

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

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

(Effective June 26, 1990)

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

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

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

(Effective June 26, 1990)

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

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

(b) **Form of Request.**

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

(A) The request shall be made in writing;

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

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

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

(Effective June 26, 1990)

TABLE OF CONTENTS

Procedures to Implement Section 10-4b of the Connecticut General Statutes

Definitions 10-4b- 1

Designee and agent of the board 10-4b- 2

Complaint 10-4b- 3

Conference of the parties 10-4b- 4

Preliminary action 10-4b- 5

Investigation 10-4b- 6

Report of investigation 10-4b- 7

Reasonable cause 10-4b- 8

Board inquiry 10-4b- 9

Action by board 10-4b-10

**Procedures to Implement Section 10-4b of the Connecticut
General Statutes as Amended by P.A. 79-128 Section 14**

Sec. 10-4b-1. Definitions

For the purposes of these regulations:

- (a) "Commissioner" means the Commissioner of Education;
 - (b) "Complaint" means a written document which complies with the requirements of Section 10-4b-3 of these regulations;
 - (c) "Substantial complaint" means a complaint that sets forth basic facts which state a cause of action concerning an alleged violation of the educational interests of the state;
 - (d) "Educational interests of the state" means those defined in Section 10-4a of the General Statutes as amended by Section 10 of Public Act 79-128;
 - (e) "Board" means the State Board of Education;
 - (f) "Board of education" means a local or regional board of education;
 - (g) "Complainant" means the individual(s) or the Board alleging in a complaint that a board of education has failed or is unable to implement the educational interests of the state;
 - (h) "Respondent" means (1) the board of education against which a complaint has been filed; and
(2) a local governmental body upon the finding by the Board pursuant to Section 10-4b-8 of these regulations that there is reasonable cause to believe that a local governmental body or its agent may be responsible for the failure or inability of a board of education;
 - (i) "Parties" means (1) the complainant;
(2) the respondent; and
(3) the Commissioner upon the finding by the Board pursuant to Section 10-4b-8 of these regulations that there is reasonable cause to believe that a board of education has failed or is unable to make reasonable provisions to implement the educational interests of the state;
 - (j) "Response" means a written reply by a respondent to a substantial complaint;
 - (k) "Days" means business days, which shall include all days of the week except Saturday, Sunday, and legal holidays defined pursuant to Section 1-4 of the General Statutes;
 - (l) "Completion of the inquiry" means the close of evidence;
 - (m) "Remedial Process" means a planned and systematic good faith effort by a board of education through which compliance with a finding of failure or inability to implement the educational interests of the state may be attained; and
 - (n) "Eligible person" means a resident, 18 years of age or over, of a local or regional school district, or a parent or guardian of a student enrolled in the public schools.
- (Effective April 7, 1980)

Sec. 10-4b-2. Designee and agent of the board

The Commissioner shall be the designee and agent of the Board for the purposes specified in section 10-4b of the General Statutes as amended by section 14 of P.A. 79-128 and these regulations.

(Effective April 7, 1980)

Sec. 10-4b-3. Complaint

(a) **When complaints may be brought.** (1) A resident of a local or regional school district, or parent or guardian of a student enrolled in the public schools of

such school district who has been unable to resolve a complaint with the board of education may file a written complaint with the Commissioner alleging the failure or inability of such board of education to implement the educational interests of the state.

(2) The Board may initiate a substantial complaint. Such complaint shall be subject to all the provisions of these regulations except Section 10-4b-5 concerning preliminary action by the Commissioner.

(b) **Consolidation of complaints.** Complaints involving related questions of law or fact may be consolidated at the direction of the Commissioner.

(c) **Contents of the complaint.** The complaint shall be in writing and signed by or on behalf of the complainant. A form shall be made available by the Commissioner for such complaint. The complaint shall contain the following information:

(1) Information indicating that the complainant is an eligible person;

(2) A description of prior good faith efforts to resolve the complaint with the board of education, which shall include information that shows that the board of education has taken final action adverse to the complaint or has refused or failed to take any final action relating to the complaint within a reasonable period of time;

(3) The exact nature of the allegations, including, but not limited to, reference to the provisions, of Section 10-4a of the General Statutes as amended by Section 10 of P.A. 79-128 which relate to each such allegation, and to other specific statutory provisions where the complainant alleges that a board of education has failed to comply with Subdivision (3) of Section 10-4a of the General Statutes as amended;

(4) A clear and concise description of the facts which support each allegation; and

(5) Other materials or documents containing information which support or clarify the allegations.

(Effective April 7, 1980)

Sec. 10-4b-4. Conference of the parties

In the interest of furthering the purpose of the process outlined in Section 10-4b of the General Statutes as amended by Section 14 of P.A. 79-128 and in these regulations, the Commissioner may, at any stage of the proceedings, call the parties together for a conference.

(Effective April 7, 1980)

Sec. 10-4b-5. Preliminary action

(a) **Acknowledge receipt; inform respondent.** The Commissioner shall, within five (5) days following receipt of a complaint, acknowledge receipt of the complaint in writing to the complainant and, for informational purposes only, send a copy of the complaint to the respondent.

(b) **Further information.** The Commissioner may submit to the complainant a request for further factual information concerning the complaint. Such a request for further information shall be made within five (5) days following receipt of the complaint by the Commissioner. Upon receipt of the additional information requested, the Commissioner shall, for informational purposes only, send a copy of such new information to the respondent.

(c) **Action by commissioner.** Within ten (10) days following acknowledgement of receipt of a complaint, or if further information is requested, within ten (10) days following receipt of the additional information, the Commissioner shall:

(1) Dismiss the complaint if it is found not to be substantial; or

(2) Order an investigation if the complaint is found to be substantial.

If the Commissioner dismisses the complaint, he shall state in writing to the parties, with a copy to each Board member, the reasons therefore.

(Effective April 7, 1980)

Sec. 10-4b-6. Investigation

(a) **Opportunity to respond.** Within five (5) days following an order for an investigation, the Commissioner shall notify the parties of such order and shall request the respondent to file a written response with the Commissioner or his representative within ten (10) days following the receipt of such request. The response shall contain

(1) answers to each allegation of the complaint and

(2) factual information supporting the answers.

(b) **Investigation.** Investigation of a complaint found to be substantial shall be conducted under the direction of the Commissioner and may include, but need not be limited to, telephone calls, site visits, written correspondence and informal meetings. Such investigation shall be completed within twenty (20) days following the receipt of the respondent's response.

(Effective April 7, 1980)

Sec. 10-4b-7. Report of investigation

(a) **Preliminary report to commissioner.** Within ten (10) days following the conclusion of the investigation, the individual or individuals conducting the investigation on behalf of the Commissioner shall submit in writing to the Commissioner the facts found as a result of the investigation, including facts relating to the responsibility of the local governmental body or its agent for the factual findings.

(b) **Commissioner's report.** No later than ten (10) days following receipt of the findings of fact, the Commissioner shall, as agent of the Board for purposes of the investigation in accordance with Section 10-4b of the General Statutes as amended by Section 14 of P.A. 79-128, submit to the Board his report of the results of such investigation. Such report shall include:

(1) The findings of fact;

(2) Whether, in the Commissioner's judgment, the facts indicate that reasonable cause exists to believe that the board of education has failed or is unable to make reasonable provision to implement the educational interests of the state and whether a local governmental body or its agent may be responsible for such failure or inability; and

(3) Recommendations for action.

(Effective April 7, 1980)

Sec. 10-4b-8. Reasonable cause

Board action. Following receipt of a report from the Commissioner, the Board shall act at the first regularly scheduled Board meeting following submission of said report to the Board, provided that the Board may postpone said action until no later than the second regularly scheduled meeting following submission of said report to the Board if the report was not submitted to the Board on or before the eighth (8th) day prior to the first such regularly scheduled Board meeting. The Board shall:

(1) Dismiss the complaint if the Board determines that the findings indicate that there is no reasonable cause to believe that a board of education has failed or is unable to make reasonable provisions to implement the educational interests of the state and indicate the reasons therefore; or

(2) Order an inquiry if the findings indicate that there is reasonable cause to believe that a board of education has failed or is unable to make reasonable provisions to implement the educational interests of the state or that a local governmental body or its agent may be responsible for such failure or inability.

(Effective April 7, 1980)

Sec. 10-4b-9. Board Inquiry

(a) **Commissioner as party.** Upon ordering an inquiry pursuant to Section 10-4b-8 of these regulations, the Commissioner, if the Board is not already a party, shall be admitted to the proceedings as a party for the purpose of representing the educational interests of the state at the Board inquiry, provided that the Commissioner shall be limited for this purpose to presenting evidence or arguments relating to the allegations of the complaint or amended complaint.

(b) **Local governmental body as party.** Upon ordering an inquiry pursuant to Section 10-4b-8 of these regulations, if the findings indicate that a local governmental body or its agent may be responsible for the failure or inability of a board of education, the local governmental body shall be named as a respondent for purposes of the Board inquiry.

(c) **Time and place for inquiry; notice.** The Board shall set a time and place for the inquiry and give reasonable notice to the parties.

(d) **Hearing panel.** The chairperson of the Board may designate a subcommittee of three members of the Board to serve as a hearing panel.

(e) **Amended complaint; response.** Any complaint may be amended to include additional information relating to the allegations therein with the permission of the Board or hearing panel. The respondent shall have the right to file a response to the amended complaint within ten (10) days or within such other time as the Board or said hearing panel may prescribe.

(f) **Report of hearing panel.** If a hearing panel conducts the inquiry pursuant to Subsection (d) of this section of the regulations, such hearing panel shall complete and submit a report to the Board within ten (10) days following the close of evidence and filing of briefs, if any, in such proceeding. The report of the hearing panel shall include:

- (1) its conclusions of law and fact upon which its proposed decision is based; and
- (2) its proposed decision.

(g) **Form of hearing.** The inquiry shall be conducted by the Board or a designated subcommittee in accordance with the Uniform Administrative Procedures Act, Section 4-177 through 4-184, inclusive, of the General Statutes, provided the inquiry shall be completed within thirty (30) days following the order of an inquiry, and provided further that the Board shall render a final decision in accordance with the time limit specified in Subsection (h) of this section of the regulations.

(h) **Final decision.** The Board shall render a final decision in accordance with the provisions of Section 4-179 and Section 4-180 of the General Statutes, provided such decision shall be rendered

(1) no later than twenty-five (25) days following the submission of a report by the hearing panel if a hearing panel conducts the inquiry or

(2) at the next regularly scheduled Board meeting following the close of evidence and filing of briefs if the Board conducts the inquiry, provided that the Board may postpone said action until no later than the second regularly scheduled meeting following the close of evidence and filing of briefs if said inquiry was not completed

and/or briefs filed on or before the eighth (8th) day prior to the first such regularly scheduled Board meeting.

(Effective April 7, 1980)

Sec. 10-4b-10. Action by board

(a) **No failure or inability.** If the Board determines that the board of education has not failed or is not unable to make reasonable provision to implement the educational interests of the state, the Board shall so state its findings in writing to the parties.

(b) **Failure or inability.** If the Board finds that the board of education has failed or is unable to make reasonable provision to implement the educational interests of the state, the Board shall:

(1) Require that the board of education engage in a remedial process to develop and implement a plan of action through which compliance may be attained. Upon request of the board of education, the Board shall advise and assist the board of education in such remedial process. The plan shall include, but not be limited, to, the following:

(A) A statement of the specific steps that will be undertaken to remedy the failure or inability;

(B) A detailed time-table of the expected dates for compliance with each step described in the plan of action; and

(C) An evaluation process to determine achievement of each step described in the plan of action which shall include, but not be limited to, a schedule of periodic reports to the Board as to the progress of the board of education in meeting the requirements of the plan; or

(2) Order the local or regional board to take reasonable steps to implement the mandates of Section 10-4a (3) of the General Statutes where it is found that such local or regional board has failed to comply with those mandates.

(c) **Local governmental body or its agent responsible.** If the Board finds that a local governmental body or its agent is responsible for such failure or inability of the board of education to make reasonable provision to implement the educational interests of the state, the Board may order, in accordance with Subsection (b) of Section 10-4b of the General Statutes as amended by Section 14 of Public Act 79-128, such governmental body or its agent to take reasonable steps to comply with the provisions of Section 10-4a of the General Statutes, as amended by Section 10 of Public Act 79-128.

(d) **State responsible.** If the Board finds that the state is responsible for the failure or inability of the board of education to make reasonable provision to implement the educational interests of the state, the Board shall so notify the Governor and the General Assembly.

(e) **Time period for compliance.** For purposes of this section, the Board shall determine a time period for compliance with the requirement or order of the Board. A board of education or a local governmental body or its agent may request, in writing, that the Board, for due and sufficient cause, grant an extension of the time period for compliance and the Board may, thereafter, grant such extension.

(f) **Termination.** Upon compliance with the requirement or order of the Board, a board of education or a local governmental body or its agent may request a determination by the Board that such requirement or order be terminated.

(Effective April 7, 1980)

TABLE OF CONTENTS

Issuance of State High School Diploma

Repealed 10-5-1—10-5-17

Issuance of the State High School Diploma

Secs. 10-5-1—10-5-5.

Repealed, August 24, 1987.

Sec. 10-5-6.

Repealed, March 23, 1973.

Sec. 10-5-7.

Repealed, August 24, 1987.

Secs. 10-5-8—10-5-17.

Repealed, September 29, 1997.

TABLE OF CONTENTS

Licensing and Accrediting Institutions of Higher Learning

Repealed 10-6-1—10-6-22

Licensing and Accrediting Institutions of Higher Learning

Secs. 10-6-1—10-6-22.

Repealed, September 22, 1970.

(See Regs. 10-330-1—10-330-22.)

TABLE OF CONTENTS

Approval of Private Occupational Schools Requiring Certification

Transferred 10-71-1—10-71-15

Approval of Private Occupational Schools Requiring Certification

Secs. 10-7l-1—10-7l-15.

Transferred to §§ 10a-22k-1—10a-22k-15.
(Effective July 25, 1997)

TABLE OF CONTENTS

Licensing of Schools Offering Training for Certain Occupations

Repealed 10-8-1—10-8-17

Licensing of Schools Offering Training for Certain Occupations

Secs. 10-8-1—10-8-7.

Repealed, August 16, 1966.

Secs. 10-8-8—10-8-17.

Repealed, November 28, 1995.

TABLE OF CONTENTS

**Exemption of Educational Institutions from Licensing
Requirements by the Department of Children and
Youth Services**

Authority	10-8a-1
Definitions.	10-8a-2
Application for non-exempt facilities	10-8a-3
Exemption procedures	10-8a-4
Exemption criteria	10-8a-5
State board of education action	10-8a-6
Renewal of exemption	10-8a-7
Revocation and emergency action	10-8a-8

**Exemption of Educational Institutions from Licensing
Requirements by the Department of Children and
Youth Services**

Sec. 10-8a-1. Authority

(a) These regulations are authorized by Section 10-8a of the Connecticut General Statutes.

(b) Any residential facility which has current State Board of Education approval shall be deemed to be an educational institution exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes, provided that these regulations shall not exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes any facility which maintains a special education program and has or is seeking State Board of Education approval for such program pursuant to Section 10-76d.

(Effective September 1, 1982)

Sec. 10-8a-2. Definitions

(a) "Applicant" means a person, board, association, partnership, corporation or other entity seeking to operate a facility exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes.

(b) "Board" means the State Board of Education;

(c) "Commissioner" means the Commissioner of Education;

(d) "Conditional Exemption" means the formal action of the State Board of Education relieving a facility from meeting the requirements of Sections 17-48 and 17-51 of the General Statutes for a period of time not to exceed six months;

(e) "Days" means calendar days;

(f) "Denial" means the formal action of the State Board of Education denying to a facility an exemption from the requirements of Sections 17-48 and 17-51 of the General Statutes pursuant to Section 10-8a of the General Statutes;

(g) "Exemption" means the formal action of the State Board of Education relieving a facility from meeting the requirements of Sections 17-48 and 17-51 of the General Statutes pursuant to Section 10-8a of the General Statutes for a stated period of time;

(h) "Institution Exempt From Sections 17-48 and 17-51" means a residential educational facility which provides instructional services to primary and/or secondary school-aged children and which

(1) has current State Board of Education approval, or

(2) has obtained a Certificate of Exemption or a Certificate of Conditional Exemption having met the qualifications contained in the regulations which follow, or

(3) is accredited or approved by an association designated by the State Board of Education as a recognized approval agency, provided that no facility which maintains a special education program and has or is seeking State Board of Education approval for such program shall be exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes. A residential facility which provides residential services to primary and/or secondary school-aged children which does not seek and receive State Board of Education approval or has not obtained a Certificate of Exemption or a Certificate of Conditional Exemption shall not be exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes.

(i) "Recognized Approval Agency" means an association or organization which has current State Board of Education approval and grants accreditation or approval to educational facilities.

(Effective September 1, 1982)

Sec. 10-8a-3. Application for non-exempt facilities

(a) No residential facility shall begin or continue operation as an institution exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes until a Certificate of Exemption or a Certificate of Conditional Exemption is obtained from the State Board of Education. Application for a Certificate of Exemption by a facility in operation on or prior to the effective date of these regulations shall be made not more than sixty days following the effective date of these regulations. Application for a Certificate of Exemption by a facility not in operation on or prior to the effective date of these regulations shall be made not less than one hundred and fifty days prior to the date on which the facility is to commence operation. Application shall be made on such forms as the Commissioner shall prescribe.

(b) Application for a Certificate of Exemption is to include but not be limited to the following information:

- (1) the name and mailing address of the facility;
- (2) a list of addresses for each building or site on which the facility is or shall be located;
- (3) a description of the facility's administration including:
 - (A) the names and addresses of all members of the Board of Directors or other governing body;
 - (B) a table or organization of the facility's internal operation;
 - (C) a list of each administrator by name, role, educational background and training;
- (4) a description of the facility's financial management including:
 - (A) the names and addresses of all owners and officers of the facility and of the property on which any part of the facility is located;
 - (B) a copy of the applicant's current certificate of incorporation;
 - (C) a description of the facility's budgetary and accounting process;
 - (D) a list of the amount and types of federal and/or state aid received or anticipated;
 - (E) a description of all insurance plans in effect or planned for the facility;
 - (F) a copy of an audit from the preceeding year conducted by a certified public accountant for each facility in operation for at least one year;
- (5) copies of all current certificates of local and/or state health, safety, sanitation, fire, zoning and building code approvals;
- (6) a description of dormitory facilities including:
 - (A) the number of students per room and the age range of students per room;
 - (B) the program of supervision and security;
- (7) a copy of contingency plans for the emergency placement of students including but not limited to the return of students to their families upon the summary suspension of a Certificate of Exemption or a Certificate of Conditional Exemption;
- (8) a statement describing any pending legal action which in any way is related to the facility or its property;
- (9) the following disclosure information shall be provided when applicable:
 - (A) if any member of a facility's Board of Directors or other governing body is an employee of a town or regional board of education or a state agency which places handicapped children, list the name of each such individual, his/her role on the Board of Directors, and his/her affiliation in any of the above-named agencies;
 - (B) if an employee of a town or regional board of education or a state agency which places handicapped children has a financial interest or any other interest in the ownership or management of the facility, list the name of each such individual,

his/her school district, his/her role in the ownership or management of the facility, and his/her affiliation in any of the above-named agencies;

(C) if a facility has enrolled any student(s) from the local, regional or state agency in which the individual(s) named above is employed, state the number of such students enrolled and the name of the district which placed each student;

(10) a description of all instructional services, support or related services, and extra-curricular activities;

(11) a list of names, titles, educational background and training of persons assigned or expected to be assigned to the educational program;

(12) a description of the student body including:

(A) the number of students enrolled in the educational program and the number of students enrolled in the residential program or the anticipated numbers of such students;

(B) the student age range for admission.

(C) The Commissioner shall review all applications and may require of the applicant additional information as necessary.

(d) Notice of any substantial change with regard to any information submitted in the application for a Certificate of Exemption shall be forwarded promptly to the Commissioner.

(Effective September 1, 1982)

Sec. 10-8a-4. Exemption procedures

(a) Upon receipt of a completed application, the Commissioner shall cause to be conducted an evaluation of the applicant. Within fifteen days following receipt of a completed application, the Commissioner shall appoint an on-site evaluation team and shall notify the applicant in writing of the initiation of the evaluation.

(b) The on-site evaluation shall be conducted by at least one employee of the State Board of Education and at least one other member who is knowledgeable and experienced in the operation of an independent educational institution. The Commissioner may appoint additional on-site evaluators as deemed necessary but in no case shall the on-site evaluation team exceed four persons. The employee of the State Board of Education shall serve as chairperson of the on-site evaluation team. The Commissioner shall provide each evaluator with a copy of the submitted application.

(c) The applicant may challenge any member of the on-site evaluation team for good cause shown. The challenge shall be in writing setting forth the reasons therefor and shall be filed with the Commissioner within seven days following receipt of notice of the appointment of the on-site evaluation team. The Commissioner shall render a decision within seven days of receipt of the challenge.

(d) A statement of evaluation procedures shall be sent to the applicant accompanying the notification of appointment of the on-site evaluation team.

(e) The report of the on-site evaluation team shall be prepared by the chairperson in consultation with each member of the on-site evaluation team. The report shall include the findings of the on-site evaluation team, including commendations and recommendation(s) for improvement, if any, and a recommendation for exemption, conditional exemption or denial. The report shall be submitted to the Commissioner within one hundred and twenty days of the receipt of the completed application.

(f) The Commissioner shall review the report of the on-site evaluation team and may consult any state agency for assistance. The Commissioner shall submit, in writing, to the State Board of Education, his/her recommendation concerning exemp-

tion, conditional exemption, or denial. Following action by the State Board of Education, the applicant shall be informed in writing of the exemption, conditional exemption, or denial of exemption within ten days of the action.

(g) The Commissioner shall be permitted to observe an exempted educational institution at any time upon reasonable notice.

(Effective September 1, 1982)

Sec. 10-8a-5. Exemption criteria

The on-site evaluation team shall review and report to the Commissioner, pursuant to Section 10-8a-4 of these regulations, on the following minimum requirements:

(a) A facility shall have administrative personnel in numbers and training and such policies and operating procedures which shall be in writing and kept current, as are necessary to ensure the health and safety of the students residing at the facility.

(b) A facility shall maintain and update annually the following information for each student: name, address, name of parent(s) or guardian, attendance, courses of study, grades achieved, participation in extra-curricular activities, and medical records.

(c) As prerequisites for exemption or conditional exemption, a facility shall have current health and sanitation approval by the local department of health, current approval for safety by the local and/or state fire marshals, and upon request a certificate of occupancy and/or zoning approval.

(d) Each student shall be provided with sleeping quarters which are adequate in area, space, and equipment in relation to each student's age and needs. Suitable provisions shall be made for the separation of the sexes. The program of supervision and the security procedures in effect shall ensure the health and safety of the students.

(e) All food preparation and serving areas shall comply with Administrative Regulations Section 19-13-B42 of the Public Health Code pursuant to Section 19-13 of the General Statutes.

(f) Each facility shall have procedures to ensure that each student be protected by adequate immunization against diphtheria, pertussis, tetanus, poliomyelitis, measles and rubella before being permitted to attend such facility pursuant to Section 10-204a of the General Statutes. The facility shall provide or arrange for qualified medical care for its students on a twenty-four-hour-a-day, seven-day-a-week basis and have a written plan which specifies the arrangements for the provision of emergency medical care. The facility shall provide a separate area for students in the event of sickness. The facility shall have written procedures to ensure that prescription medication be administered to a student by qualified personnel only upon the written order of a licensed physician. All drugs, medicines, and medical instruments shall be kept in a locked cabinet accessible only to designated staff members. All health facilities shall meet all local and state regulations for such facilities.

(g) The educational program of each facility shall provide students with instructional services consistent with the requirements of Section 10-184 of the General Statutes. The instructional services shall be supplemented with materials, equipment and facilities in suitable quantity to implement the educational program. The professional administration, teaching and support services staffs shall have the necessary training and skills and shall be in numerical proportion to implement safely and adequately the educational program.

(h) The applicant shall provide sufficient evidence of fiscal soundness to operate for the period of approval.

(Effective September 1, 1982)

Sec. 10-8a-6. State board of education action

(a) When a facility meets the exemption criteria, the State Board of Education shall issue a Certificate of Exemption stating the duration of that exemption. Such status shall permit a facility to be exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes for the stated period of time. Upon receipt of a Certificate of Exemption, the facility shall display clearly the certificate in location visible to students and the public. The certificate shall be non-transferable.

(b) When a facility has failed to meet the exemption criteria but such failure is not due to a serious deficiency, the State Board of Education may issue a Certificate of Conditional Exemption. Such status permits a facility to be exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes for a specified period of time within which the noted deficiency or deficiencies shall be corrected. Within thirty days of the issuance of a Certificate of Conditional Exemption, a corrective plan shall be developed by the facility and submitted to the Commissioner. If approved by the Commissioner a timetable shall be established for implementing the corrective plan, a date set on which an on-site evaluation shall occur, and a date set by which time the application for a Certificate of Exemption shall be considered. In no case shall a Certificate of Conditional Exemption extend beyond six months.

(c) When a facility has failed to meet the exemption criteria and such failure is due to a serious deficiency or deficiencies, the State Board of Education shall deny the application for a Certificate of Exemption. Upon denial said facility shall not be exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes.

(d) In the event of denial or conditional exemption, written notice shall be forwarded to the facility within ten days and shall include the reasons therefor. Said facility may request in writing a hearing by the State Board of Education pursuant to Chapter 54 of the General Statutes.

(Effective September 1, 1982)

Sec. 10-8a-7. Renewal of exemption

(a) In order to maintain exemption from the requirements of Sections 17-48 and 17-51 of the General Statutes, an educational institution which has been exempt for less than three consecutive years shall make application annually for renewal of exemption to the State Board of Education, in such manner as it shall prescribe, at least ninety days prior to the date of termination of the most recent Certificate of Exemption. The procedures and evaluation criteria applicable to initial exemption shall be applicable to renewal of exemption except that the requirement of an on-site evaluation is optional at the discretion of the Commissioner but shall occur not less than once every five years.

(b) In order to maintain exemption from the requirements of Sections 17-48 and 17-51 of the General Statutes, an educational institution which has been exempt for at least three consecutive years shall make application for renewal of exemption for an additional period of up to five years to the State Board of Education, in such manner as it shall prescribe, at least ninety days prior to the date of termination of the most recent Certificate of Exemption. The procedures and evaluation criteria applicable to initial exemption shall be applicable to renewal of exemption except that the requirement of an on-site evaluation is optional at the discretion of the Commissioner but shall occur not less than once every five years.

(Effective September 1, 1982)

Sec. 10-8a-8. Revocation and emergency action

(a) The Commissioner may serve written notice upon an institution exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes indicating that

revocation of a Certificate of Exemption or a Certificate of Conditional Exemption is under consideration if the institution:

(1) is alleged to have failed to comply with applicable local and state laws, ordinances, rules and regulations relating to health, safety, sanitation, fire, zoning and building;

(2) is alleged knowingly to have furnished or made any false or misleading statements to the Commissioner in order to obtain or retain a Certificate of Exemption or a Certificate of Conditional Exemption;

(3) is alleged to have failed or refused to admit the Commissioner of the Department of Children and Youth Services or his designee at any time to investigate a case or cases of suspected child abuse.

(b) Upon receipt of such notice an institution exempt from the requirements of Sections 17-48 and 17-51 of the General Statutes may file within five days a written request for administrative review by the Commissioner. The Commissioner shall hold the administrative review and render a decision concerning revocation within ten days of receipt of such request. Notice of the decision shall be sent in writing to the educational institution setting forth the reasons therefor and the right to appeal the decision to the State Board of Education. An educational institution aggrieved by the decision of the Commissioner may appeal, in writing, to the State Board of Education within five days following completion of an administrative review setting forth the reasons therefor. The State Board of Education shall hold a hearing to be conducted pursuant to Chapter 54 of the General Statutes within thirty days following receipt of such appeal.

(c) If the Commissioner finds that public health, safety, or welfare imperatively requires emergency action, and incorporates a finding to that effect in his/her order, summary suspension of exemption or conditional exemption may be ordered, pursuant to Section 4-182 of the General Statutes, pending proceedings for revocation or other action. Such proceeding shall be promptly instituted and determined, pursuant to Chapter 54 of the General Statutes.

(Effective September 1, 1982)

TABLE OF CONTENTS

Private Occupational School Student Protection Fund

Transferred 10-14/-1—10-14/-5

Private Occupational School Student Protection Fund

Secs. 10-14/1—10-14/5.

Transferred to §§ 10a-22x-1—10a-22x-5.
(Effective July 25, 1997)

TABLE OF CONTENTS

Education Evaluation and Remedial Assistance

Repealed 10-14r-1—10-14r-8

Education Evaluation and Remedial Assistance

Secs. 10-14r-1—10-14r-8.

Repealed, August 30, 1996.

TABLE OF CONTENTS

Programs of Bilingual Education (Revised)

Authority	10-17h- 1
Definitions	10-17h- 2
Preliminary assessment of dominant language	10-17h- 3
Final determination of dominant language	10-17h- 4
Determination of English language proficiency.	10-17h- 5
Filing data	10-17h- 6
Bilingual education requirement.	10-17h- 7
Bilingual education grants	10-17h- 8
Student transfers	10-17h- 9
Continuing placement	10-17h-10
Characteristics of required programs of bilingual education	10-17h-11
Annual progress report.	10-17h-12
Communications	10-17h-13
Right to a review and hearing	10-17h-14
Effective date.	10-17h-15

Programs of Bilingual Education (Revised)

Sec. 10-17h-1. Authority

These regulations are authorized by Public Act 77-588 concerning bilingual education programs.

(Effective November 1, 1977)

Sec. 10-17h-2. Definitions

As used in sections 10-17h-1 to 10-17h-15, inclusive:

(a) "Board of education" means the board of education for any local or regional school district.

(b) "Dominant language" means the language most relied upon for communication in the home and in school.

(c) "Eligible children" means children enrolled in public schools in grades kindergarten to twelve, inclusive, where required programs of bilingual education are or shall be offered, whose dominant language is other than English and whose proficiency in English is not sufficient to assure equal educational opportunity in the regular school program.

(d) "Program of bilingual education" means a required program of instruction in which eligible children are placed until such time as such children attain a level of proficiency in English which is sufficient to assure equal educational opportunity in the regular school program, including, but not limited to, educational experiences to enable eligible children to become proficient in English, subject matter instruction in the dominant language of eligible children, and opportunities for eligible children to participate with and learn from children from other linguistic and cultural backgrounds.

(e) "Regular school program" means the educational program, except required programs of bilingual education.

(f) "Secretary" means the Secretary of the State Board of Education.

(Effective November 1, 1977)

Sec. 10-17h-3. Preliminary assessment of dominant language

(a) **The Preliminary Assessment.** On or before February 1, 1978 and each October 1 thereafter, each board of education shall make a preliminary assessment of the dominant language of each child enrolled in the public schools in the district, provided that each child placed in a required program of bilingual education in accordance with section 10-17h-7 as of October 1 in any year shall be considered dominant in a language other than English for purposes of this section. Such assessment shall be made by school.

(b) **Methods.** The board of education shall use one of the following methods in the preliminary assessment of the dominant language of each child who is enrolled in grades kindergarten to three, inclusive:

(1) personal contacts with the persons with whom the child lives by individuals who are fluent in the presumed dominant language of the child; or

(2) questionnaires which are written in English and in the presumed dominant language of the child to be completed by the persons with whom the child lives.

As an alternative to the methods listed in this subsection, the board of education may conduct personal interviews with children who are enrolled in grades 4 to 12, inclusive, to make the preliminary assessment of the child's dominant language. If the board of education is unable to perform a preliminary assessment of a child's

dominant language in the manner prescribed in this subsection, the board of education may make such assessment from the student's school records.

(c) **Criteria.** Each board of education shall use the following three criteria in the preliminary assessment of the dominant language of each child:

(1) the language that the child learned to speak first;

(2) the primary language spoken by the child's parents, guardians or other persons where the child lives; and

(3) the primary language spoken by the child when he or she is at home.

For the purpose of the preliminary assessment, the child's dominant language shall be the language which satisfies two or three of the criteria enumerated in this subsection.

(Effective November 1, 1977)

Sec. 10-17h-4. Final determination of dominant language

(a) **The Final Determination.** If on or before February 1, 1978 and each October 1 thereafter, (1) the preliminary assessment in accordance with section 10-17h-3 indicates there are in a school twenty or more children whose dominant language is any single language other than English, or (2) if the sum of the number of children indicated by the preliminary assessment and the number of children for whom the board of education could reasonably conclude that an inaccurate preliminary assessment was conducted is twenty or more, then the board of education shall make a final determination of the dominant language of such children. However, each child placed in a required program of bilingual education in accordance with section 10-17h-7 as of October 1 in any year shall be considered to be dominant in a language other than English for purposes of this section.

(b) **Methods.** The board of education shall make a final determination of a child's dominant language by either of the following methods:

(1) applying a measure of dominance based upon the administration of equivalent tests in the language ascertained from the preliminary assessment of the child's dominant language and in English; or

(2) conducting formal observations of the child in unstructured situations with his or her peers by a teacher, or other person, trained to conduct such observations. Such a person shall be proficient in the presumed dominant language of the child and in English.

The State Board of Education shall issue supplemental guidelines to boards of education which shall include standards for tests, formal observations and training persons to perform observations.

(c) **Dominant Language.** After performance of at least one of the methods enumerated in subsection (b) of this section, the board of education shall make a final determination of each child's dominant language based upon the following:

(1) the language of the test on which the student scores higher; or

(2) the language which the student speaks in unstructured situations as determined by the formal observations.

(Effective November 1, 1977)

Sec. 10-17h-5. Determination of English language proficiency

(a) **English Proficiency Determination.** If on or before February 1, 1978 and each October 1 thereafter, it is ascertained in accordance with section 10-17h-4 that in any public school there are twenty or more children whose dominant language is any single language other than English, the board of education shall determine the English proficiency of such children. However, each child placed in a required

program of bilingual education in accordance with section 10-17h-7 as of October 1 in any year shall be considered to have limited proficiency in English for the purposes of this section.

(b) **Testing English Proficiency.** The board of education shall use all of the following indicators to determine a child's English proficiency:

- (1) standardized English language proficiency tests;
- (2) academic grades or other periodic indicators of achievement received by each child in classes taught in English; and
- (3) a personal interview with the child conducted in English by a person trained to conduct such an interview.

The State Board of Education shall issue supplemental guidelines to boards of education which shall include criteria for selecting standardized English language proficiency tests, a list of approved tests, standards for personal interviews and standards for training persons to conduct such interviews.

(c) **Limited English Proficiency.** Indications of a child's limited proficiency in English shall be as follows:

(1) when the child's score on a standardized English language proficiency test is at or below the thirtieth percentile according to national norms or at an equivalent level on tests for which percentile ranks are not available;

(2) when the child receives academic grades or other periodic indicators of achievement in classes taught in English which are significantly below average; and

(3) when as determined by the interviewer the child is unable to communicate in English well enough to participate fully in the regular school program.

(Effective November 1, 1977)

Sec. 10-17h-6. Filing data

(a) **Filing Dominant Language Data.** On or before February 17, 1978 and each October 15 thereafter, each board of education shall file with the Secretary the number of children by school and by language whose dominant language is other than English and the number of children by school whose dominant language is English, as assessed in accordance with sections 10-17h-3 and 10-17h-4.

(b) **Filing Limited English Proficiency Data.** On or before February 17, 1978 and each November 1 thereafter, each board of education which has identified twenty or more children in any public school in the district whose dominant language is any single language other than English shall file with the Secretary the number of such children by school and by language, as determined in accordance with section 10-17h-5, whose proficiency in English is limited.

(Effective November 1, 1977)

Sec. 10-17h-7. Bilingual education requirement

(a) **When a Program Must Be Provided.** If on February 1, 1978 or any November 1 thereafter there are in any public school within a local or regional school district twenty or more children who are classified dominant in any single language other than English and whose proficiency in English is limited, the board of education of such school district shall provide a program of bilingual education in accordance with section 10-17h-11 for such eligible children for the following school year.

(b) **Notification.** (1) Before a child is placed in a required program of bilingual education, the board of education shall fully inform the parents, guardians or others with whom the child lives about the program.

(2) In addition to the notification in subparagraph (1) of this subsection, the board of education shall send to each parent, guardian or other person with whom the

child lives, a written notice stating: a) that the child has been classified as dominant in a language other than English and of limited English proficiency, b) the language in which the child is dominant, and c) that the board of education intends to place the child in a required program of bilingual education. This notification shall be mailed or delivered to the parent, guardian or other person with whom the child lives at least sixty (60) days before a child is placed in a required program of bilingual education. If the circumstances of a particular case dictate a shorter period of time, reasonable notification shall be provided as indicated herein.

(Effective November 1, 1977)

Sec. 10-17h-8. Bilingual education grants

(a) **Grant Applications.** Each board of education which is required in accordance with section 10-17h-7(a) of these regulations to provide a program of bilingual education may apply with the Secretary for the following grants:

(1) a grant for the 1977/1978 school year for planning and developing a required program, which grant may also be used for operating an existing program of bilingual education; and

(2) a grant for any school year thereafter for the purpose of implementing a required program of bilingual education.

(b) **1977-1978 Grant Application.** The application for the 1977/1978 grant shall include an estimate of the percentages of the grant the board of education intends to spend on planning and developing the required program of bilingual education and operating any existing programs of bilingual education. It shall also include the number of eligible children.

(c) **Grant Applications Beginning with 1978/1979.** An application for a grant for a required program of bilingual education for the 1978/1979 school year or any school year thereafter shall include the number of eligible children in the school district. If the grant will be used to fund a required program of bilingual education which was not offered during the previous school year or which has been modified, the application shall include for review and approval by the Secretary (1) a description of such program in accordance with subsection (g) of this section and (2) a plan to implement such program in accordance with subsection (h) of this section. Each application shall also include for review and approval by the Secretary a proposed budget for the expenditure of the estimated amount of the grant.

(d) **When to Apply.** The application for the 1977/1978 grant shall be filed with the Secretary. An application for a grant for a school year thereafter shall be filed not later than July 1, beginning with July 1, 1978.

(e) **Amount of Grants.** The amount of each grant shall be equal to the product obtained by multiplying the total appropriation available for required programs of bilingual education pursuant to Public Act 77-588 by the ratio which the number of eligible children in the school district bears to the total number of eligible children statewide:

$$\frac{\text{Number of eligible children in district}}{\text{Number of eligible children statewide}} \times \text{Total appropriation} - \text{Amount of Grant.}$$

(f) **Receipt of Grants.** Grants for the 1977-1978 school year will be received by boards of education on or before May 1, 1978. Grants during subsequent school years will be received by boards of education on or before September 1 of the school year for which the program of bilingual education is required. Prior to the receipt of such grants, but not later than September 1, the superintendent of schools

and the town fiscal officer shall file with the Secretary the Affidavit for Federal/State Funds (BEMF-1) certifying that said grant shall be expended for the purposes intended and shall not be commingled with the general funds.

(g) **Description of the Program.** A description of a required program of bilingual education shall include, but shall not be limited to, the goals and objectives of such program. It shall address the characteristics of required programs of bilingual education in section 10-17h-11 of these regulations.

(h) **Plan to Implement.** A plan to implement shall include, but shall not be limited to, the following:

(1) methods used to inform the school district and the parents, guardians, or others with whom an eligible child lives about the required program of bilingual education;

(2) a list of the skills required for people who are or will be hired to work in a required program of bilingual education;

(3) the manner in which the board of education will initially endeavor to implement a required program of bilingual education through in-service training for existing, certified professional employees, and thereafter, if necessary, will give preference in hiring to such certified professional employees as will be required to maintain the program; and

(4) procedures for assuring parental and community involvement in the development of the plan, including, but not limited to, provisions for a public hearing to be held by each board of education in order to receive public comment on the plan to implement prior to submission of said plan to the Secretary.

(Effective November 1, 1977)

Sec. 10-17h-9. Student transfers

(a) **Placing Transfers.** A board of education may place in a required program of bilingual education any child whose dominant language is the language of the program and whose English proficiency is limited, but who was not identified and included in the total of that school district's eligible children which was used to determine the amount of the bilingual education grant that the district received. However, the board of education shall not receive bilingual education funding for the programs for such children until the school year following the first time such children shall have been counted as eligible children.

(b) **Transfer within a District.** If a child who was last placed in a required program of bilingual education is enrolled in another school within the same school district, which school has or will have a required program of bilingual education in the child's dominant language, the board of education shall offer the child the required program of bilingual education immediately or as soon as it has been implemented in the school where the child is newly enrolled.

(Effective November 1, 1977)

Sec. 10-17h-10. Continuing placement

(a) **Annual Review.** The proficiency in English of each child placed in a required program of bilingual education shall be reviewed annually. Whenever this annual review indicates that the child may have become proficient in English for the purposes of these regulations, the board of education shall determine in accordance with subsections (b) and (c) of this section whether the child shall remain in the required program of bilingual education.

(b) **Measurements of Increased English Proficiency.** For the purpose of deciding whether a child shall remain in a required program, the board of education shall use all of the following indicators of proficiency in English:

- (1) a standardized English language proficiency test;
- (2) the academic grades or, where grades are not given, other periodic indicators of achievement received by the child for classes taught in English while he or she has been enrolled in a required program of bilingual education; and
- (3) a personal interview conducted in English by a person who has been trained to conduct such an interview.

The State Board of Education shall issue supplemental guidelines to boards of education which will include criteria for selecting standardized English language proficiency tests, a list of approved tests, standards for personal interviews and standards for training persons to conduct such interviews.

(c) **Standards for Increased English Proficiency.** A child shall not remain in a required program of bilingual education if, on at least two out of three of the indicators of proficiency in English used in accordance with subsection (b) of this section, the child:

(1) scores at or above the fiftieth percentile according to national norms on a standardized English language proficiency test or at an equivalent level on tests for which percentile ranks are not available;

(2) receives academic grades or other periodic indicators of achievement for classes taught in English while he or she has been in a required program of bilingual education which are at least average;

(3) as determined by the interviewer is able to communicate well enough in English to participate fully in the regular school program.

(d) **Notification.** The board of education shall notify the parents, guardians or other persons with whom the child lives of the following:

(1) when the child has been determined to be sufficiently proficient in English to be removed from a required program of bilingual education; and

(2) the basis for the determination of removal of the child from the required program of bilingual education.

(Effective November 1, 1977)

Sec. 10-17h-11. Characteristics of required programs of bilingual education

A required program of bilingual education shall have, but need not be limited to, the following characteristics.

(a) The curricular content and practices shall be designed to bring children who are dominant in a language other than English to the same educational performance level that is expected of English dominant children.

(b) Bilingual program goals and objectives shall include, but shall not be limited to, goals and objectives which are similar to those established for the regular school program.

(c) Children shall receive appropriate instruction designed to establish and increase proficiency in English.

(d) Subject matter instruction shall be offered using the dominant language of the children as the medium of instruction but otherwise comparable to the regular school program.

(e) There shall be opportunities for children who are dominant in a language other than English to be integrated with English dominant children, particularly in activities which do not require a high proficiency in English.

(f) Children in a required bilingual program at the secondary level shall be made aware of and permitted to enroll in courses in the regular school program for which they are qualified.

(g) Instructional personnel shall be familiar with the dominant language and sensitive to the cultural background of the children they are teaching. In addition, those who teach subject matter courses in the children's dominant language shall be proficient in that language.

(h) Children in required programs of bilingual education shall be offered all educational programs in the regular school program, including, but not limited to, programs for exceptional children, as defined in accordance with section 10-76a of the Connecticut General Statutes.

(Effective November 1, 1977)

Sec. 10-17h-12. Annual progress report

On or before July 1, 1979 and each July 1 thereafter each board of education receiving funds pursuant to Public Act 77-588 shall file an annual progress report with the Secretary. The report shall include the following:

(a) **Measures of Increased and Broadened Educational Opportunities for Eligible Children.** The board of education may measure increased educational opportunities by noting changes in the environment of the child or by gathering related statistical data which, by reasonable inference, can give evidence of the degree of achievement of the characteristics of required programs of bilingual education in accordance with section 10-17h-11 of these regulations. Included may be changes that have taken place in the staff, the facilities and equipment use, and statistical counts such as absence and dropout rates.

(b) **A Program Evaluation.** The board of education shall evaluate the educational effectiveness of the required program of bilingual education in meeting the characteristics in accordance with section 10-17h-11, and the measures of the accomplishment of the goals and objectives indicated in the most recent approved description filed with the Secretary in accordance with section 10-17h-8 (g). Included shall be counts of the number of children entering and leaving the required program, an accounting of the number of years children have remained in the program, and results of follow-up studies on the educational success of children who have been placed subsequently in the regular school program. The State Board of Education shall issue supplemental guidelines which will include criteria for designing a program evaluation.

(c) **A Certification by the Board of Education.** The superintendent of schools shall sign an affidavit attesting that funds were expended solely for the purposes of Public Act 77-588. The board of education shall at its own expense, provide for an audit acceptable to the State Board of Education in accordance with section 7-396a of the general statutes.

(Effective November 1, 1977)

Sec. 10-17h-13. Communications

All oral communications with the parents, guardians, or other persons with whom the child lives shall be conducted in such persons' dominant language. All written communications shall be in such persons' dominant language and in English.

(Effective November 1, 1977)

Sec. 10-17h-14. Right to a review and hearing

(a) A parent, guardian, a child's attorney, or other person responsible for a child may request the board of education for a review of:

- (1) the determination that the child is dominant in a language other than English;
- (2) the identification of the dominant language;

(3) the placement of the child in the required program of bilingual education designated by the board of education;

(4) the determination that the child is proficient in English;

(5) the removal of the child from a required program of bilingual education; and

(6) the failure of the board of education to evaluate the child and the failure of the board of education to classify the child as dominant in a language other than English.

(b) The board of education or its designee shall review the issues raised by such a request and shall attempt to work out a solution which is acceptable to the board of education and the parents, guardian, child's attorney or other person responsible for the child.

(c) In the event that no agreement can be reached within ten (10) days of the request, the board of education shall grant a hearing in closed session in accordance with the provisions of the section 10-186 of the Connecticut General Statutes. Any parent, guardian, child's attorney or other person aggrieved by the decision of the board of education may take an appeal therefrom to the State Board of Education in the manner provided in section 10-186 of the Connecticut General Statutes. In the event of an appeal, upon request and at the expense of the board of education of the school district, said board shall supply a copy of the transcript to the parent, guardian, child's attorney or other person responsible for the child and to the State Board of Education. The appeal provisions of section 4-183 of the Connecticut General Statutes shall apply.

(d) At all hearings under section 10-17h-14, parents, guardians, or other persons responsible for a child may be represented by counsel. Notices sent pursuant to section 10-17h-7 (b) and section 10-17h-10 (d) shall be written in English and the child's dominant language and shall inform the parents, guardians or other persons responsible for the child of their right to a hearing, how to request it and their right to be represented by counsel.

(Effective November 1, 1977)

Sec. 10-17h-15. Effective date

These regulations shall take effect November 1, 1977.

(Effective November 1, 1977)

TABLE OF CONTENTS

The Youth Service Bureau Grant Program

Definitions	10-19m- 1
Minimum standards and criteria to qualify for state cost sharing grants	10-19m- 2
Joint planning committee	10-19m- 3
Application for funding	10-19m- 4
Budget amendments	10-19m- 5
Cost sharing	10-19m- 6
Financial records	10-19m- 7
Inspection and examination	10-19m- 8
Renewal	10-19m- 9
Authority of the commissioner	10-19m-10

The Youth Service Bureau Grant Program

Sec. 10-19m-1. Definitions

As used in sections 10-19m-1 to 10-19m-10, inclusive, of the Regulations of Connecticut State Agencies:

- a) "Bureau" means Youth Service Bureau.
- b) "Commissioner" means Commissioner of Education.
- c) "Department" means the Department of Education.
- d) "Justice System" means police, courts, probation or correctional agencies.
- e) "Youth" means any person from birth to eighteen (18) years of age.
- f) "Youth Service Bureau" means an agency operated directly by one or more municipalities or a private agency designated to act as an agent of one or more municipalities for the purpose of evaluation, planning, coordination and implementation of prevention, intervention and treatment services for delinquent, pre-delinquent, pregnant, parenting and troubled youth, and for the provision of opportunities for youth to develop positively and to function as responsible members of their communities.

(Effective February 1, 1994; transferred and amended from §§ 17a-39-1—17-39-11, November 9, 1998)

Sec. 10-19m-2. Minimum standards and criteria to qualify for state cost sharing grants

(a) A Bureau shall be responsible to the chief elected official of the municipality or of the sponsoring municipality if the Bureau serves more than one municipality or his duly authorized representative.

(b) A Bureau shall have an Advisory Board of no less than seven members, who shall be appointed by and responsible to the chief elected official of the municipality or his duly authorized designee or as otherwise provided in the municipal charter. This Board shall advise and make recommendations on overall policy and program direction for the Bureau.

(1) The Advisory Board shall be comprised of representatives from public agencies with statutory responsibility for youth and private sector organizations representing community social institutions. These representatives shall include at least one member who is under 21 years of age at the time of appointment, one member who is a representative of the school system, one member who is a representative of the police department, and one member who is a representative of a private youth serving agency. The youth and police representatives may be liaison, non-voting members of the Board if such representatives are not electors in the town. At least one-third of the total membership shall be individuals who are interested in youth services and who receive less than fifty percent of their income by delivering services to youth.

(2) The Advisory Board of a Bureau involving two or more municipalities shall have at least one duly appointed representative from each municipality.

(3) Upon the request of the chief elected official of the municipality, the Department may waive the size and composition requirements for an Advisory Board if the composition of the commission is established by a municipal charter or, in the case of a private agency designated to act as the youth service bureau, if the board of directors established by the by-laws of agency provides comparable citizen representation. Additionally, the Department may waive the requirement of the composition of the Advisory Board when one or more of the agencies mentioned in subsection (b)(1) of this section do not exist.

(c) A Bureau shall:

(1) Perform all the management functions necessary to administer the Bureau and all of its programs in accordance with Sections 10-19m-1 to 10-19m-10, inclusive.

(2) Conduct research which will assess the needs of youth and the availability of existing services and resources capable of meeting those needs.

(3) Conduct a resource development program to improve services, fill service delivery gaps and create or encourage innovative approaches and programs to meet assessed youth needs.

(4) Conduct community involvement programs to promote public knowledge and understanding of youth problems and needs, and foster positive community change.

(5) Advocate for and assist individual youth in obtaining and utilizing available human resources.

(6) Advocate on behalf of groups of youth with unmet needs.

(d) A Bureau shall be responsible for the development and maintenance, either directly, or contractually or by referral, of services that respond to:

(1) Youth who are, or who potentially could be, in contact with the justice system.

(2) Youth who are without the support or protective environment necessary for normal development.

(3) Youth who manifest behavior which is potentially detrimental to themselves.

(4) The primary prevention needs in the community.

(e) Each Bureau shall state in writing its purposes, programs and services offered in a form suitable for distribution to youth and their families, referral sources, funding sources, and the public. Programs and services shall bear a direct relationship to the stated purposes of the Bureau, shall be based upon identified needs in the community, and shall have the potential to divert youth from the justice system, promote positive youth development and provide opportunities for youth to function as responsible members of the community.

(f) Each Bureau shall ensure that all services are noncoercive and that the confidentiality of the records of individuals receiving services is maintained.

(g) Each Bureau shall develop and maintain, in a manner satisfactory to the Department, the data necessary to determine and evaluate the impact of its administrative and services delivery programs. Each Bureau shall provide reports and information as may be specified in the application for funding or required by the Department from time to time.

(Effective February 1, 1994; transferred and amended from §§ 17a-39-1—17-39-11, November 9, 1998)

Sec. 10-19m-3. Joint planning committee

The Commissioner shall designate a Youth Service Bureau Committee representing a cross section of Bureau and Department staff which shall develop a mutually agreed upon method to assess a program's effectiveness.

(Effective February 1, 1994; transferred and amended from §§ 17a-39-1—17-39-11, November 9, 1998)

Sec. 10-19m-4. Application for funding

(a) For the purpose of receiving state funding to establish, expand, or operate a Bureau under Sections 10-19m to 10-19o, inclusive, of the General Statutes, a municipality shall submit an application to the Department. Applications shall be submitted in a format and according to instructions issued by the Department.

(b) One municipality shall be designated as the sponsor for purposes of administrative and fiscal accountability if the Bureau serves more than one town. Written

assurances binding participating municipalities to the terms of the grant proposal shall be included in the application.

(c) An application shall include assurances, including all supporting narrative statements, program descriptions and documentation, that the Bureau designated by the municipality is, or within the period of award will be, in full compliance with the standards set forth in Sections 10-19m to 10-19p, inclusive, of the General Statutes and in Sections 10-19m-1 to 10-19m-10, inclusive, of the Regulations of Connecticut State Agencies.

(1) Such information shall demonstrate that the Bureau is performing or will perform the following functions: administration; research; resource development; community involvement; youth advocacy; and data collection, including records management, evaluation and reporting.

(2) Such information shall demonstrate that the direct services the Bureau is providing, or will provide, address the needs of youth designated in Section 10-19m-2 (d) of Sections 10-19m-1 to 10-19m-10, inclusive.

(d) An application shall include assurances that the chief elected official of the municipality has been duly authorized to make application for a state cost sharing grant and that the local matching funds have been obligated for this purpose.

(e) An application shall provide information on the membership and function of the Advisory Board in a format and detail prescribed by the Department.

(f) An application shall include a budget in a format prescribed by the Department.

(Effective February 1, 1994; transferred and amended from §§ 17a-39-1—17-39-11, November 9, 1998)

Sec. 10-19m-5. Budget amendments

Budget amendments to approved Bureau applications shall be submitted to the Department prior to implementation. The Department may disallow an amendment which would result in improper local match, noncompliance with minimum standards or where the Commissioner determines that a proposed expenditure is unsupported.

(Effective February 1, 1994; transferred and amended from §§ 17a-39-1—17-39-11, November 9, 1998)

Sec. 10-19m-6. Cost sharing

(a) The Department shall share in the costs of each Bureau which has been awarded a grant pursuant to Sections 10-19m to 10-19p, inclusive, of the General Statutes, at the rate of no more than fifty (50) percent of the actual fiscal year cost, or the maximum dollar amounts set for state grants under Sections 10-19m to 10-19p, inclusive, of the General Statutes, whichever is less. Costs that will be shared by the Department include:

(1) Salaries and related costs for the director and other employees who perform administrative functions, as well as the salaries and related costs of employees who provide direct services.

(2) Operating expenses directly related to the operation of the administrative unit or direct services, including rent or lease cost for office or other necessary space, consumable supplies, equipment maintenance and repair, communications, copying, utilities, heat, custodial services, essential travel and training, and other services which directly and specifically support the operation of the administrative unit and direct services.

(3) Costs of contractual services for the necessary functions of the administrative unit or direct services.

(b) The local share of the costs of operating the Bureau shall be based on the expenditure of municipal revenue, which may include Community Development or other federal funds, as determined by the Department, which may reasonably be expected to continue in ensuing years.

(c) The value of allowable in-kind contributions may not exceed fifty percent (50%) of the local share of the costs of a Bureau. Allowable in-kind contributions shall include the fair market rental or lease value or the actual costs of office or other necessary space, utilities, heat, telephone, copying, consumable supplies, equipment maintenance and travel.

(d) All unexpended state funds shall be returned to the Department within 90 days of the close of the fiscal year.

(Effective February 1, 1994; transferred and amended from §§ 17a-39-1—17-39-11, November 9, 1998)

Sec. 10-19m-7. Financial records

A complete and separate accounting of state funds and funds used as local match shall be maintained by the applicant. This accounting shall be subject to audit for three years following the end of the period of award. Up to three interim statements of expenditures and income shall be submitted to the Department on forms it provides and at the times it determines.

(Effective February 1, 1994; transferred and amended from §§ 17a-39-1—17-39-11, November 9, 1998)

Sec. 10-19m-8. Inspection and examination

(a) The records and facilities of a Bureau approved for state aid by the Department shall be available to and open for examination or inspection by any duly authorized representative of the Department.

(b) If, after inspection and examination, the Department finds that a Bureau receiving funds pursuant to this Section is not being maintained in substantial compliance with law, or with Sections 10-19m-1 to 10-19m-10, inclusive, the Department shall give notice of its findings to the chief elected official of the municipality and to the Bureau Director. Unless deficiencies are corrected to the satisfaction of the Commissioner, state funds for the maintenance and operation of the Bureau may be discontinued commencing 90 days after receipt of the notice, at the discretion of the Commissioner.

(c) If given notice that funding is in jeopardy, a Bureau may, within 30 days of receipt of said notice, correct deficiencies and request a reinspection, which will be scheduled within 60 days of said request. Each funded Bureau shall have the right, without prejudice, to bring to the attention of the Department any alleged misapplication or capricious enforcement of regulations by any departmental representative, or any substantial difference of opinion, as may occur between the Bureau and any departmental representative concerning the proper application of Sections 10-19m-1 to 10-19m-10, inclusive. The Commissioner, or his designee, shall act as final arbiter of any such dispute.

(Effective February 1, 1994; transferred and amended from §§ 17a-39-1—17-39-11, November 9, 1998)

Sec. 10-19m-9. Renewal

An application for continued state funding shall be submitted each year. Contingent on the availability of funds and based on an evaluation as to whether an existing Bureau is meeting minimum standards, effectively providing programs and services, and is in compliance with the goals of Sections 10-19m to 10-19p, inclusive, of the

General Statutes, and the requirements of Sections 10-19m-1 to 10-19m-10, inclusive, the Bureau may be considered for refunding.

(Effective February 1, 1994; transferred and amended from §§ 17a-39-1—17-39-11, November 9, 1998)

Sec. 10-19m-10. Authority of the commissioner

The decision of the Commissioner with regard to an applicant's conformity with Sections 10-19m-1 to 10-19m-10, inclusive, and eligibility for aid shall be final.

(Effective February 1, 1994; transferred and amended from §§ 17a-39-1—17-39-11, November 9, 1998)

TABLE OF CONTENTS

Driver Education Programs In Secondary Schools

Repealed 10-24d-1—10-24d-10

Driver Education Programs In Secondary Schools

Secs. 10-24d-1—10-24d-10.

Repealed, April 30, 1997.

See §§ 14-36f-1—14-36f-17.

TABLE OF CONTENTS

The Formation of a Regional School District

Repealed 10-39-1—10-39-3

The Formation of a Regional School District

Secs. 10-39-1—10-39-3.

Repealed, February 5, 1998.

TABLE OF CONTENTS

**Calculation of Weighted Vote of Members of a Regional
Board of Education**

Repealed 10-63s-1—10-63s-2

**Calculation of Weighted Vote of Members of a
Regional Board of Education**

Secs. 10-63s-1—10-63s-2.

Repealed, February 5, 1998.

TABLE OF CONTENTS

Operating Vocational Agriculture Programs

Consulting committee.	10-64-1
Full-year program.	10-64-2

Operating Vocational Agriculture Programs

Sec. 10-64-1. Consulting committee

A regional vocational agriculture consulting committee shall be called into session no less than two times per year to review and assist in evaluating the program. Official copies of minutes shall be kept on file.

(Effective August 21, 1978)

Sec. 10-64-2. Full-year program

The program shall operate on a full-year basis to allow for occupational instruction and the supervision of student occupational experience programs. The staff shall be employed in such a manner as to ensure proper coverage of the twelve-month program.

(Effective August 21, 1978)

TABLE OF CONTENTS

Operating Vocational Agriculture Programs—Procedure

Budget	10-65-1
Use of facilities and equipment	10-65-2
Out-of-school youth and adults.	10-65-3
Staffing	10-65-4
Informing students	10-65-5
Admission and retention	10-65-6
Occupational experience	10-65-7
Future farmers of America	10-65-8

Operating Vocational Agriculture Programs—Procedure

Sec. 10-65-1. Budget

(a) Budgets for the operation of regional vocational agriculture center shall be submitted to the State Department of Education, annually prior to implementation of such budget. When a greater than 5% budget change is indicated, notification of deviations and/or modifications of the budget shall be forwarded to the State Department of Education.

(b) Travel to out-of-state activities shall be approved by the State Department of Education prior to attendance at those activities.

(Effective August 21, 1978)

Sec. 10-65-2. Use of facilities and equipment

The facilities and equipment funded by the State of Connecticut shall be used for vocational agriculture education.

(Effective August 21, 1978)

Sec. 10-65-3. Out-of-school youth and adults

Provisions shall be made for the upgrading and retraining of out-of-school youth and adults who are established or about to become established in agriculture or related occupations. On-the-job supervision shall be an integral part of the adult instructional program.

(Effective August 21, 1978)

Sec. 10-65-4. Staffing

(a) The program should maintain a total staff to student ratio of one certified staff member for not more than 35 full-time students (or equivalent of part-time students). This does not establish an individual class size, except that laboratory situations should not exceed a 15/1 student-teacher ratio in order to ensure a safe educational experience.

(b) Supportive staff such as clerical, custodial, and teacher substitute shall be provided to ensure that the professional staff will be free to carry on the purposes of the program and to ensure desirable standards of health and safety.

(c) A certified staff member shall be designated as administrator at each regional vocational agriculture center (department chairperson, head teacher, director, or other appropriate title).

(Effective August 21, 1978)

Sec. 10-65-5. Informing students

The operating board of education in cooperation with the vocational agriculture staff shall maintain an information program whereby all students of sending schools are informed of the availability of the vocational agriculture program.

(Effective August 21, 1978)

Sec. 10-65-6. Admission and retention

Admission and retention policies for vocational agriculture programs at the secondary school level.

(a) Applicants shall have successfully completed at least the eighth grade for ninth grade admission. (Students may apply for transfer into the program beyond ninth grade. Admittance shall be determined on an individual basis.)

(b) Applicants shall indicate an interest in agriculture as a career and shall agree to participate in a supervised, occupational experience program.

(c) The vocational agriculture staff shall have the responsibility to recommend students for acceptance into the vocational agriculture program.

(d) Any student denied admission to a program of vocational agriculture or who is about to be dismissed from such a program shall be given an opportunity to request an informal review of his/her case before a Review Committee at a Regional Vocational Agriculture Center.

The Review Committee shall be composed of at least, but not limited to the following representation: a member of the vocational agriculture staff, an administrator from the school where the vocational agriculture program operates, a member of the operating board of education or their administrative representative, a member of the sending board of education or their administrative representative and a member of the regional vocational agriculture consulting committee. Such student may make a request in writing, to the proper vocational agriculture center, addressed to the administrator responsible for such center, for a review of his or her case.

Any such request shall be made within 15 days of such action. The said committee shall conduct such review within 20 days of receipt of such request. The committee through the operating board of education shall within 10 days of such review, notify, in writing, the student, and the sending board of education of its decision. This decision shall be final and binding upon all parties.

(Effective August 21, 1978)

Sec. 10-65-7. Occupational experience

(a) Vocational agriculture students at all grade levels shall have a planned, supervised, occupational-experience program in agriculture which relates to the student's goals and abilities. The program shall be in addition to regularly scheduled class activities.

(b) Tenth, eleventh, and twelfth grade vocational agriculture classes shall be scheduled no less than 320 minutes per week. Time must be blocked to allow for laboratory, shop, and field work.

(Effective August 21, 1978)

Sec. 10-65-8. Future farmers of America

The Future Farmers of America Program is an integral part of the vocational agriculture program and all vocational agriculture teachers shall be involved.

(Effective August 21, 1978)

TABLE OF CONTENTS

**Standards for the Review and Approval of Regional
Educational Service Centers**

Repealed	10-66j-1
Definitions	10-66j-2
Geographic areas	10-66j-3
Initial approval	10-66j-4
Repealed	10-66j-5
Continued approval	10-66j-6
Review	10-66j-7

Standards for the Review and Approval of Regional Educational Service Centers

Sec. 10-66j-1.

Repealed, July 28, 1987.

Sec. 10-66j-2. Definitions

(a) "Board" means State Board of Education.

(b) "Pupil Population" means the average daily membership, as determined in accordance with section 10-261 of the General Statutes, of the local or regional boards of education, within the geographic area, for the full school year prior to an application for approval as a regional educational service center in accordance with the regulations herein.

(Effective July 28, 1987)

Sec. 10-66j-3. Geographic areas

The Board shall establish broadly defined geographic areas of the state, in which may be established regional educational service centers. These geographic areas shall be designated as follows:

- (a) **Northwest Region**
- (b) **Southwest Region**
- (c) **North Central Region**
- (d) **South Central Region**
- (e) **Northeast Region**
- (f) **Southeast Region**

(Effective July 28, 1987)

Sec. 10-66j-4. Initial approval

Regional educational service centers may be established in said geographic areas upon approval by the Board of plans of organization and operation.

(a) **Application, Conditions and Duration.**

(1) Applications for initial approval as a regional educational service center shall consist of a plan of organization and operation, as delineated in subsection (c) of this section, submitted to the Board in such manner and form as required by the Board;

(2) Any applicant meeting the conditions for approval, as stated in subsections (a) through (c) of this section, shall be approved by the Board for its first triennial period. The applicant shall be notified of said Board's decision, in writing, within forty-five (45) calendar days of receipt of said application;

(3) All applications for approval as a regional educational service center, shall be submitted no earlier than the September 1st and no later than the November 1st of any given year.

(b) **Population and Towns.** A regional educational service center may be established in a designated geographic area if the following conditions are met:

(1) Any group of four (4) or more local or regional boards of education may make application to the Board for initial approval as a regional educational service center;

(2) In no case shall there be more than two (2) regional educational service centers in any one regional state planning area;

(3) If in any given regional state planning area, the pupil population is 50,000 or less, only one regional educational service center shall be established;

(4) In no case shall a local or regional board of education be a member of more than one regional educational service center;

(5) In no case shall the total pupil population of all the member local or regional boards of education of any regional educational service center be more than 200,000 or less than 20,000;

(6) In no case shall the member local or regional boards of education in a regional educational service center represent more than forty (40) towns.

(c) **Plan of Organization and Operation.** Four (4) or more local or regional boards of education seeking initial approval as a regional educational service center shall submit a plan of organization and operation to the Board for initial approval, which shall contain, but not be limited to the following:

- (1) Policy and criteria for membership and governance;
- (2) Documentation of local agreement and membership;
- (3) Enumeration of potential students;
- (4) Enumeration of actual students;
- (5) Staff and facilities by program;
- (6) Needs assessment of the member school districts;
- (7) Long and short range goals and objectives;
- (8) Policies and programs to achieve goals and objectives;
- (9) Implementation plans and projected budget;
- (10) A plan for the evaluation of policies and programs; and

(11) Such other information as each regional educational service center may deem informative in describing its programs.

(Effective July 28, 1987)

Sec. 10-66j-5.

Repealed, July 28, 1987.

Sec. 10-66j-6. Continued approval

(a) The board of each approved regional educational service center shall submit, by October 1 of each year, to its member local or regional boards of education and the Board, an annual report in such form and manner as the board shall require.

(b) The Board shall evaluate triennially the programs and services of a regional educational service center for the purpose of such regional educational service center's continued approval.

(c) The board may establish such fiscal reporting requirements, including statements of expenditure and indirect cost determination, as it shall deem necessary to the continued approval of the regional educational service centers.

(Effective July 28, 1987)

Sec. 10-66j-7. Review

(a) If the Board does not approve an applicant, for either initial or continued approval, it shall notify such applicant, in writing, via certified mail with a return receipt, of its decision. Such notice shall state the rationale, in accordance with the authorizing statute and these regulations for not approving the applicant.

(b) An applicant which is denied either initial or continued approval may petition the board for a review of the decision within thirty days of receiving notice of the decision. The board shall conduct a review and issue a decision within sixty days of the request. The review shall be informal and its scope and procedures shall be determined by the board.

(Effective July 28, 1987)

TABLE OF CONTENTS

Children Requiring Special Education: Mentally Retarded

Repealed 10-75b-1—10-75b-2
Repealed 10-75c-1

Children Requiring Special Education: Mentally Retarded

Secs. 10-75b-1—10-75b-2.

Repealed, November 28, 1995.

Sec. 10-75c-1.

Repealed, November 28, 1995.

TABLE OF CONTENTS

Children Requiring Special Education: Physically Handicapped; Multiple Handicapped; Speech and Hearing Handicapped

Repealed 10-75g-1—10-75g-27

Children Requiring Special Education: Physically Handicapped; Multiple Handicapped; Speech and Hearing Handicapped

Secs. 10-75g-1—10-75g-26.

Repealed, July 16, 1968.

(See Reg. § 10-76b-1 et seq.)

Sec. 10-75g-27.

Repealed, November 28, 1995.

TABLE OF CONTENTS

Children Requiring Special Education

Section 10-76a: Definitions

General definitions 10-76a- 1
 Definitions of exceptionalities 10-76a- 2

Section 10-76b: Administration and Supervision

Authority 10-76b- 1
 Severance clause 10-76b- 2
 Effective date 10-76b- 3
 Compliance 10-76b- 4

Use of Seclusion and Restraint in Public Schools

Use of physical restraint and seclusion in public schools. Definitions 10-76b- 5
 Use of physical restraint and seclusion in public schools. 10-76b- 6
 Use of physical restraint and seclusion in public schools, exceptions 10-76b- 7
 Use of seclusion in public schools, requirements 10-76b- 8
 Parental notification of physical restraint, seclusion. 10-76b- 9
 Required training for providers or assistants on the use of physical
 restraint or seclusion 10-76b-10
 Reports of physical restraint, seclusion 10-76b-11

Section 10-76d: Conditions of Instruction

Special education and related services 10-76d- 1
 Personnel 10-76d- 2
 Length of school day and year 10-76d- 3
 Physical facilities and equipment. 10-76d- 4
 Class size and composition. 10-76d- 5
 Identification and eligibility of students 10-76d- 6
 Referral 10-76d- 7
 Notice and consent 10-76d- 8
 Evaluation. 10-76d- 9
 Planning and placement team 10-76d-10
 Individualized education program 10-76d-11
 Meetings. 10-76d-12
 Timelines 10-76d-13
 Program 10-76d-14
 Homebound and hospitalized instruction. 10-76d-15
 Placement 10-76d-16
 Private facilities. 10-76d-17
 Education records and reports 10-76d-18
 Transportation. 10-76d-19

Section 10-76h: Due Process

Definitions. 10-76h- 1
 Who may file hearing requests. 10-76h- 2
 Hearing request; content of hearing request 10-76h- 3
 Statute of limitations 10-76h- 4

Mediation	10-76h- 5
Advisory opinion	10-76h- 6
Appointment of hearing officer. Scheduling of prehearing conference and hearing dates.	10-76h- 7
Motion practice	10-76h- 8
Postponements and extensions	10-76h- 9
Expedited hearings	10-76h-10
Hearing rights	10-76h-11
Exhibits; documents presented at the hearing; witnesses	10-76h-12
Conduct of hearings	10-76h-13
Burden of production and proof; unilateral placement	10-76h-14
Evidence.	10-76h-15
Decision, implementation, rights of appeal	10-76h-16
Educational placement during proceedings	10-76h-17
Default or dismissal.	10-76h-18

Section 10-76l: Program Evaluation

Program evaluation	10-76l- 1
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Children Requiring Special Education

Section 10-76a: Definitions

Sec. 10-76a-1. General definitions

As used in sections 10-76a-1, 10-76a-2, 10-76b-1 to 10-76b-4, inclusive, and 10-76d-1 to 10-76d-19, inclusive, of the Regulations of Connecticut State Agencies, the following words shall have the following meanings:

(1) "At no cost" means that all special education and related services shall be provided without charge to parents. This does not preclude incidental student fees which are normally charged to non-exceptional students or their parents as part of the regular education program. A board of education shall bear full responsibility for the total cost of any program or placement made primarily for special education reasons.

(2) "Board of education" means a public body or public agency responsible for the education of children. This term shall include, but not be limited to, town or regional boards of education, regional vocational-technical schools, unified school districts or systems as administered through state agencies, educational service centers and state agencies.

(3) "Child" means any person under twenty-one years of age.

(4) "A child requiring special education" means any exceptional child who (A) has attained the age at which the town is required to provide educational opportunities in accordance with the provisions of section 10-186 of the Connecticut General Statutes and (i) who meets the criteria for eligibility for special education pursuant to the individuals with disabilities education act, 20 USC 1400, et.seq., as amended from time to time; or (ii) has extraordinary learning ability or outstanding talent in the creative arts the development of which requires programs or services beyond the level of those ordinarily provided in regular school programs but which may be provided through special education as part of the public school program; or (B) is age three, four or five and is experiencing developmental delay, as defined in section 10-76a of the Connecticut General Statutes, that causes such child to require special education.

(5) "Days" means school days unless otherwise specified.

(6) "Dominant language" means the language that is most relied upon for communication in the home and the school.

(7) "Evaluation" means a process whereby certified or licensed professionals identify and assess the specific educational strengths and weaknesses of the child for the purpose of determining educational recommendations.

(8) "Exceptional child" means a child who deviates either intellectually, physically, socially or emotionally so markedly from normal expected growth and development patterns that he or she is or will be unable to progress effectively in a regular school program and needs a special class, special instruction, or special services.

(9) "Independent evaluation" means an evaluation performed by a certified or licensed professional examiner who is not employed by the board of education responsible for the education of the child.

(10) "Individualized education program" means a separate written plan for each child which shall be developed by a planning and placement team to meet the needs of each child requiring special education and related services.

(11) "Least restrictive environment" means an educational environment which meets the needs of a child requiring special education and related services as set forth in the child's individualized education program and which, to the maximum

extent appropriate to the child's needs, ensures that the child will be educated with children not requiring special education and related services.

(12) "Mediation" means an optional process whereby parents and school officials jointly submit a written request to the commissioner of education for the appointment of a mediator, knowledgeable in the fields and areas significant to such educational review of the child, in order to attempt to work out a solution acceptable to both the board of education and the parents.

(13) "Parents" means a parent, parents, guardian or surrogate parent as defined in section 10-94h of the Connecticut General Statutes. The rights of a parent shall transfer to a student who has reached the age of eighteen years.

(14) "Parties" means the board of education and the parents and the child, if age eighteen or over.

(15) "Planning and placement team" means a group of certified or licensed professionals, who represent each of the teaching, administrative and pupil personnel staffs and who participate equally in the decision making process to determine the specific educational needs of the child and develop an individualized educational program for the child. These shall be persons knowledgeable in the areas necessary to determine and review the appropriate educational program for an exceptional child.

(16) "Preschool children requiring special education and related services" means children age three, four or five and who meet the criteria for eligibility for special education pursuant to the individuals with disabilities education act, 20 USC 1400, et.seq., as amended from time to time.

(17) "Private facility" means any facility that provides special education and related services to children, but is not a board of education.

(18) "Related services" means related services as defined in the Individuals With Disabilities Education Act, 20 USC 1400 et.seq., as amended from time to time.

(19) "Special education" means special education as defined in section 10-76a of the Connecticut General Statutes.

(20) "Special education personnel" are (1) "pupil personnel staff" who are employees of a board of education who, for at least one-third of their employment time, are assigned exclusively to the task of implementing or supervising special education programs, or (2) "special education instructional personnel" who are employees of a board of education who, for at least one-half of their employment time, are assigned exclusively to the task of implementing or supervising special education programs.

(21) "Subject to the approval" means at such time and in such manner as the state board of education shall deem approval necessary.

(Effective February 6, 1992; amended February 4, 2005)

Sec. 10-76a-2. Definitions and exceptionalities

As used in sections 10-76a-1, 10-76a-2, 10-76b-1 to 10-76b-4, inclusive, and 10-76d-1 to 10-76d-19, inclusive, of the Regulations of Connecticut State Agencies, the following words shall have the following meanings:

(1) "Extraordinary learning ability" means a child identified by the planning and placement team as gifted and talented on the basis of either performance on relevant standardized measuring instruments, or demonstrated or potential achievement or intellectual creativity, or both. The term shall refer to the top five per cent of children so identified.

(2) "Gifted and talented" means a child identified by the planning and placement team as (1) possessing demonstrated or potential abilities that give evidence of very superior intellectual, creative or specific academic capability and (2) needing

differentiated instruction or services beyond those being provided in the regular school program in order to realize their intellectual, creative or specific academic potential. The term shall include children with extraordinary learning ability and children with outstanding talent in the creative arts as defined by these regulations.

(3) “Outstanding talent in the creative arts” means a child identified by the planning and placement team as gifted and talented on the basis of demonstrated or potential achievement in music, the visual arts or the performing arts. The term shall refer to the top five per cent of children so identified.

(4) “Pregnancy” shall be deemed a condition which grants eligibility for special education and related services.

(Effective April 24, 1991; amended February 4, 2005)

Section 10-76b: Administration and supervision

Sec. 10-76b-1. Authority

These regulations are promulgated pursuant to the authority granted in, and for the implementation of, the laws concerning children requiring special education, sections 10-76a to 76d-l, inclusive, of the General Statutes. These regulations shall be applicable to all boards of education as defined by these regulations.

(Effective September 1, 1980)

Sec. 10-76b-2. Severance clause

If any provision contained in these regulations or the application thereof to any person or circumstance is held invalid, the remainder of the regulations and the application of the provision in question to other persons not similarly situated or to other circumstances shall not be affected thereby.

(Effective September 1, 1980)

Sec. 10-76b-3. Effective date

These regulations shall take effect September 1, 1980, at which time the regulations for Sections 10-76a to 10-76h, inclusive, of the General Statutes shall be repealed.

(Effective September 1, 1980)

Sec. 10-76b-4. Compliance

So long as it complies with the requirements set forth in these regulations and subject to the powers of the state board of education, a board of education shall receive payment for the cost of special education and related services according to the terms of sections 10-76a to 10-76l, inclusive, of the General Statutes.

(a) **Monitoring.** The state board of education shall conduct such monitoring activities, program audits and/or fiscal audits as it deems necessary to ensure that each board of education complies with the requirements of these regulations.

(b) **Compliance procedures.** The following procedures shall apply in the determination of compliance with the requirements of these regulations.

(1) Each board of education shall supply to the state board of education, at its request, any and all information necessary to document compliance with these regulations. Such information shall be submitted at such time and in such manner as the state board of education may request. The state board of education shall be afforded such access to records as may be necessary to verify information furnished by the board of education.

(2) A board of education may submit a written proposal, for prior approval by the state board of education, to document compliance with any requirement of these regulations in a manner different from that specified in these regulations. Such

proposal may be approved if it appears that it will substantially meet the goals of these regulations.

(3) In the event that a board of education does not comply with the requirements of these regulations or does not implement plans for such compliance within a reasonable period of time, the state board of education shall take such action as it may deem appropriate pursuant to its authority as set forth in sections 10-4a and 10-4b of the General Statutes.

(Effective September 1, 1980)

Use of Seclusion and Restraint in Public Schools

Sec. 10-76b-5. Use of physical restraint and seclusion in public schools. Definitions

For the purposes of sections 10-76b-6 to 10-76b-11, inclusive, of the Regulations of Connecticut State Agencies:

(1) “Assistant” means “assistant” as defined in section 46a-150 of the General Statutes;

(2) “Behavior intervention” means supports and other strategies developed by the planning and placement team to address the behavior of a person at risk which impedes the learning of the person at risk or the learning of others;

(3) “Business day” means “business day” as defined in subsection (a) of section 10-76h-1 of the Regulations of Connecticut State Agencies;

(4) “Individualized education plan” or “IEP” means “individualized education plan” as defined in section 10-76a-1 of the Regulations of Connecticut State Agencies;

(5) “Parent” or “parents,” means “parents” as defined in section 10-76a-1 of the Regulations of Connecticut State Agencies;

(6) “Person at risk” means “person at risk” as defined in subparagraph (A) of subdivision (3) of section 46a-150 of the Connecticut General Statutes;

(7) “Physical restraint” means “physical restraint” as defined in section 46a-150 of the Connecticut General Statutes;

(8) “Planning and placement team” or “PPT” means “planning and placement team” as defined in section 10-76a-1 of the Regulations of Connecticut State Agencies;

(9) “Provider” means “provider” as defined in section 46a-150 of the Connecticut General Statutes; and

(10) “Seclusion” means “seclusion” as defined in section 46a-150 of the Connecticut General Statutes, provided seclusion does not include any confinement of a person at risk in which the person is physically able to leave the area of confinement including, but not limited to, in-school suspension and time-out.

(Adopted effective May 7, 2009)

Sec. 10-76b-6. Use of physical restraint and seclusion in public schools

No provider or assistant shall (1) use involuntary physical restraint on a person at risk or (2) involuntarily place a person at risk in seclusion, unless such use conforms to the requirements of sections 46a-150 to 46a-154, inclusive, of the Connecticut General Statutes, and the requirements of sections 10-76b-5 to 10-76b-11, inclusive, of the Regulations of Connecticut State Agencies.

(Adopted effective May 7, 2009)

Sec. 10-76b-7. Use of physical restraint and seclusion in public schools, exceptions

Nothing in sections 46a-150 to 46a-154, inclusive, of the Connecticut General Statutes or sections 10-76b-5 to 10-76b-11, inclusive, of the Regulations of Connecti-

cut State Agencies shall be construed to interfere with the responsibility of local or regional boards of education to maintain a safe school setting in accordance with section 10-220 of the Connecticut General Statutes or to supersede the provisions of subdivision (6) of section 53a-18 of the Connecticut General Statutes concerning the use of reasonable physical force.

(Adopted effective May 7, 2009)

Sec. 10-76b-8. Use of seclusion in public schools, requirements

(a) Except for an emergency intervention to prevent immediate or imminent injury to the person or to others conforming to the requirements of subsection (b) of section 46a-152 of the Connecticut General Statutes, seclusion may only be used if (1) this action is specified in the IEP of the person at risk and (2) if other less restrictive, positive behavior interventions appropriate to the behavior exhibited by the person at risk have been implemented but were ineffective.

(b) If the PPT of a person at risk determines, based upon the results of a functional assessment of behavior and other information determined relevant by the PPT, that use of seclusion is an appropriate behavior intervention, the PPT shall include the assessment data and other relevant information in the IEP of the person at risk as the basis upon which a decision was made to include the use of seclusion as a behavior intervention. In such a case, the IEP shall specify (1) the location of seclusion, which may be multiple locations within a school building, (2) the maximum length of any period of seclusion, in accordance with subsection (d) of this section, (3) the number of times during a single day that the person at risk may be placed in seclusion, (4) the frequency of monitoring required for the person at risk while in seclusion, and (5) any other relevant matter agreed to by the PPT taking into consideration the age, disability and behaviors of the child that might subject the child to the use of seclusion.

(c) In the event the parent disagrees with the use of seclusion in the IEP of the person at risk, the parent shall have a right to the hearing and appeal process provided for in section 10-76h of the Connecticut General Statutes.

(d) Any period of seclusion (1) shall be limited to that time necessary to allow the person at risk to compose him or herself and return to the educational environment and (2) shall not exceed one hour. The use of seclusion may be continued with written authorization of the building principal or designee to prevent immediate or imminent injury to the person at risk or to others. In the case where transportation of the person at risk is necessary, the written authorization to continue the use of seclusion is not required if immediate or imminent injury to the person at risk or to others is a concern.

(e) The PPT shall, at least annually, review the continued use of seclusion as a behavior intervention for the person at risk. When the use of seclusion as a behavior intervention is repeated more than two times in any school quarter, the PPT (1) shall convene to review the use of seclusion as a behavior intervention, (2) may consider additional evaluations or assessments to address the child's behaviors, and (3) may revise the child's IEP, as appropriate.

(f) The PPT shall inquire as to whether there are any known medical or psychological conditions that would be directly and adversely impacted by the use of seclusion as a behavior intervention. A person at risk shall not be placed in seclusion if such person is known to have any medical or psychological condition that a licensed health care provider has indicated will be directly and adversely impacted by the use of seclusion. For purposes of this subsection, a "licensed health care provider" means (1) a legally qualified practitioner of medicine, (2) an advanced practice

registered nurse, (3) a registered nurse licensed pursuant to chapter 378 of the Connecticut General Statutes, or (4) a physician assistant licensed pursuant to chapter 370 of the Connecticut General Statutes. Such licensed health care provider may be the person at risk's licensed health care provider or a licensed health care provider utilized by the public schools to provide an evaluation of the person at risk for purposes of determining the appropriate use of seclusion as a behavior intervention in the person at risk's IEP. As part of the assessments described in subsection (b) of this section, the PPT may request a medical or psychological evaluation of the child for purposes of determining whether there is a medical or psychological condition that will be directly and adversely impacted by the use of seclusion as a behavior intervention. The parent may provide that information to the PPT. Any written statement provided by a licensed health care provider shall be included in the educational record of the person at risk.

(g) A person at risk in seclusion shall be monitored as described in the child's IEP by a provider or assistant specifically trained in physical management, physical restraint and seclusion procedures including, but not limited to, training to recognize health and safety issues for children placed in seclusion to ensure the safe use of seclusion as a behavior intervention.

(h) Any room used for the seclusion of a person at risk shall:

(1) Be of a size that is appropriate to the chronological and developmental age, size and behavior of the person at risk;

(2) Have a ceiling height that is comparable to the ceiling height of the other rooms in the building in which it is located;

(3) Be equipped with heating, cooling, ventilation and lighting systems that are comparable to the systems that are in use in the other rooms of the building in which it is located;

(4) Be free of any object that poses a danger to the person at risk who is being placed in the room;

(5) Have a door with a lock only if that lock is equipped with a device that automatically disengages the lock in case of an emergency. Not later than January 1, 2014, the locking mechanism of any room in a public school specifically designated for use as a seclusion room shall be a pressure sensitive plate. Any latching or securing of the door, whether by mechanical means or by a provider or assistant holding the door in place to prevent the person at risk from leaving the room, shall be able to be removed in the case of any emergency. An "emergency" for purposes of this subdivision includes, but is not limited to, (A) the need to provide direct and immediate medical attention to the person at risk, (B) fire, (C) the need to remove the person at risk to a safe location during a building lockdown, or (D) other critical situations that may require immediate removal of the person at risk from seclusion to a safe location; and

(6) Have an unbreakable observation window located in a wall or door to permit frequent visual monitoring of the person at risk and any provider or assistant in such room. The requirement for an unbreakable observation window does not apply if it is necessary to clear and use a classroom or other room in the school building as a seclusion room for a person at risk.

(Adopted effective May 7, 2009)

Sec. 10-76b-9. Parental notification of physical restraint, seclusion

(a) If a person at risk is physically restrained or placed in seclusion, an attempt shall be made to notify the parent on the day of, or within twenty-four hours after, physical restraint or seclusion is used with the child as an emergency intervention

to prevent immediate or imminent injury to the person or others, as permitted under sections 46a-150 to 46a-154, inclusive, of the Connecticut General Statutes. Such notification shall be made by phone, e-mail or other method which may include, but is not limited to, sending a note home with the child. The parent of such child, regardless of whether he or she received such notification, shall be sent a copy of the incident report no later than two business days after the emergency use of physical restraint or seclusion. The incident report shall contain, at a minimum, the information required under subsection (d) of section 46a-152 of the Connecticut General Statutes.

(b) Where seclusion is included in the IEP of a person at risk, the PPT and the parents shall determine a timeframe and manner of notification of each incident of seclusion.

(c) The Department of Education shall develop a plain language notice for use in the public schools to advise parents of the laws and regulations concerning the emergency use of physical restraint or seclusion or the use of seclusion as a behavior intervention in a child's IEP. On and after October 1, 2009, this notice shall be provided to the child's parent at the first PPT meeting following the child's referral for special education. For children who were eligible for special education prior to October 1, 2009, the notice shall be provided to the parent at the first PPT meeting convened after October 1, 2009. The notice shall also be provided to a child's parent at the first PPT meeting at which the use of seclusion as a behavior intervention is included in the child's IEP.

(Adopted effective May 7, 2009)

Sec. 10-76b-10. Required training for providers or assistants on the use of physical restraint or seclusion

A person at risk may be physically restrained or removed to seclusion only by a provider or assistant who has received training in physical management, physical restraint and seclusion procedures. Providers or assistants shall also be provided with training as described in subdivision (2) of subsection (a) of section 46a-154 of the Connecticut General Statutes.

(Adopted effective May 7, 2009)

Sec. 10-76b-11. Reports of physical restraint, seclusion

The recording and reporting of instances of physical restraint or seclusion and the compilation of this information shall be in accordance with section 46a-153 of the Connecticut General Statutes. The recording of such instances shall be done on a standardized incident report developed by the Department of Education. Such reports shall be completed no later than the school day following the incident.

(Adopted effective May 7, 2009)

Section 10-76d: Conditions of instruction

Sec. 10-76d-1. Special education and related services

Each board of education shall provide a free, appropriate public education for each child requiring special education and related services described in subdivision (i) of subparagraph (A) of subsection (4) of section 10-76a-1 and subparagraph (B) of subsection (4) of section 10-76a-1 of the Regulations of Connecticut State Agencies and for each preschool child requiring special education and related services. A preschool child requiring special education and related services is entitled to receive a free, appropriate public education on and after the child's third birthday,

notwithstanding the fact that the third birthday occurs outside of the regular school year.

(a) **General requirements.** Each board of education shall provide special education and related services in accordance with the following requirements.

(1) Such education shall be consistent with the requirements of law and regulation;

(2) Such education shall be provided under public supervision at public expense and at no cost to parents; provided that, if a child is eligible for any public or private insurance, or health or welfare benefit, nothing in this section shall be construed as relieving the insurer or provider from an otherwise valid obligation to provide or to pay for any service or services;

(3) Such education shall be in conformity with the child's individualized education program;

(4) Such education shall ensure that children requiring special education and related services are educated in the least restrictive environment;

(5) Such education shall ensure that all children are given the opportunity to participate in all aspects of the school program, including graduation and all extra-curricular activities, to the limits of each child's capacity as determined by the planning and placement team;

(6) Such education shall provide bilingual education in accordance with the child's needs as set forth in the child's individualized education program; and

(7) Such education shall be continued until the end of the school year in the event that the child turns twenty-one during that school year.

(b) **Provision of services.** Each board of education shall provide all children requiring special education and related services with the full range of special education and related services as set forth in these regulations; provided, however, that each board of education shall be required only to provide identification, referral and evaluation services for gifted and talented children. The provision of all other special education and related services to gifted and talented children shall be at the option of each board of education.

(c) **Contracts for service.** A board of education may enter into a contract or contracts to provide special education and related services when educational needs cannot be met by public school arrangements. Each board of education entering into a contract for the purpose of providing special education and related services shall ensure that all services contracted for are provided in conformance with each child's individualized education program and the requirements of these regulations.

(1) A board of education may contract for the following services:

Instructional services and programs

Diagnostic medical services

Psychological services

Social work services

Speech and hearing services

Guidance and counseling services

Parent counseling and training services as related to educational objectives

Physical therapy services

Occupational therapy services

Translation services

Transportation services

Inservice training

(2) A board of education may request of the State Board of Education approval to contract for other services as may be deemed necessary.

(3) Each contract shall be a written document showing the terms of the agreement in full. The terms shall state clearly the nature and extent of the special education and related services, the minimal goals and objectives for the child (where applicable), the estimated time schedule for returning the child to the community (where applicable), the amounts payable for the services and the payment terms. Contract terms shall include a provision that payment shall be conditioned on the proper delivery of services.

(4) Each contract shall be subject to the approval of the commissioner of education, who shall consider such factors as the particular needs of the child, the suitability and efficacy of the program or service offered, and the economic feasibility of comparable alternatives. Contracts shall be eligible for payment only if both parties meet applicable requirements set forth in law and regulation.

(d) **Payment.** Each board of education shall file with the state board of education the required state form for payment for expenditures made for special education and related services.

(Effective September 1, 1980; amended February 4, 2005)

Sec. 10-76d-2. Personnel

Each local board of education shall employ the number of certified and/or licensed personnel and support personnel necessary to implement the special education and related services required in each child's individualized education program. All personnel in supervisory positions in special education and related services shall hold an intermediate administrator's certificate and shall be appropriately certified and/or licensed as specified in these regulations. Personnel hired after the effective date of these regulations for supervisory positions in special education and related services not required by these regulations shall be appropriately certified and/or licensed in special education or pupil personnel services.

(a) **Coordination of instruction.** Whenever a board of education employs the equivalent of four, but less than the equivalent of fifteen, full-time certified and/or licensed special education personnel (instructional and non-instructional), the time and responsibility necessary for the coordination of special education and related services shall be assigned to one of the special education personnel.

(b) **Supervision of instruction.** Whenever a board of education employs the equivalent of fifteen full-time special education instructional personnel, the board of education shall employ a full-time supervisor, certified and/or licensed in special education, responsible for the supervision of special education instruction. The board of education shall employ full-time supervisors of special education in accordance with the following ratios:

(1) One supervisor to the equivalent of fifteen to twenty-nine full-time special education instructional personnel.

(2) Two supervisors to the equivalent of thirty to forty-nine such personnel.

(3) One additional supervisor for every additional twenty-five such personnel.

(c) **Coordination of Pupil Personnel Services.** Whenever a board of education employs the equivalent of four, but less than the equivalent of fifteen, full-time certified and/or licensed pupil personnel specializing in the following categories of pupil personnel services, the time and responsibility necessary for the coordination of the services shall be assigned to one of the persons in any of the categories: school social work services, school psychological services, school speech and hearing services, school guidance and counseling services, and school health services.

(d) **Supervision of pupil personnel services.** Whenever a board of education employs the equivalent of fifteen full-time certified and/or licensed pupil personnel

specializing in the categories listed in section 10-76d-2(c) of these regulations, the board of education shall employ a full-time supervisor certified and/or licensed in any of the service categories to be supervised. For additional personnel, supervisory ratios shall be as set forth in section 10-76d-2(b) of these regulations.

(e) **Supervision of pupil personnel service categories.** Whenever a board of education employs the equivalent of fifteen full-time certified and/or licensed pupil personnel specializing in any one of the categories listed in section 10-76d-2(c) of these regulations, the board of education shall employ a full-time supervisor certified and/or licensed in the service category to be supervised. For additional personnel, supervisory ratios shall be as set forth in section 10-76d-2(b) of these regulations.

(f) **Combination of resources.** Whenever more than one board of education combine resources to employ a single administrative head, the combined total of special education personnel under those boards of education shall be the number used for the determination of the requirement of coordination or supervision.

(g) **Aides.** Provision shall be made for the direct supervision of each aide in special education by a person certified and/or licensed in the area of specialization to which such aide is assigned.

(h) **Consultation.** Time shall be scheduled during the school day for personnel who provide special education and related services or regular education to consult with each other, other personnel and parents.

(i) **Personnel development.** Each board of education shall provide for a system of personnel development to meet the requirements of these regulations. Inservice training on special education and related services shall be given to regular and special education instructional, related services and support personnel.

(Effective September 1, 1980)

Sec. 10-76d-3. Length of school day and year

Unless otherwise specified in a child's individualized education program, the minimum school day and year for children requiring special education and related services shall be the same as that for children in the regular education program.

(Effective September 1, 1980)

Sec. 10-76d-4. Physical facilities and equipment

(a) **Physical facilities.** Each board of education shall provide special education and related services in a physical environment appropriate to the child's needs as set forth in the child's individualized education program.

(1) Children requiring special education and related services shall receive special education and related services in regular education facilities where appropriate.

(2) Special education and related services shall be provided in facilities which meet all building, health and safety codes.

(3) Children with limited mobility shall have access, free from barriers to their mobility, to those areas to which access is necessary for the implementation of their individualized education programs.

(4) A board of education may rent special education facilities. Such facilities shall meet the requirements as set forth in section 10-76d-4(a) (1) through (3) of these regulations. To receive payment for rental of special education facilities, a board of education shall document that adequate space is not available in any of its public school buildings and that rental is necessary because of improvement in or expansion of the special education program. Rented facilities for special education may be used to house regular classes where such use is a mean of initiating or

improving special education programs or facilities within a regular public school building.

(b) **Equipment.** Each board of education shall provide education equipment and materials sufficient to meet the requirements of each child's individualized education program.

(1) The board of education shall maintain an inventory of all education equipment costing more than two hundred dollars per unit if the cost of the equipment is included in special education costs for purposes of payment. The inventory shall identify the equipment and state its cost, date of purchase and current use or disposition. Records of inventories of such education equipment shall be retained for three years beyond the useful life or disposition of the equipment.

(2) All equipment and materials for which full payment is sought shall be used exclusively for special education and related services. Payment for all shared equipment and materials shall be prorated in accordance with the proportion of time such equipment and materials are used for special education and related services.

(Effective September 1, 1980)

Sec. 10-76d-5. Class size and composition

The number and age range of children requiring special education and related services assigned to a class shall be such that the specifications of each child's individualized education program can be met.

(Effective September 1, 1980)

Sec. 10-76d-6. Identification and eligibility of students

Each board of education is responsible for the identification of children requiring special education and related services. This responsibility shall include cooperating with other agencies in a position to identify children requiring special education and related services. Determination of a child's eligibility to receive special education and related services shall be based on documented evidence, as required by these regulations, that the child requires special education.

(Effective September 1, 1980)

Sec. 10-76d-7. Referral

Each board of education shall accept and process referrals from appropriate school personnel, as well as from a child's parents; or from a physician, clinic or social worker, provided the parent so permits, in order to determine a child's eligibility for special education and related services. A board of education shall make available a standard referral form which shall be used in all referrals. Before a child is referred to a planning and placement team, alternative procedures and programs in regular education shall be explored and, where appropriate, implemented. Provision shall be made for the prompt referral to a planning and placement team of all children who have been suspended repeatedly or whose behavior, attendance or progress in school is considered unsatisfactory or at a marginal level of acceptance.

(Effective September 1, 1980)

Sec. 10-76d-8. Notice and consent

Each board of education shall notify parents of children requiring special education and related services five days before proposing to, or refusing to, initiate or change the child's identification, evaluation or placement. Written notice shall be sent to the parents no later than five days after date of referral. In addition, written parental consent shall be obtained prior to initial evaluation, reevaluation, initial placement

or private placement of a child who requires or may require special education and related services.

(a) **Requirements for notice.** Notice shall include the following information.

(1) The reason for the notice. In the event of a referral, the notice shall include the source and date of the referral;

(2) A description of the general evaluation procedure to be used;

(3) A statement of parental rights to review and obtain copies of all records used as a basis for the referral, to be fully informed of all evaluation results, and to obtain an independent educational evaluation as part of the evaluation process; and

(4) A full explanation of all due process procedures available to parents.

(b) **Requirements for consent.** Where parental consent is required, notice shall include the requirements of subsection (a) of this section and the following information.

(1) A statement of parental rights to refuse consent and that, if consent is given, it may be revoked at any time;

(2) A statement that parental failure to respond, within ten days from the date of the notice, shall be construed as refusal of consent; and

(3) A statement that, if contested, the child's current educational placement will not change until due process procedures have been completed.

(c) **Procedures.** The notice must be communicated in accordance with the following procedures.

(1) The notice must be in writing; and

(2) The notice must be provided in language understandable to the general public, and in the dominant language or other mode of communication used by the parents unless it is clearly not feasible to do so. If the dominant language or other mode of communication of the parent is not a written language, the board of education shall ensure first, that the notice is translated orally or by other means in the dominant language or other mode of communication of the parents; and, second, that the information is clearly presented and understood by the parents. There shall be written evidence that these two steps have been taken.

(Effective September 1, 1980; amended February 4, 2005)

Sec. 10-76d-9. Evaluation

Each child who has been referred and who may require special education and related services shall be evaluated in order to determine whether special education is required. Each child receiving special education and related services shall be re-evaluated at least once every three years. In addition, a re-evaluation shall be conducted upon the request of the parent or personnel working with the child.

(a) **Evaluation study.** Each board of education shall ensure that a complete evaluation study is conducted for each child referred who may require special education and related services. The evaluation study shall include reports concerning the child's educational progress, structured observation, and such psychological, medical, developmental and social evaluations as may be appropriate in determining the nature and scope of the child's exceptionality.

(1) The evaluation study may include information concerning the child's physical condition, sociocultural background and adaptive behavior in home and in school. The evaluation study shall document the sources of all information.

(2) In the case of a child dominant in a language other than English, the evaluation study shall also include systematic teacher observation of the specific areas of concern. Detailed information about the child's performance at home and in the

community and any prescriptive or diagnostic teaching which has taken place shall be included.

(b) **Evaluation procedures.** Each board of education shall use evaluation procedures, instruments and techniques that are non-discriminatory and have been validated for the specific purpose for which they have been designed. All such evaluation procedures, instruments, and techniques shall be administered by appropriately certified and/or licensed personnel in accordance with procedures recommended by the test publisher.

(1) All evaluation procedures, instruments and techniques shall be administered in the child's dominant language or other mode of communication.

(2) More than one evaluation procedure, instrument, or technique shall be used as the basis for placement. The results of standardized or local tests of ability, aptitude, affect, achievement and aspiration shall not be exclusively used as the basis for placement.

(3) Tests shall be selected and administered so as best to ensure that when a test is administered to a child with impaired sensory, manual, or speaking skills, the test results accurately reflect the child's aptitude or achievement level or whatever other factors the test purports to measure, rather than reflecting the child's impaired sensory, manual or speaking skills (except where those skills are the factors which the test purports to measure).

(4) Evaluation procedures, instruments and techniques shall include those designed to assess specific areas of educational need and, where appropriate, language dominance, and shall not be limited to those which are designed to provide a general intelligence quotient.

(c) **Independent evaluation.**

(1) Parents have the right to obtain an independent evaluation, conducted by an appropriately certified and/or licensed examiner who is not employed by the responsible board of education, of their child. Each board of education shall provide to parents, on request, information about where an independent evaluation may be obtained.

(2) Parents have the right to an independent evaluation at public expense if the parents disagree with an evaluation obtained by the board of education. However, the board of education may initiate a due process hearing conducted pursuant to Section 10-76h-1 of these regulations to show that its evaluation is appropriate. If the hearing officer or board determines that the evaluation of the board of education was appropriate, the parents still have the right to an independent evaluation, but not at public expense. For purposes of this section, "at public expense" means that the evaluation is provided at no cost to the parents.

(3) If the parents obtain an independent evaluation at private expense, the results of the evaluation must be considered by the board of education in any decision concerning the provision of a free appropriate public education to the child and may be presented as evidence at a due process hearing conducted pursuant to Section 10-76h-1 of these regulations.

(4) If a hearing officer requests an independent evaluation as part of a hearing, the evaluation shall be at public expense.

(5) Whenever an independent evaluation is at public expense, the criteria under which the evaluation is obtained, including the location of the evaluation and the qualifications of the examiner, shall be the same as the criteria which the board of education uses when it initiates an evaluation.

(Effective April 24, 1991)

Sec. 10-76d-10. Planning and placement team

Each board of education shall establish a sufficient number of planning and placement teams to ensure that all children requiring special education and related services within its jurisdiction shall receive special education and related services. The planning and placement team shall be responsible for the following.

(a) **Evaluation on referral.** Conducting an evaluation, as set forth in section 10-76d-9 of these regulations, of every child who has been referred and who may require special education and related services.

(b) **Evaluation of children requiring special education.** Conducting an evaluation, as set forth in section 10-76d-9 of these regulations, before any action is taken with respect to the initial placement or denial of placement of a child in a special education program, or before the transfer or denial of transfer of a child from a special education program to a full-time regular class placement.

(c) **Determination of eligibility.** Determining, following evaluation, the eligibility of a child for special education and related services.

(d) **Meetings.** Meeting to develop the individualized education program in the event of a determination that a child is eligible to receive special education and related services, and meeting to review or revise the individualized education program, in accordance with section 10-76d-11 of these regulations.

(e) **Re-evaluation.** Conducting a re-evaluation, as set forth in section 10-76d-9 of these regulations, of each child receiving special education and related services. (Effective September 1, 1980)

Sec. 10-76d-11. Individualized education program

Each board of education shall establish policies and procedures for developing, implementing, reviewing, maintaining and evaluating an individualized education program for each child requiring special education and related services. The individualized education program shall be based upon the diagnostic findings of the evaluation study. The planning and placement team shall base recommendations for any changes in a child's individualized education program upon the child's current individualized education program and any information relating to the child's current educational performance.

(a) **Development or revision.** Each planning and placement team shall develop, or revise, whichever is appropriate, the individualized education program for each child requiring special education and related services prior to the beginning of the school year. In the case of a student enrolled after the last day of the previous school year, this process shall be completed by October first of the school year.

(b) **Review.** Each planning and placement team shall review and, if appropriate, revise each child's individualized education program periodically but not less than annually. In addition, a review shall be made upon request of the parents or personnel working with the child, provided the child's educational performance indicates the need for a review.

(c) **Components.** Components of the individualized education program shall include the following.

(1) A statement of the child's present level of educational performance, including, where appropriate, academic achievement, social adaptation, prevocational and vocational skills, psychomotor skills and self-help skills;

(2) A statement of annual educational goals for the school year under the child's individualized educational program;

(3) A statement of short-term instructional objectives derived from the annual educational goals. This shall include objective criteria, evaluation procedures and

schedules for determining, on a regular basis, whether the short-term instructional objectives are being achieved;

(4) A statement of specific educational services needed by the child, including a description of special education and related services which are needed to meet the needs of the child. Such description shall include the type of transportation necessary and a statement of the recommended instructional settings;

(5) The date when those services will begin and length of time the services will be given with the length of the school day and school year needed to meet the child's special education needs, including criteria to determine when services will no longer be needed;

(6) A description of the extent to which the child will participate in the regular education program. This shall include a description of how the regular education program will be modified to meet the child's needs;

(7) A list of the individuals who shall implement the individualized education program; and

(8) In the case of a residential placement, whether such placement is being recommended because of the need for services other than educational services.

(d) **Individualized education program form.** Each board of education shall use a standardized individualized education program form. Said form shall be subject to the approval of the state board of education.

(Effective September 1, 1980)

Sec. 10-76d-12. Meetings

Each planning and placement team is responsible for initiating, conducting and maintaining a record of planning and placement team meetings for developing, reviewing or revising a child's individualized education program.

(a) **Members.** Each planning and placement team to develop, review or revise the individualized education program for each child shall be as defined by these regulations. In addition, parents shall have the right to be present at and participate in all portions of such meeting at which an educational program for their child is discussed, developed or written. Where appropriate, the membership of the meeting may include the child.

(b) **Members in private placement.** In the event of a meeting to review or revise the individualized education program of a child in an out-of-district or a private placement, a representative of the out-of-district or private facility shall also be invited. In addition, a representative of the outside facility shall contribute to the development of short-term instructional objectives as set forth in section 10-76d-11 (e) of these regulations.

(c) **Parental participation.** Each board of education shall take steps to ensure that one or both of the child's parents are afforded the opportunity to participate in each meeting to develop, review or revise the individualized education program for that child. Every effort shall be made to schedule meetings at a mutually agreed upon time and place. Steps to ensure parental participation shall be taken in accordance with the following.

(1) At least five days prior to the meeting, parents shall be advised in writing, in their dominant language, of their rights to be participating members of the planning and placement team.

(2) Such notice shall also specify the purpose, time and location of the meeting and who has been invited.

(3) If neither parent can attend, reasonable effort shall be made to secure parental participation by other means such as conference calls or home visits.

(4) A meeting may be conducted without a parent in attendance if the board of education is unable to secure parental attendance. In this event, the board of education shall have a detailed record of its attempts to arrange parental participation.

(5) Each board of education shall take any and all actions necessary to ensure that the parents understand the proceedings at the meeting. This shall include, but not be limited to, providing an interpreter for the parents who are in need of such services.

(Effective September 1, 1980)

Sec. 10-76d-13. Timelines

Special education and related services shall be provided as soon as possible after the planning and placement team meeting held to review, revise or develop the child's individualized education program, but in any event not later than the following timelines.

(a) **School year.** In the case of a referral made during the academic year, the timelines shall be as follows.

(1) The individualized education program shall be implemented within forty-five days of referral or notice, exclusive of the time required to obtain parental consent.

(2) In the case of a child whose individualized education program calls for out-of-district or private placement, the individualized education program shall be implemented within sixty days of referral or notice, exclusive of the time required to obtain parental consent. If difficulty of placement is such as to occasion a delay beyond this period, the board of education shall submit to the state board of education written documentation of its efforts to obtain placement in a timely manner.

(3) Notice shall be sent to the parents in accordance with the requirements of Section 10-76d-8 of these regulations.

(4) Where necessary, parental consent shall be given within ten days of the date of notice or, where appropriate, of the date of the planning and placement team meeting in which the parents participated. Consent shall be as specified in Section 10-76d-8 of these regulations.

(5) Notice of a planning and placement team meeting to develop, review or revise the child's individualized education program shall be sent to the parents in accordance with Section 10-76d-12 (c) of these regulations.

(6) A full copy of the individualized education program shall be sent to the parents within five days after the planning and placement team meeting to develop, review or revise the individualized education program.

(b) **Between school years.** In the case of a referral made in between school years, the effective date of the referral may be deemed to be the first school day of the next school year.

(Effective April 24, 1991)

Sec. 10-76d-14. Program

Each board of education shall provide each child requiring special education and related services with a program appropriate to the child's needs as set forth in the child's individualized education program.

(a) **Program alternatives.** Each board of education shall make available program alternatives which shall include, but not be limited to, the following.

(1) A program in which instructional services are provided by the teacher or support personnel either in the child's classroom or another setting.

(2) A program in which instructional services are provided through a combination of regular classroom and special classroom instruction.

(b) **Trial placement for diagnostic purposes.** Each board of education may use trial placement for diagnostic purposes. This shall mean a structured program, of not more than eight weeks' duration, the purpose of which is to assess the needs of a child for whom an individualized education program may be needed, but for whom the evaluation study is either inconclusive or the data insufficient to determine the child's individualized education program.

(1) The planning and placement team shall specify, in writing, diagnostic goals and objectives, as well as the types and amounts of services needed to conduct the program in order to determine more conclusively the child's needs.

(2) The planning and placement team shall meet at least once every two weeks with personnel working with the child to discuss the child's progress and to revise, where necessary, the services being provided.

(3) A child's time may be divided between the diagnostic program and another program, or the child may be placed in the diagnostic program full-time. Decisions regarding such options shall be made by the planning and placement team.

(4) A diagnostic program shall be terminated as soon as the child's needs have been determined, but in any event within eight weeks.

(5) Five days before the end of the diagnostic program, the planning and placement team shall reconvene to write the child's individualized education program based on findings made during the program as well as other evaluative information regarding the child.

(c) **Early childhood program.** Each board of education shall provide early childhood programs designed to meet the needs of preschool children requiring special education and related services. Such programs shall be provided in school, in the child's home, or in alternative settings as set forth in section 10-76d-14 (a) and (b) of these regulations.

(d) **Career and vocational programs.** Each board of education shall ensure that all children requiring special education and related services have access to all career and vocational education programs available to children in the regular education program.

(1) Vocational programs shall be provided for each child whose individualized education program requires such a program.

(2) Vocational programs shall contain an academic component.

(e) **Program approval.** Each board of education shall submit an application for approval of its special education programs in such form and at such time as the state board of education shall require.

(Effective September 1, 1980)

Sec. 10-76d-15. Homebound and hospitalized instruction

A board of education shall provide homebound and hospitalized instruction when recommended by the planning and placement team.

(a) **Requirements of individualized education program.** Homebound and hospitalized instruction shall be as specified in the child's individualized education program, subject to the following.

(1) In the case of a child not otherwise in need of special education and related services, homebound or hospitalized instruction shall maintain the continuity of the child's regular program. The requirements of evaluation and an individualized education program shall not apply and a planning and placement team meeting need not be convened.

(2) In the case of a child not previously receiving special education and related services, the requirements of evaluation and an individualized education program

shall apply if there is reason for the planning and placement team to believe that the child will continue to require special education and related services.

(3) In the case of a child receiving special education and related services, the planning and placement team shall, where necessary, modify short-term instructional objectives in the child's individualized education program

(b) **Necessary conditions.** Homebound and hospitalized instruction shall be provided only when the planning and placement team finds that one or more of the following conditions applies.

(1) A physician has certified in writing that the child is unable to attend school for medical reasons and has stated the expected date the child will be able to return to the school.

(2) The child has a handicap so severe that it prevents the child from learning in a school setting, or the child's presence in school endangers the health, safety or welfare of the child or others.

(3) A special education program recommendation is pending and the child was at home at the time of referral.

(4) The child is pregnant or has given birth and a physician has certified that homebound or hospitalized instruction is in the child's best interest and should continue for a specified period of time.

(c) **Length of absence.** Homebound or hospitalized instruction shall be provided when a child's condition will cause an absence of at least three weeks' duration. Provided nothing in the child's condition precludes it, such instruction shall begin no later than two weeks from the first day of absence.

(d) **Time and place.** Homebound and hospitalized instruction shall be provided for at least one hour per day or five hours per week for children in grades kindergarten through six and at least two hours per day or ten hours per week for children in grades seven through twelve. Where evaluative data indicates that these time requirements are too great for the child, the planning and placement team may decrease instruction time. Instruction shall be provided in the setting of the child's home or the hospital to which the child is confined.

(Effective September 1, 1980)

Sec. 10-76d-16. Placement

Each board of education shall make educational placements in accordance with the requirements set forth in the individualized education program of each child requiring special education and related services.

(a) **Placement priorities.** Each child requiring special education and related services shall be educated in the school which he or she would attend if he or she did not require special education and related services, unless the individualized education program requires another placement. Priority shall be given to public placement near the child's home.

(1) Priority shall be given to placement in the school district in which the child resides.

(2) Priority shall be given to placement in another school district, or in a regional school district, that is near the child's home. Cooperative efforts between or among school districts shall be considered as taking priority over placement in a private or state-operated facility.

(3) Placement in a private facility shall be made only when the board of education has fully explored all possible public placements.

(4) Placement in another state shall be made only when no public or approved private facility which can reasonably provide a suitable special education program is available in Connecticut.

(5) Subject to the provisions of section 10-76h of these regulations, neither the board of education nor the state board of education shall be responsible for the cost of educating a child requiring special education and related services whose parents unilaterally place the child.

(6) In the case of a child placed in a residential facility because of the need for services other than educational services, the financial responsibility of the board of education shall be limited to the reasonable costs of special education instruction.

(b) **Placement pending educational program recommendations.** From the time of referral until the time a placement is made in accordance with a child's individualized education program, including any time necessary to complete due process procedures, each board of education shall provide an education for each child consistent with the following:

(1) A child shall remain in his or her placement at the time of referral unless the board of education or the parents submit a written statement to the state board of education showing that the child's presence in that placement endangers the health, safety or welfare of the child or others, or unless the parents and the board of education agree in writing on an appropriate temporary placement.

(2) Each board of education shall provide appropriate temporary education services to each child requiring special education and related services who is at home at the time of referral, or whose presence has been found to endanger others as set forth in section 10-76d-16 (b) (1) of these regulations.

(Effective September 1, 1980)

Sec. 10-76d-17. Private facilities

A board of education may place a child requiring special education and related services in a private facility.

(a) **Requirements.** Each board of education shall ensure that any placement in a private facility is made in accordance with the following requirements.

(1) The board of education shall explore all other placement options with priority, as set forth in section 10-76d-16 (a) of these regulations, before deciding that the child cannot be appropriately placed in a public school, agency or institution;

(2) The child's individualized education program, developed by the board of education as set forth in sections 10-76d-11 and 10-76d-12 of these regulations, shall be maintained in the private facility;

(3) The placement shall be at no cost to the parents;

(4) The private facility shall be approved as set forth in section 10-76d-17 (d) of these regulations;

(5) A child placed in a private facility shall be accorded all of the educational rights the child would have if served directly by his or her board of education; and

(6) All out-of-state private facilities shall meet the educational standards for private special education facilities of the receiving state. If no such standards exist, the sending board of education shall provide the state board of education with documentation that the private placement is appropriate to the child's needs as set forth in the child's individualized education program.

(b) **Responsibility.** A board of education shall ensure the development of a child's individualized education program as set forth in sections 10-76d-11 and 10-76d-12 of these regulations. No placement shall be made unless it is in accordance with a

child's individualized education program as developed by the planning and placement team of the board of education responsible for the child's education.

(c) **Time limits.** Placement in a private facility of a child requiring special education and related services shall be subject to review by the state board of education.

(1) Any continuation, after a three-year period, of a placement in a private facility shall require the annual approval of the state board of education.

(2) Any continuation, after a two-year period, of a placement in an out-of-state private facility shall require the annual approval of the state board of education.

(3) To apply for such approval, a board of education shall submit a written justification of the placement to the state board of education, which shall consider the needs and progress of the child and the availability of appropriate public programs and services in making its determination.

(d) **Approval of private facilities.** Each private facility seeking approval shall submit a written application for approval as required by the state board of education. In order to be approved, each private facility shall have been in operation for at least one school year prior to application and shall meet the following requirements:

(1) Each private facility shall agree that in its operations no person shall be excluded from participation, be denied benefits or be otherwise discriminated against on the basis of sex, race, color, creed, religion, national origin, age, marital status or handicapping condition in any program or activity for which the facility receives public monies;

(2) Each private facility shall request from the sending board of education and maintain an individualized education program for each child placed by a board of education;

(3) Each private facility shall, with the sending board of education, cooperate in and contribute to the annual review of each child's individualized education program and the determination of continued placement in accordance with sections 10-76-11 and 10-76d-12 of these regulations;

(4) Each private facility shall complete periodic reviews and evaluations of each child's progress relative to the child's individualized education program. Comprehensive reports of the child's progress shall be submitted to the child's parents and the sending board of education with such frequency as said board of education shall require, but in no event less than twice a year;

(5) Each private facility shall have written policies and procedures for both emergency and early termination of a child's placement. The procedure for emergency termination shall provide for immediate notification of the sending board of education and the child's parents.

The procedure for early termination shall provide for prior consultation with the sending board of education as well as an orderly transfer of provision of service;

(6) Each private facility shall conform to the requirements of these regulations with respect to class size and composition, length of school day and year and physical facilities;

(7) Each private facility shall have policies and procedures which meet the requirements of these regulations regarding education records;

(8) Each private facility shall ensure that all administrative, instructional and related service personnel providing special education and related services who are hired after the effective date of these regulations shall hold appropriate certification, which shall be on file with the state board of education; and

(9) Each private facility shall require of its personnel, on an annual basis, evidence of having met the health requirements for public school employees as established by the General Statutes and their regulations.

(e) **Procedures for approval of private facilities.** Upon receipt of a written application for approval as required by section 10-76d-17 (d) of these regulations, the state board of education shall initiate the following actions:

(1) A site visit to the private facility shall be made by representatives of the state department of education.

(2) Based upon the written application and the site visit, a recommendation shall be made to the state board of education that approval be granted or withheld. Appeal from a decision of the state board of education shall follow the provisions of Chapter 54 of the General Statutes, the Uniform Administrative Procedures Act.

(3) Following initial approval, the state board of education shall annually review the approved status of a private facility for three consecutive years; thereafter, review shall take place once every five years.

(4) The state department of education shall maintain a current list of all approved private facilities which shall be available to the public upon request.

(Effective November 23, 1994)

Sec. 10-76d-18. Education records and reports

Each board of education shall maintain records concerning children requiring special education and related services and shall provide for the filing, protection, confidentiality, classification, review and, when appropriate, destruction of such records.

(a) **Policies and procedures for records.** Each board of education shall have policies and procedures to ensure the confidentiality of education records.

(1) All such policies and procedures shall be consistent with the requirements of pertinent state and federal law and regulation.

(2) All such policies and procedures shall be in writing and shall be made known at least annually to parents of children requiring special education and related services and shall be available to the public.

(3) Policies and procedures shall include those relating to securing parental consent.

(4) Policies and procedures shall include those relating to amendment of information in education records at a parent's request, where the board of education agrees to amend such information.

(5) Policies and procedures shall include those relating to the opportunity for a hearing at which parents may challenge the information in education records.

(6) Policies and procedures shall include those relating to safeguards to protect the confidentiality of personally identifiable information at collection, storage, disclosure and destruction stages. This shall also include a record of access to all education records.

(b) **Access rights to records.** Parents shall have the right to inspect and review any education records relating to their child which are collected, maintained or used by the board of education.

(1) A request to inspect and review a child's records shall be in writing. The board of education shall comply with such request within ten days of such request, or within three days of such request if the request is in order to prepare for a meeting regarding an individualized education program or any due process proceeding.

(2) The parents' right to inspect and review the child's records shall include the right to one free copy of those records. A request for the free copy shall be made

in writing. The board of education shall comply with such request within five school days of such request. Notwithstanding the fact that a test instrument or portion of a test instrument may meet the criteria of an “education record” under the Family Educational Rights and Privacy Act, 20 USC 1232g, any test instrument or portion of a test instrument for which the test manufacturer asserts a proprietary or copyright interest in the instrument shall not be copied. The parent retains the right to review and inspect such information and the board of education shall respond to reasonable requests from the parent for explanations and interpretations of the child’s education record, which may include reviewing copyrighted testing instruments.

(c) **Reports.** Each board of education shall make reports of the child’s progress to parents with at least the same frequency that the school makes reports to parents of children in the regular program.

(Effective September 1, 1980; amended March 26, 2004)

Sec. 10-76d-19. Transportation

Each board of education shall provide, as a related service, safe and appropriate transportation as required to implement the individualized education program for each child requiring special education and related services.

(a) **Travel time.** Total travel time shall not exceed one hour each way to and from a special education facility. All decisions relating to travel time shall take into account the nature and severity of the child’s exceptionality and the child’s age. If an appropriate placement cannot be made without exceeding the one-hour travel time limit, written parental consent to longer travel time shall be obtained prior to implementing the transportation service. Transportation services exceeding the one-hour travel time limit shall be subject to the approval of the state board of education.

(b) **Operators vehicles.** Operators of vehicles shall be given such inservice training as is necessary to acquaint them with the specific needs of the children being transported and to equip them to meet those needs. Operators of vehicles shall meet the licensure requirements of the department of motor vehicles.

(c) **Vehicles.** All vehicles shall comply with requirements of the department of motor vehicles and shall be equipped so as to ensure safe and appropriate transportation. A transportation aide shall be assigned to each vehicle transporting a child whose individualized education program specifies the need for such an aide.

(d) **Transportation aides.** Each board of education shall provide transportation aides where such aides are ascertained to be necessary to ensure safe and appropriate transportation. A transportation aide shall be assigned to each vehicle transporting a child whose individualized education program specifies the need for such an aide.

(e) **Transportation provided by parents.** If the board of education request that the parents transport a child, it shall reimburse the parents for the cost of such transportation. No parent shall be required to provide transportation, nor shall any board of education be relieved of the obligation to provide transportation for a child because of the inability or unwillingness of parents to provide transportation.

(Effective September 1, 1980)

Section 10-76h: Due process

Sec. 10-76h-1. Definitions

As used in Sections 10-76h-1 to 10-76h-18, inclusive, the following terms have the following meanings:

(a) “Business day” means Monday through Friday, except for federal and state legal holidays, unless holidays are specifically included in the designation of business day.

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

(c) “Child” means an individual under twenty-one years of age who is eligible for or may be eligible for special education and related services.

(d) “Day” means calendar day unless otherwise indicated as business day.

(e) “Department” means the state Department of Education.

(f) “Due process unit” means the unit located within the Bureau of Special Education and Pupil Services which manages the mediation, advisory opinion and hearing processes;

(g) “Parent “ means a natural or adoptive parent of a child; a guardian, but not the state if the child is a ward of the state; a person acting in the place of a parent, such as a grandparent or stepparent, with whom the child lives, or a person who is legally responsible for the child’s welfare; a pupil; or, a surrogate parent who has been appointed pursuant to section 10-94g of the General Statutes.

(h) “Party” means those individuals or groups who are engaged in mediation, in the advisory opinion process or in a hearing.

(j) “Public agency” means a local or regional board of education, the state vocational-technical school system, a unified school district, or the Department of Mental Health and Addiction Services or any other state agency to the extent such agency is responsible for the provision of special education and related services to children eligible for such services.

(k) “Pupil” means an emancipated minor or a child eighteen years of age or older. (Effective September 1, 1980; amended July 1, 2000)

Sec. 10-76h-2. Who may file hearing requests

Requests for hearing may be filed by the following:

(a) A parent of a child who is eligible for, or may be eligible for, special education and related services pursuant to the provisions of the General Statutes and the Individuals with Disabilities Education Act, 20 USC 1401 et seq.;

(b) The Commissioner of Children and Families, or a designee of said Commissioner, on behalf of any such child committed to or in the custody of said commissioner; or

(c) A public agency.

(Effective April 24, 1991; amended July 1, 2000)

Sec. 10-76h-3. Hearing request; content of hearing request

(a) A parent, the commissioner of children and families, or a designee of said commissioner, a public agency or an attorney or advocate acting on behalf of any of these parties, may request in writing a hearing regarding a public agency’s proposal to or refusal to initiate or change the identification, evaluation, or educational placement of a child or the provision of a free appropriate public education to the child. Each public agency shall provide assistance to the parent as may be necessary to file a written hearing request.

(b) When a hearing is requested under the provisions of this section, the public agency shall inform the parent of the availability of mediation and advisory opinion process as described in sections 10-76h-5 and 10-76h-6 of the Regulations of Connecticut State Agencies. The parent shall also be informed of any free or low cost legal services and other relevant services available in the area if the parent requests such information or a hearing is requested.

(c) In addition to the hearing request addressed in subsection (a) of this section, a public agency may request a hearing in writing in the event a parent refuses or revokes consent for initial evaluation or reevaluation. The public agency shall request

a hearing in the event a parent refuses or revokes consent for a private placement, provided such action may be taken only in the event a parent has consented to the initial receipt of special education and related services and subsequent to the initial placement of the child, the public agency seeks a private placement.

(d) The request for a hearing shall be filed with the due process unit or with the public agency and a copy shall be provided to the opposing party. The request shall contain the following information and shall be signed and dated by the person who is requesting the hearing:

- (1) The name of the child;
- (2) The address of the residence of the child;
- (3) The name of the school the child is attending;
- (4) A description of the nature of the dispute relating to the proposed or refused initiation or change, including facts relating to the dispute; and,
- (5) A proposed resolution of the dispute to the extent known and available to the parent at the time.

The department shall have available a model form to assist the parent in filing a request for due process. Such model form shall be made available at each school and each school shall designate a staff member to assist the parent in completing the form. A parent's right to a due process hearing may not be delayed or denied for failure to comply with the notice content requirements of this subsection.

(e) When the request for a hearing is filed by a parent with the public agency, the public agency shall notify the due process unit by facsimile transmission of the request on the same day that the request for due process is received. The public agency shall have seven days to send the original request to the department's due process unit.

(f) A public agency's request for a hearing shall be filed with the department's due process unit and shall contain the information required by subsection (d) of this section. Such agency shall provide, at the same time, a copy of the request to the parent and to the commissioner of children and families or the commissioner's designee for any child committed to or in the custody of said commissioner.

(Adopted effective July 1, 2000; amended February 4, 2005)

Sec. 10-76h-4. Statute of limitations

(a) A party shall have two years to request a hearing from the time the public agency proposed or refused to initiate or change the identification, evaluation or educational placement of, or the provision of a free appropriate public education to the child. If notice of the procedural safeguards, including notice of the limitations contained in this section, is not given, such two-year limitation shall be calculated from the time notice of the safeguards is properly given.

(b) This limitation does not apply to evidence, provided admission of such evidence shall meet evidentiary considerations such as relevance and materiality and shall be ruled upon by the hearing officer.

(Adopted effective July 1, 2000)

Sec. 10-76h-5. Mediation

(a) The parties may agree in writing to request mediation at any time. The due process unit shall, upon the receipt of a written request for mediation signed by both parties, appoint on a random basis, an impartial mediator from the list of mediators maintained by the due process unit who meet the requirements of 34 CFR 300.506(c). The mediator shall attempt to resolve the dispute in a manner that is acceptable to the parties within 30 days from the date of the receipt of the request

for mediation. The mediator shall certify in writing to the due process unit and to the parties, within the 30-day period, whether the mediation was successful. An agreement reached by the parties shall be set forth in a written mediation agreement and be signed by the parties.

(b) Discussions that occur during mediation shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding, and the parties to the mediation may be required to sign a confidentiality pledge prior to the commencement of the mediation.

(c) Mediation shall not be used to deny or delay a parent's right to a due process hearing or to deny any other rights afforded under Part B of the Individuals with Disabilities Education Act, 20 USC 1401, et seq.

(Adopted effective July 1, 2000)

Sec. 10-76h-6. Advisory opinion

(a) The department may, within its discretion, offer the parties to a due process hearing an advisory opinion process.

(b) Any party may submit to the due process unit a written request for an advisory opinion. In order to commence the advisory opinion process, a request for an advisory opinion may be submitted after, or simultaneously with, a request for hearing or before, or after, the convening of the prehearing conference, but before the hearing convenes. The advisory opinion process is not available after the hearing has been convened.

(c) The parties may jointly request an advisory opinion. One party may request an advisory opinion simultaneously providing a copy of the request to the other party. If the non-requesting party agrees to participate in the advisory opinion process, that party shall so notify in writing the due process unit and the requesting party within five calendar days from the receipt of the request.

(d) As may be necessary, the parties to the advisory opinion process shall request a postponement of a prehearing conference or of any scheduled hearing date. The hearing officer assigned to the full hearing shall reschedule such hearing date and other dates as appropriate with the cooperation of the parties. Such rescheduling shall not exceed 30 days from the initial full hearing date.

(e) The due process unit shall assign an advisory opinion hearing officer for the advisory opinion who shall not be the hearing officer assigned to the full hearing. The advisory opinion hearing officer shall schedule a date consistent with the parties' identified date as indicated in the request for the advisory opinion process. The advisory opinion hearing officer shall send a notice to the parties confirming the date, time, and location of the advisory opinion proceeding as well as a copy of the advisory opinion procedure set forth in subsection (f) of this section.

(f) Each party shall exchange copies of documents intended to be submitted to the advisory opinion hearing officer and the names of no more than two (2) witnesses no later than five (5) calendar days prior to the advisory opinion proceeding. Each party shall simultaneously provide copies of the same documents and the witnesses' names to the advisory opinion hearing officer. If not already provided, the party who requested an advisory opinion shall provide a statement of the issues in dispute and a proposed resolution of those issues.

(g) The advisory opinion hearing officer shall accept only essential and reliable exhibits, which may include the most recent IEP, revisions to the IEP, educational evaluations, progress reports, transcripts, independent evaluations and teacher narratives.

(h) The parties shall agree in writing, prior to the commencement of the advisory opinion proceeding, to abide by the following procedures in the advisory opinion proceeding:

(1) The proceedings shall not be recorded or transcribed;

(2) In addition to the parent, special education director and an attorney or advocate for each party, only three (3) additional individuals may attend and/or participate for each party;

(3) The process shall not be open to the public;

(4) Witness presentations, whether in question and answer format or not, shall not be under oath;

(5) Once the date has been set for the advisory opinion proceeding, no requests for postponement shall be entertained;

(6) Unless the advisory opinion hearing officer determines otherwise, once the advisory opinion proceeding has begun, there shall be no adjournments;

(7) The parties' presentations shall be conducted as follows:

(A) The party requesting a change in special education or related services shall be allocated 45 minutes to present that party's case, and shall present no more than two witnesses. No cross-examination or objections shall be permitted during this time.

(B) The responding party shall then be allocated 45 minutes to present that party's case, and shall present no more than two witnesses. No cross-examination or objections shall be permitted during this time.

(C) The requesting party shall then have 15 minutes to ask questions of any witness or elaborate on any part of that party's case.

(D) The responding party shall then have 15 minutes to ask questions of any witness or elaborate on any part of that party's case.

(8) The advisory opinion hearing officer may ask questions of any witness at any time; time consumed in responding to the hearing officer questions shall not extend a party's allocated 45 minute and 15-minute presentation periods.

(9) The advisory opinion hearing officer shall render an oral advisory opinion within 30 minutes of the close of presentations. The advisory opinion hearing officer need not respond to questions concerning such advisory opinions.

(10) After rendering an advisory opinion, an advisory opinion hearing officer may facilitate settlement discussions.

(11) The rendering of any advisory opinion shall have no effect on a party's right to proceed to a full due process hearing, nor on the outcome of any due process hearing, and the advisory opinion shall be confidential and shall not be admissible in any due process hearing.

(12) An advisory opinion hearing officer shall not be a witness in any subsequent due process hearing involving the issues raised in the advisory opinion process and shall be precluded from serving as a hearing officer in any later hearing involving issues raised in the advisory opinion process.

(Adopted effective July 1, 2000)

Sec. 10-76h-7. Appointment of hearing officer. Scheduling of prehearing conference and hearing dates

(a) Upon receipt of a written request for a hearing, the due process unit shall appoint an impartial hearing officer. The due process unit shall, in writing, notify both parties and the hearing officer of the appointment.

(b) Upon appointment, the hearing officer shall contact the parties and schedule a prehearing conference. A prehearing conference shall be held in every case, except

as provided in sections 10-76h-6 and 10-76h-10 of the Regulations of Connecticut State Agencies, on the date scheduled and shall be conducted via telephone only. The prehearing conference shall simplify or clarify the issues in dispute. If a party fails to participate in a prehearing conference, the hearing officer may proceed with the conference. At the prehearing conference the hearing officer may also establish dates for the completion of each party's evidence as well as review the possibility of settlement of the case. The hearing officer shall not, however, participate in substantive settlement discussions. The hearing officer shall schedule hearing dates, organize the submission of exhibits, identify witnesses and address such other administrative matters as the hearing officer deems necessary to complete a timely hearing. The hearing officer may assist an unrepresented party by providing information relating only to the hearing process.

(c) The hearing officer shall schedule the hearing at a place reasonably convenient to the parent as determined by the hearing officer. The hearing officer may schedule consecutive days of hearing to expedite the process. The parties shall identify to the hearing officer how long it will take them to put their case on by identifying the number and expected testimony of witnesses. The hearing officer shall have the sole discretion to determine the length of the hearing, taking into consideration the issues presented. The hearing, including the mailing of the final decision and order, shall be completed within 45 days after the receipt of the request for the hearing by the due process unit; and the hearing officer, in scheduling hearing dates, shall also set the date of such mailing. A specific extension of the forty-five day time limit may be granted by the hearing officer at the request of a party to the hearing only in accordance with the provisions of section 10-76h-9 of the Regulations of Connecticut State Agencies, except as provided in section 10-76h-10 of the Regulations of Connecticut State Agencies, and any order granting such an extension shall set a new mailing date.

(Adopted effective July 1, 2000; amended February 4, 2005)

Sec. 10-76h-8. Motion practice

(a) A party may request that a hearing officer rule on a motion or take any action consistent with relevant statutes or regulations. Motions shall not be used to delay or protract any proceeding. Dilatory motions are prohibited.

(b) After a party files a hearing request, written motions may be filed with the hearing officer. Each motion shall set forth the reasons for the desired ruling or action and shall also state whether a hearing on the motion is requested.

(c) Written motions may be sent by certified mail, overnight mail, facsimile transmission, other courier or recognized package or delivery service, to all parties and the hearing officer simultaneously. Within seven days after the hearing officer receives a written motion, any party may file written objections to the allowance of the motion and may request a hearing on the motion.

(d) If, in the discretion of the hearing officer, a hearing on a motion is warranted, the hearing officer shall give all parties at least three days notice of the time and place for hearing. The hearing officer may rule on a motion without holding a hearing if a delay would seriously injure a party; if testimony or oral argument would not advance the hearing officer's understanding of the issues involved; or if a ruling without a hearing would best serve the public interest.

(e) At a hearing on a motion, the hearing officer may allow such evidence as, in the discretion of the hearing officer, is relevant to the particular motion. This evidence may consist of facts that are supported by an affidavit; appear in the

documentary evidence submitted for the hearing; or, are presented by sworn testimony.

(f) Motions properly before the hearing officer include, but are not limited to, the following:

(1) Motion to recuse: A party to a hearing may file a motion to recuse. A motion to recuse shall be based on an assertion of bias, or a personal or professional interest that may conflict with the objectivity of the hearing officer in the conduct or disposition of the hearing. The hearing officer shall respond to the motion within five business days of its receipt. If the hearing officer grants the motion, or otherwise recuses himself, the hearing officer shall immediately notify the due process unit and the parties. In such a case the due process unit shall appoint a new hearing officer within one business day of the granted motion.

(2) Motion to dismiss: A party to a hearing may file a motion to dismiss in order to contest the jurisdiction of the hearing officer. The motion shall be accompanied by a memorandum of law and filed with the hearing officer, and with the other party. The party opposing the motion to dismiss shall be allowed seven business days after the hearing officer receives the motion to dismiss to file an amended hearing request prior to the hearing officer's consideration of the motion to dismiss, provided all other requirements contained in Sections 10-76h-3 and 10-76h-4 of the Regulations of Connecticut State Agencies are met.

(3) Motion to consolidate: When hearings involving the same child are pending, the hearing officer, upon motion of either party and after consultation with and agreement by any other hearing officer involved with the same child in hearings involving common questions of law or fact, may order a joint hearing of any or all matters at issue in the hearings. The hearing officer may order all the hearings consolidated and may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.

(4) Motion to clarify the findings or decision of the hearing officer: A party may file a motion for clarification of the findings or decision of the hearing officer no later than 20 business days after the decision is issued, after which no such motion shall be considered by the hearing officer. The hearing officer shall have 10 business days to mail a written response to the motion. The motion to clarify shall not serve to stay the implementation of the hearing officer's decision. A motion for clarification shall serve to toll the time for appeal of the hearing officer's final decision. The time to appeal shall run from the date of mailing of the decision of the hearing officer on the motion to clarify.

(g) Strict adherence to the formal motion practice shall not create unfair surprise or injustice. The hearing officer shall have the authority to waive any requirement in the interest of a fair and expedient resolution of the issues presented.

(Adopted effective July 1, 2000)

Sec. 10-76h-9. Postponements and extensions

Requests for postponements of scheduled hearing dates or for extensions of deadlines established by the hearing officer, including but not limited to dates for submission of exhibits, the date for filing briefs, the date for mailing of the decision, or any other deadline, shall be as follows:

(a) A party requesting a postponement or extension of a previously set date, except for a party requesting an extension of the 45 day decision deadline on account of an asserted need for additional hearing dates, shall submit a request in writing to the hearing officer no later than 5:00 p.m. five business days prior to the scheduled hearing or deadline date unless a compelling reason is shown for a later request.

The request for postponement or extension shall set forth the reason for the request. It shall also indicate what efforts the moving party has made to contact the opposing party or the opposing party's representative and whether the opposing party agrees or objects to the postponement or extension. A request for postponement or extension shall be for a specified period of time that shall not exceed 30 calendar days.

(b) An opposing party who wishes to object to a request for a postponement or extension made pursuant to subsection (a) of this section shall object in writing stating the reason for the objection and shall submit such written objection to the hearing officer no later than 5:00 p.m. no later than two business days before the scheduled hearing or deadline unless compelling reason is shown for a later objection.

(c) A party requesting an extension of the 45-day decision deadline on account of an asserted need for additional hearing dates should do so in writing, pursuant to the procedures in subsection (a) of this section, unless requested on the record and permitted by the hearing officer. The hearing officer may, consistent with the requirements of due process, entertain an oral motion for an extension of the 45 day decision deadline based on an asserted need for additional hearing dates.

(d) The hearing officer may grant a request for postponement or extension pursuant to subsections (a) or (c) of this section only after fully considering the cumulative impact of the following factors:

(1) the extent of danger to the child's educational interest or well being which might be occasioned by the delay;

(2) the need of a party for additional time to prepare and present the party's position at the hearing in accordance with the requirements of due process;

(3) any financial or other detrimental consequences likely to be suffered by a party in the event of delay; and

(4) whether there has already been a delay in the proceeding through the actions of one of the parties.

Absent compelling reason or a specific showing of substantial hardship, a request for a postponement or extension shall not be granted because of continued settlement discussions between the parties, except as provided in subsection (e) of this section, school vacations, attorney vacations and other similar reasons. Agreement of the parties is not a sufficient basis for granting a postponement or extension.

(e) The hearing officer shall have the authority to grant one 30-day postponement for continued settlement discussions between the parties upon written verification by the parties that they are engaged in a good faith effort to complete negotiations. At the end of the 30-day period, the parties shall advise the hearing officer in writing whether or not a settlement has been reached, or they shall be prepared to go forward to the hearing. The hearing officer shall not have the authority to grant any further postponements or extensions for continued settlement discussions. If the parties are not prepared to go forward with the hearing, the hearing officer shall dismiss the hearing request without prejudice. The parties may refile at a later date.

(f) With regard to requests for postponement or extension made pursuant to subsection (a) of this section, and written requests made pursuant to subsection (c) of this section, the hearing officer shall respond in writing, which writing shall become part of the record. With regard to oral requests for extension made pursuant to subsection (c) of this section, the hearing officer may render an oral decision, but shall subsequently reduce that decision to writing, which writing shall become part of the record. The hearing officer shall set a new date for any and every activity or deadline postponed or extended, pursuant to the standards set forth in subsection (d) of this section.

(Adopted effective July 1, 2000)

Sec. 10-76h-10. Expedited hearings

(a) Expedited hearings shall be arranged upon the request of a party regarding the following actions or proposed actions relating to the discipline or removal of a child with a disability as defined in the Individuals with Disabilities Education Act, 20 USC 1401 et seq.:

(1) Challenges to the child's placement during a disciplinary change in placement for a weapon or drug violation as described in 34 CFR Section 300.520(a)(2) or a change in placement requested by a public agency pursuant to 34 CFR Section 300.521;

(2) Challenges to a change in placement proposed by a public agency after expiration of an interim alternative education setting, provided the public agency maintains that it is dangerous for the child to be in the placement prior to the removal to the interim alternative educational setting;

(3) Challenges to a determination that the child's behavior was not a manifestation of the child's disability as described in 34 CFR Section 300.524;

(4) Challenges to an alleged change in placement within the meaning of 34 CFR Section 300.519.

(b) The hearing request shall be submitted in accordance with subsections (d), (e) and (f) of section 10-76h-3 of the Regulations of Connecticut State Agencies.

(c) The due process unit shall appoint an impartial hearing officer. A prehearing conference shall not be required.

(d) The hearing shall be limited to any issue listed in subsection (a) of this section. The hearing officer shall limit the introduction of exhibits and testimony as may be necessary to rule on the issue presented no later than 45 days after the due process unit's receipt of the hearing request, without exceptions or extensions.

(e) The parties to the expedited hearing shall have the rights set forth in Section 10-76h-11 of the Regulations of Connecticut State Agencies, subject to subsection (d) of this section, except as follows:

(1) Each party shall have the right to prohibit the introduction of any evidence at the hearing that has not been disclosed to the other party at least two business days prior to the commencement of the expedited hearing; and

(2) Each party shall disclose to the other party and to the hearing officer at least two business days prior to the commencement of the expedited hearing all completed evaluations and recommendations based on the offering party's evaluation that the party intends to offer or rely on in the expedited hearing.

(f) The child's placement during the pendency of the expedited hearing shall be as described in 34 CFR Section 300.526.

(g) The decision of the hearing officer on the expedited hearing may be appealed to Superior Court or United States District Court to the extent provided by state or federal law.

(Adopted effective July 1, 2000)

Sec. 10-76h-11. Hearing rights

(a) Any party to a hearing conducted pursuant to this section or Section 10-76h-7 of the Regulations of Connecticut State Agencies has the right to:

(1) Be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

(2) A reasonable opportunity, as determined by the hearing officer, to present evidence and confront, cross-examine and compel the attendance of witnesses, including the presentation of evidence which is more than two years old if such

evidence is required to rule on the issues presented and it meets evidentiary considerations such as relevancy and materiality as ruled upon by the hearing officer;

(3) Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing except as specified as Section 10-76h-12(a) of the Regulations of Connecticut State Agencies;

(4) Obtain a verbatim record of the hearing; and

(5) Obtain written findings of fact and decisions.

(b) A parent involved in hearings has the right to:

(1) Have the child who is the subject of the hearing present at the hearing;

(2) Open the hearing to the public.

(3) Obtain an electronic, verbatim record of the hearing in lieu of a written verbatim record; and

(4) Obtain electronic findings of fact and decisions in lieu of written findings and decisions.

(c) The record of the hearing and the findings of fact and decisions described in subsections (a) and (b) of this section shall be provided at no cost to the parent.

(d)(1) An attorney authorized to practice law in the Superior Court of the State of Connecticut and in good standing with that court may represent a party in the advisory opinion process or hearing or, as provided in subdivision (2) of this subsection, sponsor a visiting attorney to serve as co-counsel in accordance with subdivision (3) of this subsection, provided the visiting attorney is a member in good standing of the bar of at least one other state, the District of Columbia or a territory or commonwealth of the United States. Said local attorney and the visiting attorney, if any, shall file an appearance with the due process unit on a form provided by the unit. The form shall include the following information: name of the child, name of the public agency, case number, name of the attorney, mailing address, each bar to which the attorney has been admitted to practice law and juris number or the equivalent thereof, telephone number, facsimile number, electronic mail address, signature and date signed. The appearance form shall be mailed to the due process unit, the hearing officer and the other party in the proceeding or their attorney. In the case of a visiting attorney, the affidavit required pursuant to subdivision (2) of this subsection shall also be mailed to the hearing officer and the other party in the proceeding or their attorney.

(2) Prior to the appearance of a visiting attorney in the advisory opinion process or hearing, the following information shall be filed with the due process unit:

(A) an appearance for the sponsoring attorney signed by said attorney, if not already on file;

(B) an appearance for the visiting attorney signed by said attorney; and,

(C) an affidavit, certified by the visiting attorney that (i) identifies each bar to which the visiting attorney has been admitted to practice and (ii) declares that the visiting attorney is in good standing for each admission.

Upon receipt of the information from the visiting attorney, the due process unit shall provide written notice of the appearance of the visiting attorney to the Statewide Grievance Committee. After the due process unit provides such notice, the visiting attorney may thereafter appear and participate in the advisory opinion process or hearing identified in the appearance form.

(3) The sponsoring attorney shall be responsible for the actions of the visiting attorney in the advisory opinion process or hearing. A sponsoring attorney shall be present at all proceedings and shall sign all pleadings, briefs and other papers filed with the hearing officer, unless the hearing officer has excused the sponsoring

attorney from such obligations. Upon the sponsoring attorney's motion or sua sponte, the hearing officer may excuse the sponsoring attorney from any procedure, hearing date or appearance, and the granting of such motion shall not be unreasonably withheld. An attorney's misrepresentation of his or her good standing in any court shall be a ground for a hearing officer to deny, suspend, modify or revoke the privilege of representing a party in the advisory opinion process or hearing.

(4) A party to the advisory opinion process or hearing, including a parent representing the legal interest of his or her own child, may appear pro se. When a party elects to proceed pro se but is accompanied by an attorney or an advocate, the hearing officer may enter such orders to assure that the pro se party presents its case efficiently and in a manner that does not prejudice the opposing party, including but not limited to, an order that the attorney or advocate not participate directly by making argument or objections or examining witnesses.

(Adopted effective July 1, 2000; amended March 26, 2004)

Sec. 10-76h-12. Exhibits; documents presented at the hearing; witnesses

(a) At least five business days prior to a hearing date scheduled and conducted pursuant to Section 10-76h-7 of the Regulations of Connecticut State Agencies, each party shall disclose to the other party all documentary evidence, including evaluations completed by that date, and recommendations based on the offering party's evaluations, that the party intends to use at the hearing. A hearing officer may bar any party that fails to comply with this requirement from introducing such evaluations or recommendations at the hearing.

(b) Witness lists shall be exchanged by the parties and provided to the hearing officer no later than 5 business days prior to the scheduled hearing date. Each party shall notify their potential witnesses in writing of the date, time and location of the hearing. In the case of employees or agents of the public agency, a letter to the public agency or designee shall be sufficient to constitute notice. The parent shall notify the public agency at least five school days in advance that school personnel will be called to testify on a particular scheduled hearing date.

(c) At the request of a party, the hearing officer shall not review the records submitted pursuant to subsection (a) of this section until they are offered into evidence. Exhibits that are offered but not admitted into evidence shall be marked for identification and the record of the hearing shall so reflect.

(d) All exhibits shall be clear, legible and arranged in chronological order. Exhibits shall be numbered in the lower right corner and submitted along with a numbered index. Public agency exhibits shall have the prefix "B" and the parent shall prefix each exhibit with a "P." Each separate exhibit shall be numbered consecutively, and every page of each numbered exhibit shall have a proper prefix and document number placed at the lower right corner. For example, for parent Exhibit 1, which has ten pages, each page of the exhibit shall have a "P-1" printed or typed at the lower right corner (omit the quotes) and the page number of the exhibit shall also be stated as "1 of 10, 2 of 10, 3 of 10, etc." The hearing officer may waive these requirements for good cause shown.

(e) The numbered index shall indicate the exhibit number, a description of the exhibit and the date of the exhibit. The number of pages of the exhibit shall be included in parentheses after the date of the exhibit.

(Adopted effective July 1, 2000)

Sec. 10-76h-13. Conduct of hearings

(a) The hearing officer shall take reasonable measures, including the exclusion from the hearing of parties, counsel, or any other participant, to ensure that the

parties, counsel and all other participants comport themselves civilly and that the hearing is conducted in a fair and orderly manner. Behavior which may result in exclusion includes, but is not limited to, abusive speech, inflammatory remarks or disrespectful conduct towards the hearing officer, counsel or any party or party representative, or witnesses.

(b) If an interpreter is needed for a prehearing conference or any session of a hearing, the burden is on the party requiring the interpreter to so inform the due process unit. The due process unit shall seek to ensure that a qualified interpreter is available as needed.

(c) The hearing officer shall cause all formal sessions of the hearing to be recorded in order to create a verbatim record.

(d) The hearing officer shall hear evidence admissible as provided in section 10-76h-15 of the Regulations of Connecticut State Agencies.

(e) The hearing officer may require a complete and independent evaluation or prescription of educational programs by any qualified person, the cost of which shall be paid by the public agency. The hearing officer's criteria for the selection of an evaluator shall be the same as that required by the public agency, if any, in accordance with 34 CFR Section 300.502(e).

(Adopted effective July 1, 2000)

Sec. 10-76h-14. Burden of production and proof; unilateral placement

(a) The party who filed for due process has the burden of going forward with the evidence. In all cases, however, the public agency has the burden of proving the appropriateness of the child's program or placement, or of the program or placement proposed by the public agency. This burden shall be met by a preponderance of the evidence, except for hearings conducted pursuant to 34 CFR Section 300.521.

(b) The hearing officer shall have the authority to bifurcate a hearing regarding a unilateral placement. If the hearing officer determines that the program offered by the public agency is appropriate, it is not necessary to inquire into the appropriateness of the parent's placement.

(c) Notwithstanding subsection (a) of this section, upon a finding that a public agency's placement or program or proposed placement or program is not appropriate, any party seeking reimbursement for a unilateral placement or program shall prove the appropriateness of such placement or program by a preponderance of the evidence.

(Adopted effective July 1, 2000)

Sec. 10-76h-15. Evidence

(a) The hearing officer may receive any oral, documentary or tangible evidence, but the hearing officer shall exclude irrelevant, immaterial or unduly repetitious evidence.

(b) The hearing officer shall give effect to the rules of privilege recognized by law.

(c) A party may offer documentary evidence, provided it has been disclosed to the opposing party at least five business days before the hearing.

(d) Oral testimony shall be under oath or affirmation, subject to the pain and penalties of perjury.

(e) The hearing officer may summon any witness and may ask questions of any witness.

(f) The hearing officer may take administrative notice of any general, technical or scientific facts within the knowledge of the hearing officer, and any other judicially

cognizable facts. Parties shall be notified of the material so noticed and shall be afforded an opportunity to contest the substance or materiality of the facts noticed. Facts administratively noticed shall be included and indicated as such in the record.

(g) The hearing officer may receive stipulations from the parties on any fact, matter or issue.

(h) The hearing officer may require additional evidence on any relevant matter.
(Adopted effective July 1, 2000)

Sec. 10-76h-16. Decision, implementation, rights of appeal

(a) The written findings of fact, conclusions of law and decision and order of the hearing officer shall be final, except that any aggrieved party may appeal such decision under the provisions of 20 U.S.C. Section 1415(i)(2)(A) and Section 10-76h(d)(4) of the General Statutes. Pursuant to Section 4-186(g) of the General Statutes, the final decision is exempt from the provisions of Section 4-181a of the General Statutes. A party seeking to stay a final decision shall seek that order from the court having jurisdiction over the appeal.

(b) The final decision may include comments by the hearing officer on the conduct of the proceedings. The hearing officer may issue findings of fact on the extent to which the parent has prevailed on any issue ruled upon by the hearing officer.

(c) The final decision of the hearing officer, accompanied by the appeal and enforcement procedures, shall be mailed to the parent, the public agency, or the legal counsel, if any, of all the parties and, once any personally identifiable information has been deleted, to the state advisory panel.

(d) A settlement agreement shall not constitute a final decision, prescription or order of the hearing officer. The settlement agreement may be read into the record as an agreement between the parties only.

(e) If a parent contends that a public agency is not taking action to implement a final decision of a hearing officer, the parent shall notify the due process unit in writing, specifying the alleged non-compliance. If the due process unit determines that the public agency is not in compliance, the due process unit shall take appropriate steps to ensure compliance.

(Adopted effective July 1, 2000)

Sec. 10-76h-17. Educational placement during proceedings

(a) Unless the public agency and the parent agree otherwise, the child shall remain in his or her then-current educational placement during the pendency of any administrative or judicial proceedings regarding issues set forth in Section 10-76h-3 of the Regulations of Connecticut State Agencies, except as provided in Section 10-76h-10 of the Regulations of Connecticut State Agencies and subsection (c) below.

(b) If the issues involve an application for initial admission to public school, the child, with the consent of the parent, shall be placed in the public school program until all such proceedings have been completed.

(c) If in the final decision the hearing officer agrees with the parent that a change of placement is appropriate, the new placement ordered by the hearing officer shall be the child's placement during the pendency of any further appeals.

(Adopted effective July 1, 2000)

Sec. 10-76h-18. Default or dismissal

(a) Any party may move for, or the hearing officer may order, sua sponte, an entry of default in or dismissal of a hearing for failure of any party:

(1) to prosecute a hearing;

- (2) to participate in the prehearing conference;
- (3) to comply with sections 10-76h-1 to 10-76h-18 of the Regulations of Connecticut State Agencies;
- (4) to comply with a ruling issued by the hearing officer before a final decision is rendered;
- (5) to state a claim for which relief can be granted;
- (6) to sustain its burden after presentation of the evidence; or
- (7) to appear at a properly noticed scheduled hearing.

The hearing officer may grant the motion with or without prejudice.

(b) Upon granting a motion for default, a hearing officer may take evidence and issue such orders as may be necessary, including but not limited to ordering an educational placement for the child.

(Adopted effective July 1, 2000)

Section 10-76l: Program evaluation

Sec. 10-76l-1. Program evaluation

Each board of education shall annually evaluate its special education programs. The program evaluation requirement shall extend to all programs, public and private, serving children requiring special education and related services for whom the board of education is responsible.

(a) **General requirements.** Each program evaluation shall provide information that includes the following.

- (1) A comprehensive description of educational programs and related services;
- (2) Recommendation(s) for change within the program, if the evaluative data indicates that change is warranted;
- (3) A timeline for implementing recommended changes; and
- (4) Technical assistance that will be required as a result of such recommendations.

(b) **Report.** Each board of education shall provide the state board of education with a written report of each program evaluation. Said report, which shall be a public document, shall include the information described in section 10-76l-1 (a) of these regulations, as well as the following:

- (1) Names of the persons conducting the program evaluation;
- (2) Dates of the program evaluation;
- (3) Number and positions of persons interviewed, which shall include a special education administrator, a regular education administrator, special education teachers, regular education teachers, specialists in pupil personnel and other related services, and parents of children requiring special education and related services; and
- (4) Methods and materials observed during evaluation.

(Effective September 1, 1980)

TABLE OF CONTENTS

**Early Intervention Services for Infants and
Toddlers and Their Families**

Repealed 10-91b-1—10-91b-16

Early Intervention Services for Infants and Toddlers and their Families

Secs. 10-91b-1—10-91b-16.

Repealed, June 29, 1998.

See § 17a-248

TABLE OF CONTENTS

Appointment of Surrogate Parents

Authority 10-94j-1

Appointment 10-94j-2

Qualifications. 10-94j-3

Training procedures 10-94j-4

Determination of a child’s need for a surrogate parent. 10-94j-5

Reports of a child’s need for a surrogate parent 10-94j-6

Appointment of a surrogate parent 10-94j-7

Revocation of the appointment of a surrogate parent. 10-94j-8

Appointment of Surrogate Parents

Sec. 10-94j-1. Authority

These regulations are authorized by Section 10-94j of the General Statutes, as amended by Public Act 81-247, concerning the appointment of surrogate parents. (Effective December 1, 1982)

Sec. 10-94j-2. Appointment

A surrogate parent, duly appointed pursuant to the provisions of sections 10-94f to 10-94k, inclusive, of the General Statutes, as amended by Public Act 81-247, shall serve as a child's representative in the educational decision-making process in place of the child's parents or guardian. Such child shall be a child as defined in Section 10-76a (e) (1) of the General Statutes who requires special education or a child who may require special education.

(Effective December 1, 1982)

Sec. 10-94j-3. Qualifications

In order to be eligible for appointment as a surrogate parent, an individual shall meet the following requirements:

- (a) The individual shall be an adult;
- (b) The individual shall not be an employee of the public agency or the local board of education responsible for the education or care of that child; provided, however, that an individual shall not be deemed such an employee solely because he or she is paid to serve as a surrogate parent;
- (c) The individual shall have no other interest that may conflict with the best interests of the child;
- (d) The individual shall be knowledgeable about the educational system, special education laws, and the legal rights of the child in relation to the educational system; and

(e) The individual shall be reasonably well acquainted with the cultural and language background of the child.

(Effective June 7, 1979)

Sec. 10-94j-4. Training procedures

Training procedures established by the Commissioner of Education shall include, but not be limited to, training in the following areas:

- (a) The nature and needs of different types of exceptionalities;
- (b) The availability of programs and programming options with respect to such exceptionalities;
- (c) The responsibilities and limitations of the role of the surrogate parent, including the following skills to ensure effective representation of the child:
 - (1) Becoming thoroughly acquainted with the child's history and other information contained in school and other reports relating to the child's educational needs;
 - (2) Complying with state and federal laws and regulations as to the confidentiality of all records and information pertaining to the child, to which he or she is privy;
 - (3) Using discretion in the necessary sharing of information with appropriate people for the purpose of furthering the interest of the child;
 - (4) Becoming familiar with the educational prescription for the child and, where appropriate, giving his or her approval;
 - (5) Reviewing and evaluating special education programs pertaining to the child as well as such other programs as may be available; and

- (6) Initiating the mediation, hearing and/or appeal procedures and seeking qualified legal assistance when such assistance is in the best interest of the child;
 - (d) The sources and types of assistance available to the surrogate parent; and
 - (e) The legal rights of the child in all areas relating to the child's education.
- (Effective June 7, 1979)

Sec. 10-94j-5. Determination of a child's need for a surrogate parent

In order to determine whether a child is in need of a surrogate parent, the commissioner of education shall undertake such investigation as may be necessary to determine that:

- (A) The child is, by virtue of his or her age, entitled to receive special education;
 - (B) The child requires, or may require, special education; and
 - (C) The parent or guardian of the child is unknown or unavailable or the child is a ward of the state.
- (Effective December 1, 1982)

Sec. 10-94j-6. Reports of a child's need for a surrogate parent

The commissioner of education shall disseminate such information as may be necessary to ensure that local and regional boards of education, and other agencies as appropriate, are informed of the surrogate parent program.

- (a) Such information shall include a description of the requirements for eligibility for appointment of a surrogate parent.
 - (b) Such information shall include a statement of the responsibility to report to the commissioner the name of any child who may require a surrogate parent.
 - (c) Such information shall include a description of the type of data to be included in a report to the commissioner of a child who may require a surrogate parent. Such data shall include, but not be limited to, the following:
 - (1) The child's name, age and current address;
 - (2) If the child requires special education, a statement of the nature and severity of the child's handicapping condition as well as a copy of the child's current individualized education program;
 - (3) If the child may require special education, a copy of the referral form which was forwarded to the child's planning and placement team;
 - (4) Such information as may be available concerning the whereabouts of the child's parents or guardian and, where appropriate, certification from the responsible agency that the child is a ward of the state; and
 - (5) The name and address of the agency making the report and, if different, the name and address of the agency responsible for educating the child.
- (Effective December 1, 1982)

Sec. 10-94j-7. Appointment of a surrogate parent

Upon a determination that a child is in need of a surrogate parent, the commissioner of education shall appoint a surrogate parent in accordance with the following requirements:

- (a) The individual appointed as surrogate parent shall meet such qualifications as are set forth in section 10-94j-3;
- (b) The individual appointed as surrogate parent shall have successfully completed training as set forth in section 10-94j-4;
- (c) Appointments shall take into consideration the places of residence of the child and surrogate parent as well as the particular expertise of the surrogate parent

related to the handicapping condition, educational needs, age or other relevant factors;

(d) Written notice of the appointment shall be mailed to the child, to the surrogate parent, to the agency responsible for educating the child, and to the agency responsible for the care of the child; and

(e) The commissioner shall advise the child, the agency responsible for educating the child and the agency responsible for the care of the child that the commissioner may, not less than thirty (30) days prior to the child's eighteenth birthday, extend the appointment of a surrogate parent until such child graduates from high school or reaches age twenty-one years, whichever occurs first.

(Effective December 1, 1982)

Sec. 10-94j-8. Revocation of the appointment of a surrogate parent

The commissioner of education shall annually review the conduct and performance of each individual appointed as a surrogate parent. If it is found that in the performance of his or her duties the surrogate parent is not representing the best educational interest of the child, the commissioner shall:

(a) Send the individual written notice of revocation of his or her appointment as surrogate parent. Such notice shall include the following:

(1) The reason(s) for the revocation;

(2) The effective date of the revocation; and

(3) A statement informing the individual that if he or she objects to the revocation, written reasons for the objection shall be submitted to the commissioner within ten (10) calendar days of the date of the notice of revocation.

(b) Within twenty (20) days of the date of the notice of revocation and following consideration of any duly filed objections, send the individual:

(1) Written notice that his or her appointment as surrogate parent remains in effect; or

(2) a final written notice of revocation.

(c) If revocation is upheld, appoint a successor surrogate parent for the child.

(d) In the event of revocation, written notice shall be given to the child, to the agency responsible for the education of the child and to the agency responsible for the care of the child.

(Effective December 1, 1982)

TABLE OF CONTENTS

Admission of Students to State Vocational-Technical Schools

Repealed 10-95-1—10-95-5

Admission of Students to State Vocational-Technical Schools

Secs. 10-95-1—10-95-5.

Repealed, July 23, 1996.

TABLE OF CONTENTS

Grants-in-Aid for Industrial Arts Education

Repealed 10-96-1—10-96-4

Grants-in-Aid for Industrial Arts Education

Secs. 10-96-1—10-96-4.

Repealed, November 28, 1995.

TABLE OF CONTENTS

Vocational Rehabilitation Services

Repealed 10-102-1—10-102-22

Vocational Rehabilitation Services

Secs. 10-102-1—10-102-22.

Repealed, June 6, 2000.

TABLE OF CONTENTS

State College Scholarships

Repealed 10-112-1—10-112-5

State College Scholarships

Secs. 10-112-1—10-112-5.

Repealed, November 28, 1995.

TABLE OF CONTENTS

College Continuation Grant Program

Repealed 10-116d-1—10-116d-11

College Continuation Grant Program

Secs. 10-116d-1—10-116d-11.

Repealed, November 6, 1981.

TABLE OF CONTENTS

Restricted Educational Achievement Grant Program

Repealed 10-116h-1—10-116h-4

Restricted Educational Achievement Grant Program

Secs. 10-116h-1—10-116h-4.

Repealed, November 6, 1981.

TABLE OF CONTENTS

Veterans Scholarship Aid to Independent Colleges

Repealed 10-116j-1—10-116j-7

Veterans Scholarship Aid to Independent Colleges

Secs. 10-116j-1—10-116j-7.

Repealed, November 6, 1981.

TABLE OF CONTENTS

Awarding of Student Financial Assistance for Postsecondary Study

Transferred	10-116/-1—10-116/- 4
Repealed	10-116/-5—10-116/-19
Transferred	10-116/-20—10-116/-26

Awarding of Student Financial Assistance for Postsecondary Study

Secs. 10-116l-1—10-116l-4.

Transferred, November 9, 1992.

Secs. 10-116l-5—10-116l-19.

Repealed, November 9, 1992.

Secs. 10-116l-20—10-116l-26.

Transferred, November 9, 1992.

<u>Old Number</u>	<u>New Number</u>
10-116l- 1	10a-169-1
10-116l- 2	10a-169-2
10-116l- 3	10a-169-3
10-116l- 4	10a-169-4
10-116l- 5	Repealed
10-116l- 6	Repealed
10-116l- 7	Repealed
10-116l- 8	Repealed
10-116l- 9	Repealed
10-116l-10	Repealed
10-116l-11	Repealed
10-116l-12	Repealed
10-116l-13	Repealed
10-116l-14	Repealed
10-116l-15	Repealed
10-116l-16	Repealed
10-116l-17	Repealed
10-116l-18	Repealed
10-116l-19	Repealed
10-116l-20	10a-167-1
10-116l-21	10a-167-2
10-116l-22	10a-167-3
10-116l-23	10a-167-4
10-116l-24	10a-167-5
10-116l-25	10a-167-6
10-116l-26	10a-167-7

(Effective November 9, 1992)

TABLE OF CONTENTS

State Teachers Certificates

Repealed 10-145a-1—10-145a-94

State Teachers Certificates
(See § 10-145d)

Secs. 10-145a-1—10-145a-94.

Repealed, July 1, 1989.

TABLE OF CONTENTS

**Standards for the Issuance of a Certificate for the
Position of School Business Administrator**

Repealed 10-145d-1—10-145d- 4

**Standards and Procedures for the Approval of
Connecticut Educator Preparation Programs**

Repealed 10-145d-5—10-145d- 7
 Definitions 10-145d- 8
 Procedures 10-145d- 9
 Standards 10-145d- 10
 Educator preparation program approval standards 10-145d- 11

State Educator Certificates, Permits and Authorization

Reserved 10-145d-12—10-145d- 99
 Repealed 10-145d-100—10-145d-306
 Reserved 10-145d-307—10-145d-399

Part I

Definitions

Definitions 10-145d-400
 Code of professional responsibility for teachers 10-145d-400a
 Code of professional responsibility for school administrators . . . 10-145d-400b

Part II

General Conditions

Personnel required to hold certificates or permits 10-145d-401
 Application procedures. 10-145d-402
 Documentation and materials required of applicants 10-145d-403
 Assessment requirements 10-145d-404
 Assessment requirement exceptions 10-145d-405
 Acceptability of course work 10-145d-406
 Responsibilities of employing agents of boards of education . . . 10-145d-407
 Recommendation from an approved institution 10-145d-408

Part III

Types of Certificates

Validity of certificates issued prior to July 1, 1989 10-145d-409
 Certificate types 10-145d-410
 Certificate of eligibility 10-145d-411
 Initial educator certificate 10-145d-412
 The interim educator certificate 10-145d-413
 Temporary 90-day certificate 10-145d-414
 Provisional educator certificate 10-145d-415
 Repealed 10-145d-416
 Professional educator certificate. 10-145d-417

Part IV

Special Authorizations

Temporary authorization for minor assignment	10-145d-418
Limited extended authorization for early childhood	10-145d-419
Substitute teacher authorization	10-145d-420
Durational shortage area permit - issuance	10-145d-421
Durational shortage area permit - reissue	10-145d-422
Coaching permits.	10-145d-423
Temporary emergency coaching permit requirements	10-145d-424
Temporary emergency coaching permit issuance	10-145d-425
Adult education authorization	10-145d-426

Part V

Reissue and Cross Endorsement of Certificates

Reissuance and extension of certificates	10-145d-427
Cross endorsements	10-145d-428

Part VI

Early Childhood, Elementary or Middle Grades Certificates

A

Early Childhood

When required	10-145d-429
Validity of certificates	10-145d-430
Initial educator certificate requirements	10-145d-431
Provisional educator certificate requirements	10-145d-432
Professional educator certificate requirements	10-145d-433

B

Elementary

When required	10-145d-434
Validity of certificates	10-145d-435
Initial educator certificate requirements	10-145d-436
Provisional educator certificate requirements	10-145d-437
Professional educator certificate requirements	10-145d-438

C

Foreign Language Instruction Pre-Kindergarten through Grade Eight

When required	10-145d-439
Validity of certificates	10-145d-440
Initial educator certificate requirements	10-145d-441
Provisional educator certificate requirements	10-145d-442
Professional educator certificate requirements	10-145d-443

Part VII

Middle Grades

When required	10-145d-444
-------------------------	-------------

Validity of certificates	10-145d-445
Initial educator certificate requirements	10-145d-446
Provisional educator certificate requirements	10-145d-447
Professional educator certificate requirements	10-145d-448

Part VIII

Secondary Academic

When required	10-145d-449
Validity of certificates	10-145d-450
Initial educator certificate requirements	10-145d-451
Provisional educator certificate requirements	10-145d-452
Professional educator certificate requirements	10-145d-453

Part IX

Special Subjects, Fields or Instructional Areas

A

Agriculture, Art, Health, Home Economics, Music, Physical Education and Technology Education

When required	10-145d-454
Validity of certificates	10-145d-455
Initial educator certificate requirements	10-145d-456
Provisional educator certificate requirements	10-145d-457
Professional educator certificate requirements	10-145d-458

B

School Library Media

When required	10-145d-459
Validity of certificates	10-145d-460
Initial educator certificate requirements	10-145d-461
Provisional educator certificate requirements	10-145d-462
Professional educator certificate requirements	10-145d-463

C

Driver Education

When required	10-145d-464
Endorsement requirements	10-145d-465

D

Computer Education, Gifted and Talented and Aquaculture

When required for computer education	10-145d-466
When required for gifted and talented	10-145d-467
When required for aquaculture	10-145d-468
Endorsement requirements	10-145d-469

E

Teaching English to Speakers of Other Languages (TESOL)

When required	10-145d-470
Validity of certificates	10-145d-471
Initial educator certificate requirements	10-145d-472
Provisional educator certificate requirements	10-145d-473
Professional educator certificate requirements	10-145d-474

F

Bilingual Education

When required	10-145d-475
Validity of certificates	10-145d-476
Initial educator certificate requirements (Bilingual Education).	10-145d-477
Provisional educator certificate requirements	10-145d-478
Professional educator certificate requirements	10-145d-479

G

Remedial Reading and Remedial Language Arts

When required	10-145d-480
Validity of certificates	10-145d-481
Initial educator certificate requirements	10-145d-482
Provisional educator certificate requirements	10-145d-483
Professional educator certificate requirements	10-145d-484

Part X

**Applied Curriculum and Technology Subjects
(Formerly Vocational Education)**

A

Agriculture Education

When required	10-145d-485
Validity of certificates	10-145d-486
Initial educator certificate requirements	10-145d-487
Provisional educator certificate requirements	10-145d-488
Professional educator certificate requirements	10-145d-489

B

Health Occupations

When required	10-145d-490
Validity of certificates	10-145d-491
Initial educator certificate requirements	10-145d-492
Provisional educator certificate requirements	10-145d-493
Professional educator certificate requirements	10-145d-494

C

Trade and Industrial Occupations in Comprehensive High Schools

When required	10-145d-495
-------------------------	-------------

Validity of certificates	10-145d-496
Initial educator certificate requirements	10-145d-497
Provisional educator certificate requirements	10-145d-498
Professional educator certificate requirements	10-145d-499

D

**Marketing Education
(Formerly Teacher-Coordinator of Distributive Education)**

When required	10-145d-500
Initial educator certificate requirements	10-145d-501
Provisional educator certificate requirements	10-145d-502
Professional educator certificate requirements	10-145d-503

E

**Cooperative Work Education
(Formerly Teacher-Coordinator, Cooperative Work
Education, Diversified Occupation)**

When required	10-145d-504
Validity of certificates	10-145d-505
Initial educator certification requirements	10-145d-506
Provisional educator certificate requirements	10-145d-507
Professional educator certificate requirements	10-145d-508

Part XI

State Vocational-Technical School System

A

**Occupational Subjects in Vocational-Technical Schools
(Formerly “Skilled Trades”)**

When required	10-145d-509
Validity of certificates	10-145d-510
Initial educator certificate requirements	10-145d-511
Provisional educator certificate requirements	10-145d-512
Professional educator certificate requirements	10-145d-513

B

Trade-Related Subjects in Vocational-Technical Schools

When required	10-145d-514
Validity of certificates	10-145d-515
Initial educator certificate requirements	10-145d-516
Provisional educator certificate requirements	10-145d-517
Professional educator certificate requirements	10-145d-518

C

Practical Nurse Education in Vocational-Technical Schools

When required	10-145d-519
-------------------------	-------------

Validity of certificates	10-145d-520
Initial educator certificate requirements	10-145d-521
Provisional educator certificate requirements	10-145d-522
Professional educator certificate requirements	10-145d-523

D

Health Occupation in Vocational-Technical Schools

When required	10-145d-524
Validity of certificates	10-145d-525
Initial educator certificate requirements	10-145d-526
Provisional educator certificate requirements	10-145d-527
Professional educator certificate requirements	10-145d-528

E

Vocational-Technical School Administration

When required	10-145d-529
Initial educator certificate requirements	10-145d-530
Provisional educator certificate requirements	10-145d-531
Professional educator certificate requirements	10-145d-532

Part XII

Special Education:

Blind, Partially Sighted or Hearing Impaired

A

Special Education: Blind, Partially Sighted or Hearing Impaired

When required	10-145d-533
Validity of certificates	10-145d-534
Initial educator certificate requirements	10-145d-535
Provisional educator certificate requirements	10-145d-536
Professional educator certificate requirements	10-145d-537

B

Comprehensive Special Education

When required	10-145d-538
Validity of certificates	10-145d-539
Initial educator certificate requirements	10-145d-540
Provisional educator certificate requirements	10-145d-541
Professional educator certificate requirements	10-145d-542

Part XIII

Special Services Certificates

A

Speech and Language Pathology

When required	10-145d-543
-------------------------	-------------

Initial educator certificate requirements	10-145d-544
Provisional educator certificate requirements	10-145d-545
Professional educator certificate requirements	10-145d-546

B

School Nurse-Teacher

When required	10-145d-547
Initial educator certificate requirements	10-145d-548
Provisional educator certificate requirements	10-145d-549
Professional educator certificate requirements	10-145d-550

C

School Dental Hygienist-Teacher

When required	10-145d-551
Initial educator certificate requirements	10-145d-552
Provisional educator certificate requirements	10-145d-553
Professional educator certificate requirements	10-145d-554

D

School Counselor

When required	10-145d-555
Initial educator certificate requirements	10-145d-556
Provisional educator certificate requirements	10-145d-557
Professional educator certificate requirements	10-145d-558

E

School Psychology

When required	10-145d-559
Initial educator certificate requirements	10-145d-560
Provisional educator certificate requirements	10-145d-561
Professional educator certificate requirements	10-145d-562

F

School Social Work

When required	10-145d-563
Initial educator certificate requirements	10-145d-564
Provisional educator certificate requirements	10-145d-565
Professional educator certificate requirements	10-145d-566

**State Educator Certificates for School Marriage
and Family Therapist**

Applicable provisions under regulations concerning state educator certificates, permits and authorizations	10-145d-566a
When required	10-145d-566b
Validity of certificate	10-145d-566c
Initial educator certificate requirements	10-145d-566d

Provisional educator certificate requirements	10-145d-566e
Professional educator certificate requirements	10-145d-566f

Part XIV

Administrative

A

Reading and Language Arts Consultant

When required	10-145d-567
Validity of certificates	10-145d-568
Initial educator certificate requirements	10-145d-569
Provisional educator certificate requirements	10-145d-570
Professional educator certificate requirements	10-145d-571

B

Intermediate Administration or Supervision

When required	10-145d-572
Employer’s statements for the employing agent	10-145d-573
Initial educator certificate requirements	10-145d-574
Provisional educator certificate requirements	10-145d-575
Professional educator certificate requirements	10-145d-576

C

Department Chairperson

When required	10-145d-577
Validity of certificates	10-145d-578
Initial educator certificate requirements	10-145d-579
Provisional educator certificate requirements	10-145d-580
Professional educator certificate requirements	10-145d-581

D

Superintendent of Schools

When required	10-145d-582
Validity of certificates	10-145d-583
Employer’s statement for superintendent	10-145d-584
Initial educator certificate requirements	10-145d-585
Provisional educator certificate requirements	10-145d-586
Professional educator certificate requirements	10-145d-587

E

School Business Administration

When required	10-145d-588
Initial educator certificate requirements	10-145d-589
Provisional educator certificate requirements	10-145d-590
Professional educator certificate requirements	10-145d-591

Part XV

Adult Education

A

High School Credit Diploma Program

When required	10-145d-592
Validity of certificates	10-145d-593
Initial educator certificate requirements	10-145d-594
Provisional educator certificate requirements	10-145d-595
Professional educator certificate requirements	10-145d-596

B

External Diploma Program and Noncredit Mandated Programs

When required	10-145d-597
Validity of certificates	10-145d-598
Initial educator certificate requirements	10-145d-599
Provisional educator certificate requirements	10-145d-600
Professional educator certificate requirements	10-145d-601

C

English to Non-English Speaking Adults

When required	10-145d-602
Validity of certificate	10-145d-603
Initial educator certificate requirements	10-145d-604
Provisional educator certificate requirements	10-145d-605
Professional educator certificate requirements	10-145d-606

D

General Interest Programs

When required	10-145d-607
-------------------------	-------------

Part XVI

Discontinued Endorsements and Prior Authorization

A

Discontinued Endorsements

Endorsements previously issued, but no longer available	10-145d-608
Professional educator certificate for discontinued endorsements	10-145d-609

B

Prior Authorizations

Prior authorizations.	10-145d-610
-------------------------------	-------------

Part XVII

Appeal Process

A

Denial

Denial of certificate, permit or authorization to applicant 10-145d-611

B

Revocation

Revocation of certificate, permit and authorization 10-145d-612

Automatic revocation 10-145d-612a

Revocation of permits and authorizations 10-145d-613

C

Equivalency

Certification through equivalency 10-145d-614

D

Extension

Extension of time to complete certification requirements 10-145d-615

E

Appeals

Repealed 10-145d-616—10-145d-617

F

Nullification of Certificate, Permit, Authorization or Endorsement

Nullification of certificate, permit, authorization or endorsement
issued through administrative error 10-145d-618

G

New Endorsements

Endorsement for education positions having unique requirements
peculiar to an assignment 10-145d-619

State Educator Certificates, Permits and Authorizations

Repealed 10-145d-620—10-145d-805

**Standards for the Issuance of a Certificate for the
Position of School Business Administrator**

Secs. 10-145d-1—10-145d-4.

Repealed, July 1, 1989.

**Standards and Procedures for the Approval of
Connecticut Educator Preparation Programs**

Sec. 10-145d-5.

Repealed, July 8, 1998.

Sec. 10-145d-6.

Repealed, June 27, 1991.

Sec. 10-145d-7.

Repealed, July 8, 1998.

Sec. 10-145d-8. Definitions

As used in sections 10-145d-8 to 10-145d-11:

(a) “Appropriate Official” means a person at the level of vice president, dean, or director designated by the president of a college or university to be responsible for the educator preparation program approval process at an institution.

(b) “Beginning Educator Support and Training (BEST)” means an induction program for beginning teachers composed of support and assessment, as approved by the Board.

(c) “Board” means the Connecticut State Board of Education.

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

(e) “Common Core of Learning” means a Board adopted set of skills, knowledge and attitudes expected of Connecticut’s high school graduates.

(f) “Common Core of Teaching” means Board adopted expectations for Connecticut teachers.

(g) “Connecticut Academic Performance Tests” means Connecticut developed, Board adopted, tests administered to students in grade 10.

(h) “Connecticut Mastery Tests” means Connecticut developed, Board adopted, tests administered to students in grades 4, 6, and 8.

(i) “Connecticut Teaching Competencies” means those descriptors of skills and abilities which a teacher should possess, according to guidelines adopted by the Board.

(j) “Consulting specialist” means a person with expertise in the field or endorsement area being reviewed.

(k) “Department” means the State Department of Education.

(l) “Educator” means each licensed professional employed by a board of education in a position requiring a certificate issued by the Board.

(m) “Educator preparation program” means a planned sequence of experiences provided by colleges and universities designed to qualify an individual for state certification. This includes the Alternate Route to Certification program.

(n) “Folios” means information provided by a professional education unit to the Department in response to certification area guidelines developed by national specialty organizations or the Department.

(o) “Institution” means the university or college of which the educator preparation program is a part.

(p) “Interim Report” means a written report that may be required of an approved program during the approval period to document progress in the implementation of a new program, to document progress in existing programs or to describe action taken to address standards which were not fully met.

(q) “Major Changes in Existing Programs” means a change in program title, focus, design, requirements for completion, or mode of delivery.

(r) “NCATE” means National Council for Accreditation of Teacher Education.

(s) “PRAXIS I CBT(Computer Based Test)” means the essential skills test, as approved by the Board.

(t) “PRAXIS II” means the content knowledge test, as approved by the Board.

(u) “Professional education unit” means an institution, college, school, department or other administrative body within an institution that is primarily responsible for the initial and advanced preparation of educators.

(v) “Review Committee” means an advisory committee appointed by the Board which recommends action to be taken relative to the approval of a program or programs of educator preparation.

(w) “Revisit” means a follow-up study of a program by a team of specialists to clarify issues not resolved by a Visiting Team.

(x) “Student teaching” means supervised full day practice teaching, with a trained cooperating teacher, as part of an educator preparation program, for a Connecticut Board of Education of 10 or more weeks, following the completion of a minimum of 12 semester hours of credit in professional education in an educator preparation program.

(y) “Visiting Team” means a committee convened by the Department to visit the professional education unit, verify the self-examination report and obtain additional relevant information about the educator preparation programs.

(z) “Visiting Team of Experts” means a committee of endorsement area specialists convened by the Department to visit the unit, verify the self-examination report and obtain additional relevant information about a particular educator preparation program.

(Effective July 8, 1998)

Sec. 10-145d-9. Procedures

(a) No educational preparation program shall publicize, begin to enroll students, or operate without the approval of the Board.

(b) Initial Requirements

To be eligible to apply to the Commissioner to operate an educator preparation program, the institution shall meet the following requirements:

(1) The institution shall be accredited by the New England Association of Schools and Colleges. Loss of accreditation by the New England Association of Schools and Colleges shall result in the withdrawal of program approval by the Board.

(2) The institution shall have received the appropriate program licensure or accreditation as established by the Connecticut Board of Governors of Higher Education. Loss of accreditation or licensure with the Board of Governors of Higher Education shall result in withdrawal of program approval by the Board.

(c) Written request

An appropriate official of the professional education unit shall notify the Commissioner in writing, two years prior to the expiration of current program approval, or two years prior to the anticipated start of a new program, of the professional education

unit's intent to seek Board approval in one or more specific areas of educator preparation, and request that an on-site visit be scheduled.

(d) Self-examination report

(1) For educator preparation programs that want continued approval, a written self-examination report shall be submitted which addresses the educator preparation program approval standards. From the effective date of Sections 10-145d-8 to 10-145d-11 inclusive, and until July 1, 2003, an institution shall choose between two sets of standards, those in Section 10-145d-10 or those in Section 10-145d-11. On or after July 1, 2003, an institution shall respond to standards in Section 10-145d-11, only.

(2) For higher education institutions for which an initial educator preparation program approval is sought, the self-examination report shall address standards in Section 10-145d-11.

(3) For higher education institutions which seek to add a new program to existing Board approved programs, either of the following applies:

(A) if previous program approval was based on the standards specified in Section 10-145d-10 the new program shall conform to the following categories in Section 10-145d-10: curriculum, students, faculty, standard 7.6, and Section 10-145d-11(b) (1) and 10-145d-11 (b) (3) of Sections 10-145d-8 to 10-145d-11 inclusive or,

(B) if the existing educator preparation programs have been approved using the standards in Section 10-145d-11, the new program may complete a written folio, and shall address Section 10-145d-11(b) (1), Section 10-145d-11(b) (2) (C) and 10-145d-11(b) (3) of Sections 10-145d-8 to 10-145d-11 inclusive.

(4) The self-examination report shall be mailed to each member of the visiting team, to the Department, and to the Review Committee one month prior to the scheduled visit.

(e) On-site visit

(1) If an institution is requesting NCATE accreditation, the Department shall conduct a joint visit with NCATE, in accordance with the NCATE - Connecticut state partnership agreement.

(2) If an institution is requesting Board approval only, the Department shall coordinate the visit.

(A) The Department shall present to the professional education unit a tentative list of visiting team members, including the chairperson. The professional education unit shall be given an opportunity to request, in writing, the withdrawal of any team member for good cause. The Commissioner or his designee shall review the request and grant or deny the request.

(B) The Visiting Team visit shall be scheduled by the Department in consultation with the institution. When possible, these visits shall be coordinated with other accreditation visits.

(C) The Visiting Team shall consist of persons with broad background and experience in education appropriate to the general categories for which the professional education unit prepares educators. Teams shall include representatives of public school districts, institutions of higher education, the Department, the Department of Higher Education and pursuant to the National Association of State Directors of Teacher Education and Certification (NASDTEC) Interstate Contract, a representative from a state other than Connecticut. Each chairperson shall have prior experience as a member of a Visiting Team. Persons training for future team membership also may be included on the team.

(D) The team shall consist of up to ten members, depending on the number and size of programs to be evaluated. Specialists may be included for evaluating programs which have been previously identified as exhibiting weaknesses or may be included at the request of the institution. Visiting Team members shall serve without compensation, but travel, meals, and lodging expenses incurred by the visiting team, shall be paid by the institution requesting approval. For state employees, expenses shall be limited to room and board.

(E) Visits may range from one to four days, depending upon the number of programs, and the size of the programs to be reviewed. The Visiting Team, during its visit, may request a consulting specialist to review a particular program, if significant concerns about the program arise during the visit. The consulting specialist may conduct an additional investigation within two weeks from the end of the visiting team's on-site visit. The consulting specialist shall not be considered a visiting team member. The Visiting Team report shall reflect the additional contributions of the specialist.

(F) The Visiting Team shall determine the degree to which each program approval standard is met. To make that determination, the visiting team shall review the self-examination report and on-site exhibits, conduct interviews, visit facilities which support the professional education unit, and make observations of the programs to assess the accuracy and completeness of the data supplied. The degree to which each standard has been met shall be indicated on an evaluation report provided by the Department. The evaluation report shall include descriptive comments and suggestions for improvement. The composite report of the Visiting team members' findings shall be written by the Chairperson of the Visiting Team and submitted to the Department. The chairperson shall conduct an exit interview at which an unofficial overview of findings shall be presented to representatives of the professional education unit and institution.

(G) The Visiting Team report shall be sent to the professional education unit for review for factual errors. The findings of any additional visit conducted by consulting specialists as may have been requested by the visiting team shall be included in the report. The Department shall send the final Visiting Team report to the Review Committee. If the professional education unit chooses, it may send a written response to the visiting team report to the Review Committee.

(f) Review Committee

(1) The Review Committee shall consist of 12 members appointed to staggered three year terms by the Board, upon recommendation of the Commissioner. The Committee shall include representatives of institutions of higher education, professional staff members of public school systems, and representatives of the community at large. The Board of Governors for Higher Education may and the Department shall each provide one official non-voting representative. The Review Committee members shall serve without compensation.

(2) The Review Committee shall study the professional education unit's self-examination report, the Visiting Team report, and the professional education unit's written response, if any, to the Visiting Team report. The Review Committee shall consider written correspondence, if any, between the Chief, Bureau of Certification and Teacher Preparation, and the dean or director of the professional education unit, concerning problems or issues around certification issues which arise from the unit's graduates' applications for certification. The Review Committee shall provide an opportunity for a representative of the professional education unit being evaluated and a representative of the visiting team, to submit additional verbal information if requested.

(3) The Review Committee shall make a recommendation on the approval of the educator preparation programs to the Commissioner, within ten days of its decision.

(g) Board action

After reviewing the recommendation of the Review Committee, the Commissioner shall make one or more recommendations to the Board. Based on the Commissioner's recommendation, the Board shall take one of the following actions.

(1) For programs requesting continuing approval:

(A) Grant full program approval for five years, or for a period of time to bring the program into alignment with the five year approval cycle. The Board may require that an interim report be submitted to the Department, on a date set by the Board, prior to the end of the approval period.

(B) Grant provisional approval for a time period not to exceed three years, if substantial non-compliance with current standards is identified. The institution shall submit to the Review Committee, on a date set by the Board, a written report which addresses the professional education unit's progress in meeting the standards which were not fully met. The Board may require an on-site visit in addition to this report.

(C) Grant probationary approval for a time period not to exceed three years, if significant and far-reaching non-compliance with current standards is identified. The institution shall submit to the Review Committee, on a date set by the Board, a written report which addresses the professional education unit's progress in meeting the standards which were not fully met. The Board shall require an on-site visit in addition to this report.

(D) Deny approval.

(2) For new programs in institutions which have current approved programs:

(A) Grant full program approval for a period of time to bring the new program into the five year approval cycle of all other programs offered by the institution. The Board may require that a written report be submitted to the Department, on a date set by the Board, prior to the end of the approval period.

(B) Grant provisional approval for a time period not to exceed three years, if substantial non-compliance with current standards is identified. The institution shall submit to the Review Committee, on a date set by the Board, a written report which addresses the professional education unit's progress in meeting the standards which were not fully met. The Board may require an on-site visit in addition to this report.

(C) Grant probationary approval not to exceed three years, if significant and far-reaching non-compliance with current standards is identified. The institution shall submit to the Review Committee, on a date set by the Board, a written report which addresses the professional education unit's progress in meeting the standards which were not fully met. The Board shall require an on-site visit in addition to this report.

(D) Deny approval.

(3) For new programs starting in institutions without other approved programs:

(A) Grant program approval for two years. The institution shall submit to the Review Committee, after two semesters of operation, a written report which addresses the professional education unit's progress in implementing the new program. The Board shall require an on-site visit in addition to this report.

(B) Following the on-site visit after two years of operation, grant full program approval for three years. The Board may require that a written report be submitted to the Department, on a date set by the Board, prior to the end of the approval period.

(C) Following the on-site visit after two years of operation, grant provisional approval for a time period not to exceed three years, if substantial non-compliance with current standards is identified. The institution shall submit to the Review

Committee, on a date set by the Board, a written report which addresses the professional education unit's progress in meeting the standards which were not fully met. The Board may require an on-site visit in addition to this report.

(D) Following the on-site visit after two years of operation, grant probationary approval for up to three years, if significant and far-reaching non-compliance with current standards is identified. The institution shall submit to the Review Committee, on a date set by the Board, a written report which addresses the professional education unit's progress in meeting the standards which were not fully met. The Board shall require an on-site visit in addition to this report.

(E) Deny approval.

(h) **Notification of Board Action**

(1) The Department shall notify the Board of Governors for Higher Education about Board approval or denial of approval of educator preparation programs.

(2) The Department shall notify the official representatives of the professional education unit and the institution about Board approval or denial of approval of educator preparation programs and the professional education unit.

(i) **Just cause**

For just cause, the Commissioner may initiate a site visit to review an educator preparation program or programs prior to the next scheduled visit, and based on the findings of the Visiting Team and the Review Committee, the Board may change the institution's approval status. Prior to initiating an on-site visit, the Department may conduct transcript evaluations for certification candidates from a particular professional education unit. Just cause may include a pattern of noncompliance with program approval and Sections 10-145d-400 through 10-145d-619 inclusive, of the Regulations of Connecticut State Agencies, poor performance by graduates of the institution on Praxis II exams as required, or on the Beginning Educator program, or written concerns raised by program students or graduates.

(Effective July 8, 1998)

Sec. 10-145d-10. Standards

These standards may be used from the effective date of the regulations until June 30, 2003.

(a) **General Requirement**

The institution and the educator preparation program(s) shall have clear and current statements of purpose and objectives.

(b) **Curriculum**

The curriculum shall provide for a planned and balanced program of study that is directed toward program objectives and the Connecticut Teaching Competencies. The basic components of this curriculum shall include study in general education, a subject area major, professional education course work and broad elective study in academic fields. All educator preparation programs shall provide:

(1) broad general education for students through experiences in all the major areas of knowledge as defined in Sections 10-145d-400 through 10-145d-619 inclusive, of the Regulations of Connecticut State Agencies, related regulations and the requirements of the institution;

(2) for a review at least every five years from the last self-examination of requirements and recommendations developed by learned societies and professional associations, and for the consideration of incorporating such requirements and recommendations into the programs;

(3) depth of study derived from a well-planned sequence of courses and experiences that includes theoretical and practical knowledge as defined in Sections 10-

145d-400 through 10-145d-619 inclusive, of the Regulations of Connecticut State Agencies, and the requirements of the institution;

(4) study in professional education as specified in Sections 10-145d-400 through 10-145d-619 inclusive, of the Regulations of Connecticut State Agencies;

(5) the professional studies components which prepare education students to work effectively with culturally diverse populations;

(6) a description of program goals and objectives in each of the endorsement areas for which approval has been requested;

(7) a planned sequence of courses and experiences that meets the program objectives and Sections 10-145d-400 through 10-145d-619 inclusive, of the Regulations of Connecticut State Agencies;

(8) a written policy concerning independent study for credit in professional education;

(9) that if academic credit is awarded for activities of a special nature, activities meet established institutional criteria;

(10) instruction leading to the acquisition of the Connecticut Teaching Competencies;

(11) opportunities to develop and practice the Connecticut Teaching Competencies in a variety of simulated and actual teaching settings throughout the preparation programs; and

(12) the opportunity to demonstrate attainment of the appropriate Connecticut Teaching Competencies in a culminating clinical activity of supervised student teaching of ten or more weeks of full day experience, or the equivalent thereof.

(c) Evaluation

A systematic evaluation procedure shall be established which includes:

(1) the involvement of a broad representation of constituencies such as faculty, students, graduates and community representatives in its planning, policy development and implementation;

(2) monitoring program effectiveness by regular review of evaluations of student teachers submitted by cooperating teachers and supervising professors;

(3) assessment of the program as reflected in the performance of graduates within two years after they enter the teaching profession in Connecticut, including evidence of their performance in relation to the stated program objectives and Connecticut Teaching Competencies;

(4) assessment of the program by students and graduates of the program;

(5) use of the results of the evaluation process in the modification and improvement of educator preparation programs; and

(6) an evaluation of efforts to recruit underrepresented minority faculty and students to the program.

(d) Students

(1) Student admission criteria include appropriate academic and non-academic standards which shall be stated and enforced. Students are admitted to the educator preparation program after taking no more than two courses in professional education. These standards shall include, but not be limited to:

(A) passing PRAXIS I CBT, or its equivalent as approved by the Board, prior to admission to the educator preparation program;

(B) achieving a cumulative grade point average of at least a B-minus average for all undergraduate courses;

(C) successfully completing courses in arts and humanities, mathematics-sciences-technology, social and behavioral sciences, health and physical education;

(D) presenting an essay demonstrating a command of the English language and setting out the reasons for wanting to enroll in the program and emphasizing experience relevant to teaching;

(E) submitting at least two letters of recommendation from persons able to testify to the candidate's suitability as a prospective teacher; and

(F) completing an interview by a team to assess the candidate's personal attributes which shall affect his or her performance in teaching.

(2) A waiver for any one item listed above in (1) (B) through(1) (E) if justified by unusual circumstances, provided that a statement of justification is added to the candidate's records.

(3) The unit shall insure:

(A) adequate provision for monitoring the effectiveness of the student teaching experience;

(B) criteria for continuation in the educator preparation program are clearly defined, and shall include academic and non-academic factors which may affect qualifications for teaching;

(C) student records which are clear, complete, and legible, and transcripts including descriptive course titles, are maintained;

(D) adequate provision for advising and counseling students is available, including: preparation for PRAXIS II, guidance concerning appropriate course work, placement for student teaching, supervision during the student teaching experience and job placement, and

(E) program requirements communicated to administrators, faculty, including adjunct faculty and students.

(e) Faculty

The institution shall demonstrate that there is:

(1) adherence to clearly stated qualifications for full-time, part-time and adjunct faculty, including related educational background, experience and appropriateness of qualifications for assignments;

(2) review of qualifications of educator preparation faculty for the programs in which they are teaching and supervising;

(3) adherence to state and institutional criteria regarding qualifications, selection and responsibilities of cooperating teachers in local school systems;

(4) adherence to a reasonable faculty-student ratio, including classroom and counseling contacts;

(5) adherence to a reasonable policy regarding faculty load, including distinctions among various kinds of assignments such as supervision of student teachers, research, student advising, graduate instruction and professional development services to educational agencies;

(6) involvement of educator preparation faculty members, including part-time and adjunct faculty, in professional development activities designed to: (A) keep up-to-date in field(s) of expertise, (B) maintain knowledge and contact with public schools, and (C) increase knowledge and practices of effective teaching skills; and

(7) involvement of supervisors of student teachers in professional development activities designed to (A) improve their knowledge and practice of effective supervision, (B) improve their knowledge and analysis of effective teaching as defined by the Connecticut Teaching Competencies, and (C) keep up-to-date on role and responsibility of the cooperating teacher.

(f) Administration

The institution shall demonstrate that:

(1) its organizational pattern facilitates articulation within the educator preparation program(s) and with other appropriate instructional departments;

(2) it supports the educator preparation programs, with a plan to review, develop, fund, implement and evaluate the programs;

(3) administrative control of the educator preparation program is clearly designated and appropriately centralized;

(4) cooperative arrangements with elementary and secondary schools are sought and established;

(5) responsibility for recommending candidates for certification is centralized in an individual who shall attest that the candidates have:

(A) met admission standards for the institution's educator preparation program;

(B) fulfilled the institution's and the state's certification and testing requirements; and

(C) demonstrated the appropriate Connecticut Teacher Competencies, where applicable.

(6) an affirmative action plan for recruiting minority faculty and students is implemented, monitored and evaluated.

(g) Facilities and Resources

There shall be evidence that:

(1) adequate clerical and secretarial services are available for the educator preparation programs;

(2) adequate administrative support is provided for the educator preparation programs;

(3) adequate professional services are provided for the library or media programs;

(4) adequate facilities, including campus and off-site locations, are provided and maintained to support the educator preparation programs;

(5) library holdings, instructional media services and resources, including advanced technology, are adequate for the programs offered, and plans exist for developing access to a growing information base through increased acquisitions and by drawing from other sources;

(6) there is access to and use of library holdings, resources and services; and

(7) students have access to a collection of texts and other educational resource material in current use in public schools.

(Effective July 8, 1998)

Sec. 10-145d-11. Educator preparation program approval standards

These standards may be used prior to July 1, 2003 and shall be used on and after July 1, 2003.

(a) Connecticut Standards

The NCATE Refined Standards, March 5, 1994, including the "Introduction to NCATE'S Standards" and "Standards Glossary" are adopted by reference. NCATE Standards, as may be amended for time to time, shall be adopted following review by Department staff and the Commissioner. Copies of the NCATE standards are available from the Department. Folios may be completed for all endorsement areas and submitted to the Department 18 months prior to the Visiting Team visit.

(b) Connecticut Requirements

(1) Student admission criteria include appropriate academic and non-academic standards are stated and enforced. All students are admitted to the educator preparation program after taking no more than two courses in professional education. These standards shall include, but not be limited to:

(A) passing Praxis I CBT, or its equivalent as approved by the Board, prior to admission to the educator preparation program;

(B) achieving a cumulative grade point average of at least a B-minus average for all undergraduate courses, and

(C) if justified by unusual circumstances, a waiver for (B) may be granted, provided that a statement of justification is added to the candidate's records.

(2) The professional education unit shall:

(A) demonstrate that students are knowledgeable about the Common Core of Learning, the Common Core of Teaching, the Connecticut Mastery Tests, the Connecticut Academic Performance Test, the Code of Professional Responsibility for Teachers, and the Code of Professional Responsibility for School Administrators;

(B) provide on-site access to education resource material in current use in public schools including, for example, texts, software, cd rom, and copies of Connecticut Curriculum Frameworks;

(C) ensure that students demonstrate current Connecticut licensure competencies as defined in Sections 10-145d-400 through 10-145d-619 inclusive, of the Regulations of Connecticut State Agencies, the Common Core of Teaching, and the Connecticut Content Specific Standards and,

(D) ensure that the responsibility for recommending candidates for certification centralized in an individual who shall attest, if appropriate, that the candidates have:

(i) met admission standards for the institution's educator preparation program; fulfilled the institution's criteria to student teach; successfully completed the planned program; have the qualities of character and personal fitness for teaching, and

(ii) fulfilled the state's certification and assessment requirements, including Praxis I and Praxis II.

(3) The professional education unit shall address the following statutory requirements:

(A) Section 10-19(a) of the Connecticut General Statutes;

(B) Section 10-145a(a) of the Connecticut General Statutes;

(C) Section 10-145a(b) of the Connecticut General Statutes;

(D) Section 10-145a(c) of the Connecticut General Statutes;

(E) Section 10-145a(d) of the Connecticut General Statutes, and

(F) Section 10-145a(e) of the Connecticut General Statutes.

(Effective July 8, 1998)

Secs. 10-145d-12—10-145d-99. Reserved

Secs. 10-145d-100—10-145d-306.

Repealed, July 1, 1993.

Secs. 10-145d-307—10-145d-399. Reserved

State Educator Certificates, Permits and Authorizations*

Part I

Definitions

Sec. 10-145d-400. Definitions

As used in Sections 10-145d-400 through 10-145d-619, inclusive:

(a) "Adult Education Authorization" means an authorization issued for a period of one year to an adult educator who meets requirements of Sections 10-145d-594,

*State Board of Education Regulation Number 1998-058, which would have repealed section 10-145d-400 through 10-145d-619, inclusive, of the Regulations of Connecticut State Agencies, effective July 1, 2003, was repealed, effective July 1, 2003.

10-145d-599 or 10-145d-604 except for fulfilling the assessment requirements in subsections (a) and (b) of Section 10-145d-404.

(b) “Alternate Route to Certification Program” means a program of classroom management and instructional methodology.

(c) “Appropriate certificate” means a certificate that the Department determines to be acceptable to serve in the endorsement area.

(d) “Approved CEU provider” means an organization, institution, Board, Board of Education, agency or company authorized to award CEUs for the purpose of continuation of the professional educator certificate.

(e) “Approved institution” means a higher education institution accredited by a regional association of colleges and schools recognized by the United States Secretary of Education or a Connecticut higher education institution accredited by the Board of Governors.

(f) “Approved nonpublic school” means a nonpublic school approved or accredited by the board or by the appropriate governing body in another state or a nationally recognized accrediting association, except that early childhood programs accredited by the National Academy of Early Childhood Programs, within the National Association for the Education of Young Children (NAEYC), and Connecticut Birth to Three Programs approved by the Department of Mental Retardation shall be considered appropriate for purposes of teaching experience, field experience, internship, or student teaching.

(g) “Approved private special education facility” means a private special education facility approved by the Board.

(h) “Approved program” means a planned program of professional preparation completed at a regionally accredited higher education institution, which is state approved.

(i) “Assessment” means prior to January 1, 1995, CONNCEPT, CONNTENT, CONNECT or BEST; on January 1, 1995 and thereafter, PRAXIS I, PRAXIS II, CONNECT or BEST.

(j) “Beginning educator program” or “BEST” (Beginning Educator Support and Training Program) means such support and assessment program as may have been made available by the Board for holders of initial educator certificates, durational shortage area permits, and temporary 90-day certificates.

(k) “Bilingual” means the ability to read, write, speak and understand two languages fluently.

(l) “Board” means the Connecticut State Board of Education.

(m) “Board of education” means local and regional boards of education, or the appropriate governing bodies of regional educational service centers, unified school districts, cooperative arrangements established pursuant to Section 10-158a of the Connecticut general statutes, the regional vocational-technical school system, approved private special education facilities, and the Gilbert School, Norwich Free Academy and Woodstock Academy.

(n) “Board of Governors” means the Connecticut Board of Governors of Higher Education.

(o) “Certificate of eligibility” means a certificate issued to a person who meets all the preparation and eligibility requirements for an initial educator certificate, including assessment, if appropriate. The certificate of eligibility does not authorize service for a Board but verifies eligibility for an initial educator certificate.

(p) “CEU” means continuing education unit.

(q) “CEU equivalent” means credit awarded by an employing agent of a board of education, or the Commissioner or the Commissioner’s designee of the following state agencies: Education, Human Resources, Mental Retardation, Mental Health, Corrections and the Board of Education and Services for the Blind, to its employees for successful completion of professional development activities based on 10 contact hours of participation in a planned continuing education experience other than an activity granted CEU credit.

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

(s) “Comprehensive high school” means any public secondary school except a vocational-technical school.

(t) “CONNCEPT” means, prior to January 1, 1995, the Connecticut Competency Examination for Prospective Teachers, or an equivalent reading, writing, and mathematics competency examination, as determined by the Board.

(u) “CONNECT” means Connecticut Elementary Certification Test or an appropriate elementary education subject area assessment, as determined by the Board.

(v) “CONNTENT” means, prior to January 1, 1995, subject knowledge, competency assessment, or an appropriate subject area assessment, as determined by the Board.

(w) “Contact hour” means 60 minutes of instruction or other involvement in a professional development experience, exclusive of activities not directly related to the instructional experience.

(x) “Continuation” means reissuance of a professional educator certificate.

(y) “Continuing education unit” means credit awarded by an approved CEU provider for successful completion of professional development activities based on 10 contact hours of participation.

(z) “Cooperative work education” means a program in vocational areas where students alternate between school and on-the-job training.

(aa) “Department” means the Connecticut State Department of Education.

(bb) “Diversified occupations” means a program that provides on-the-job training in multiple occupational areas not covered by existing vocational education programs in the school.

(cc) “Durational shortage area permit” means a permit issued on and after July 1, 1989, for a period of one year to serve in lieu of a certificate to a person who meets the requirements of Sections 10-145d-421 and 10-145d-422.

(dd) “Elementary academic subjects” means all subjects taught in elementary schools except those requiring special subject certificates.

(ee) “Employing agent” means the chief executive officer or other official authorized by the chief executive officer of a board of education, or supervising authority of an approved nonpublic school, out-of-state school or nonpublic school approved by the appropriate governing body in another state.

(ff) “Equivalent” means qualifications determined by the Department to be reasonably comparable to those specifically listed as required for certification.

(gg) “Experience” means appropriate professional or work activity that is prerequisite or pursuant to the issuance of a certificate which, except for the provisions of Section 10-145d-414 of these regulations, shall be accepted in accordance with the following: more than half time of what constitutes a full assignment as defined by the employing agent shall be deemed to constitute full time and half time or less shall be deemed to constitute half time.

(hh) “Extension” means issuance of a certificate to complete specific requirements as defined in subsections (b), (i), (j) or (k) of Section 10-145d-427 and Section 10-145d-615.

(ii) “Full time” means a teacher’s employment in a position for more than half of what constitutes a full assignment as defined by the employing agent, except that for purposes of adult education instruction in accordance with Sections 10-145d-592 through 10-145d-606, inclusive, full time means a teacher’s employment in an adult education program for a minimum of 360 student contact hours per year.

(jj) “General conditions” means applicable requirements generic to all types of certificates described in Sections 10-145d-401 to 10-145d-408, inclusive.

(kk) “Initial educator certificate” means a license to teach issued on and after July 1, 1989, to a person who has successfully met the preparation and eligibility requirements specified by the Board for entrance into a beginning educator program, as appropriate, and who has met the requirements of Section 10-145d-412.

(ll) “Interim educator certificate” means a license to teach issued to a person who has met the requirements of Section 10-145d-412, Section 10-145d-413, Section 10-145d-415 and Section 10-145d-417, as appropriate.

(mm) “Long-Term Substitute” means a person serving in the employ of a board of education in the same assignment for more than 40 school days.

(nn) “Marketing education” means a program that prepares students for employment in occupations concerned with the distribution, marketing and sale of goods.

(oo) “Noncredit mandated programs” means General Educational Development (GED) and the Adult Basic Education (ABE).

(pp) “Part time” means a teacher’s employment in a position half time or less of what constitutes a full assignment as defined by the employing agent, except that for purposes of adult education instruction in accordance with Sections 10-145d-592 through 10-145d-606, inclusive, part time means a teacher’s employment in an adult education program for less than 360 student contact hours per school year. Part time experience shall be deemed to be equivalent to half time.

(qq) “Permanent teaching certificate” means a license to teach issued prior to November 1, 1960. This certificate shall no longer be valid after July 1, 1989, except for a substitute teacher authorization or a coaching permit.

(rr) “Practicum” means supervised field or clinical training in an educationally suitable placement as determined by an approved institution.

(ss) “PRAXIS I” means, on or after January 1, 1995, the state reading, writing and mathematics competency examination or an equivalent, as determined by the board.

(tt) “PRAXIS II” means, on or after January 1, 1995, subject knowledge, competency assessment, or an appropriate subject area assessment, as determined by the board.

(uu) “Professional Education” means courses taken under the auspices of an education department of an approved institution or courses accepted by the education department of an approved institution as being equivalent to those offered at the education department of an approved institution.

(vv) “Professional educator certificate” means a license to teach, issued on and after July 1, 1989, to a person who has met the requirements of Section 10-145d-417.

(ww) “Provisional educator certificate” means a license to teach issued on and after July 1, 1989, to a person who has met the requirements of Section 10-145d-415.

(xx) “Provisional teaching certificate” means a license to teach issued prior to July 1, 1989.

(yy) “Regionally accredited” means accredited by a regional association of colleges and schools recognized by the United States Secretary of Education.

(zz) “School month” means any month or part of a month in which school is in session, which would include, where appropriate, summer school.

(aaa) “School year” means September 1 to August 31.

(bbb) “Secondary academic subjects” means those subjects taught at the secondary level, including business, English, foreign languages, history and social studies, mathematics and science.

(ccc) “Standard teaching certificate” means a license to teach issued prior to July 1, 1989. This certificate shall no longer be valid after July 1, 1989, except for a substitute teacher authorization or a coaching permit.

(ddd) “State Department of Education” means the Connecticut State Department of Education.

(eee) “State education agency” means the state agency legally charged with the responsibility for elementary and secondary education in the public schools of a state.

(fff) “Student teaching” means supervised full day practice teaching, with a trained cooperating teacher, as part of a teacher preparation program in a school setting of 10 or more weeks, following the completion of a minimum of 12 semester hours of credit in professional education in a teacher preparation program.

(ggg) “Successful teaching or service” means successful full time professional educational experience or its equivalent, as determined by the employing agent, as a teacher, administrator or special service staff member.

(hhh) “Summative evaluation” means that formal evaluation which is made by an individual, taking into account various components of formative evaluation data such as peer and supervisory observations.

(iii) “Technology education” means a program to provide an understanding of technology as it relates to the areas of construction, transportation, communication and manufacturing.

(jjj) “Temporary 90-day certificate” means a certificate to teach issued on and after July 1, 1988, and valid for 90 school days, to a person who has met the requirements of Section 10-145d-414.

(kkk) “Trade and industrial occupational subjects in comprehensive high schools” means a program for entry-level occupations in skilled trades areas.

(lll) “Year” means 12 consecutive months.

(Effective July 1, 1995; amended July 1, 2003)

Sec. 10-145d-400a. Code of professional responsibility for teachers

(a) Preamble

The Code of Professional Responsibility for Teachers is a set of principles which the teaching profession expects its members to honor and follow. These principles set forth, on behalf of the teaching profession and the public it serves, standards to guide conduct and the judicious appraisal of conduct in situations that have professional and ethical implications. The Code adheres to the fundamental belief that the student is the foremost reason for the existence of the profession.

The teaching profession is vested by the public with a trust and responsibility requiring the highest ideals of professionalism. Therefore, the teacher accepts both the public trust and the responsibilities to practice the profession according to the highest possible degree of ethical conduct and standards. Such responsibilities include the commitment to the students, the teaching profession, and the community.

Consistent with applicable law, the Code of Professional Responsibility for Teachers shall serve as a basis for decisions on issues pertaining to licensure and employment. It shall apply to all teachers licensed by or individuals seeking licensure from the State of Connecticut. For the purposes of this section, “teacher” means a person who is applying for, who holds or who is employed under a teaching certificate, or other equivalent certificate, issued by the state board of education.

(b) Responsibility to the student

(1) The professional teacher, in full recognition of his or her obligation to the student, shall:

(A) Recognize, respect and uphold the dignity and worth of students as individual human beings, and therefore deal justly and considerately with students;

(B) Engage students in the pursuit of truth, knowledge and wisdom and provide access to all points of view without deliberate distortion of subject matter;

(C) Nurture in students lifelong respect and compassion for themselves and other human beings regardless of race, ethnic origin, gender, social class, disability, religion, or sexual orientation;

(D) Foster in students the full understanding, application and preservation of democratic principles and processes;

(E) Guide students to acquire the requisite skills and understanding for participatory citizenship and to realize their obligation to be worthy and contributing members of society;

(F) Assist students in the formulation of value systems and worthy, positive goals;

(G) Promote the right and freedom of students to learn, explore ideas, develop learning skills and acquire the necessary knowledge to achieve their full potential;

(H) Strive to develop within students fundamental critical thinking skills and problem-solving techniques;

(I) Remain steadfast in guaranteeing equal opportunity for quality education for all children, and not unlawfully discriminate; and

(J) Maintain the confidentiality of all information concerning students obtained in the proper course of the educational process, and dispense such information only when prescribed or directed by federal or state law or professional practice.

(2) The Professional teacher, in full recognition of his or her obligation to the student, shall not:

(A) Abuse his or her position as a professional with students for private advantage;

(B) Sexually or physically harass or abuse students;

(C) Emotionally abuse students; or

(D) Engage in any misconduct which would put students at risk.

(c) Responsibility to the profession

(1) The professional teacher, in full recognition of his or her obligation to the profession of teaching, shall:

(A) Conduct himself or herself as a professional realizing that his or her action reflects directly upon the status and substance of the profession;

(B) Uphold the professional teacher's right to teach effectively;

(C) Uphold the principle of academic freedom;

(D) Strive to exercise the highest level of professional judgment;

(E) Assume responsibility for his or her professional development;

(F) Encourage the participation of teachers in the process of educational decision-making;

(G) Promote the employment of only qualified and fully licensed teachers;

(H) Encourage promising, qualified and competent individuals to enter the profession;

(I) Decline any gratuity, gift or favor that would impair or influence professional decisions or actions; and

(J) Maintain the confidentiality of all information concerning colleagues obtained in the proper course of the educational process, and dispense such information only when prescribed or directed by federal or state law or professional practice.

(2) The professional teacher, in full recognition of his or her obligation to the profession of teaching, shall not:

(A) Obtain licensure or employment by misrepresentation or fraud;

(B) Misrepresent his, her or another's professional qualifications or competencies; or

(C) Engage in any misconduct which would impair his or her ability to teach.

(d) **Responsibility to the community**

(1) The professional teacher, in full recognition of the public trust vested in the teaching profession, shall:

(A) Be cognizant of the influence of teachers upon the community-at-large, and therefore, shall not knowingly misrepresent facts or make false statements;

(B) Encourage the community to exercise its responsibility to be involved in the formulation of educational policy;

(C) Promote the principles and ideals of democratic citizenship; and

(D) Endeavor to secure equal educational opportunities for all children.

(2) The professional teacher, in full recognition of the public trust vested in the teaching profession, shall not:

(A) Exploit the educational institution for personal gain; or

(B) Be convicted in a court of law of a crime involving moral turpitude or of any crime of such nature that violates such public trust.

(e) **Code revision**

At least every two years following its implementation, this Code shall be reviewed for potential revision by the Connecticut Advisory Council for Teacher Professional Standards. As a part of such reviews, a process shall be established to receive input and comment from all interested parties.

(Effective October 28, 1993)

Sec. 10-145d-400b. Code of professional responsibility for school administrators

(a) Preamble

This code of professional responsibility for school administrators reaffirms and codifies the principles and standards that have guided the school administrator profession over the years. The principles set forth in this code are intended to guide the conduct and assist in the appraisal of conduct for the members of the profession and the public they serve. The code cannot, and does not address every situation in which choices and decisions must be made. The code recognizes the ability of the members of the profession to make administrative decisions that are in the best interest of the students and all individuals associated with the school district in which the members serve.

The code adheres to the fundamental belief that the student is the foremost reason for the existence of the profession. Administrators must focus the energies of schools on student learning above all else. In addition, the code recognizes the administrators' responsibility to the public, their colleagues and all staff members to foster high standards for professional educators, provide leadership, encourage diversity in curriculum and staff, and promote a quality educational program. By setting forth a code of professional responsibility for school administrators separate from the code applicable to teachers, there is a recognition of the similar but different responsibilities that the two groups have to the students they serve. Both codes seek to codify standards for the education profession to promote a quality system of education for the students in our state. The additional responsibility an administrator accepts in the performance of his or her duties is reflected in this code.

(b) Responsibility to the student

The professional school administrator, in full recognition of obligations to the student, shall:

- (1) Make the well-being of students the fundamental value in all decision making and actions;
- (2) Recognize, respect and uphold the dignity and worth of students as individuals and deal justly and considerately with students;
- (3) Promote in students pursuit of truth, knowledge and wisdom, and provide access to all points of view without deliberate distortion of subject matter;
- (4) Nurture in students lifelong respect and compassion for themselves and other human beings regardless of race, ethnic origin, gender, social class, disability, religion or sexual orientation;
- (5) Foster in students the full understanding, application and preservation of democratic principles and processes;
- (6) Guide students to acquire the required skills and understandings for participatory citizenship and to realize their obligation to be worthy and contributing members of society;
- (7) Assist students in the formulation of positive goals;
- (8) Promote the right and freedom of students to learn, explore ideas, develop learning skills and acquire the necessary knowledge to achieve their full potential;
- (9) Develop within students fundamental critical thinking skills and problem-solving techniques;
- (10) Ensure quality education for all students;
- (11) Maintain confidentiality of all information concerning students obtained in the proper course of the educational process and dispense the information when prescribed or directed by law, governing board policy or professional practice;
- (12) Ensure that all students are provided educational opportunities in environments safe from sexual, physical, and emotional abuse; and
- (13) Promote ongoing development and evaluation of curriculum.

(c) Responsibility to the profession and staff

The professional school administrator, in full recognition of obligations to the profession, shall:

- (1) Maintain the highest standards of professional conduct, realizing that one's behavior reflects directly upon the status and substance of the profession;
- (2) Engage in administrative, supervisory and evaluative practices with staff members and provide leadership to ensure the highest standards of services for students;
- (3) Encourage student learning through the effective support of all staff engaged in the learning process;
- (4) Encourage the participation of administrators and teachers in the process of curriculum development and educational decision making;
- (5) Maintain the standards and seek to improve the effectiveness of the profession through research and continuing professional development for self and staff;
- (6) Promote the employment of only qualified, certified educators, and qualified noncertified staff;
- (7) Encourage promising, qualified and competent individuals to enter the education profession; and
- (8) Maintain the confidentiality of all information obtained in the proper course of one's administrative duties and dispense the information when prescribed or directed by law, governing board policy or professional practice.

(d) Responsibility to the community

The professional school administrator, in full recognition of the public trust vested in the education professional, shall:

- (1) Be cognizant of the influence of school administrators upon the community at large and, therefore, not knowingly misrepresent facts or make false statements;
- (2) Obey local, state and national laws;
- (3) Implement the governing board policies and administrative rules and regulations;
- (4) Encourage the community to exercise its responsibility to be involved in the formulation of educational policy;
- (5) Pursue appropriate measures to address those laws, policies and regulations that are inconsistent with sound educational goals;
- (6) Avoid misusing administrative position for personal gain;
- (7) Honor professional contracts until fulfillment, release or dissolution mutually agreed upon by all parties to contracts;
- (8) Promote the principles and ideals of democratic citizenship; and
- (9) Endeavor to secure equal educational opportunities for all children.

(e) Responsibility to the student's family

The professional school administrator, in full recognition of the responsibility to the student's family, shall:

- (1) Respect the dignity of each family, its culture, customs and beliefs;
 - (2) Promote and maintain appropriate, ongoing and timely written and oral communications with the family;
 - (3) Respond in a timely fashion to families' concerns;
 - (4) Consider the family's perspective on issues involving its children;
 - (5) Encourage participation of the family in the educational process; and
 - (6) Foster open communication among the family, staff and administrators.
- (Effective July 1, 1995)

Part II

General Conditions

Sec. 10-145d-401. Personnel required to hold certificates or permits

(a) No person shall be eligible to serve for a board of education in the position of superintendent, administrator, teacher, special service staff member, or other position for which certificates or permits are issued, unless such person holds a valid Connecticut certificate or permit appropriate for such position, except as otherwise provided in subsection (c) of this section.

(b) Appropriate certification is required for any person in the employ of a board of education who:

- (1) Is not directly supervised in the delivery of instructional services by a certified professional employee in a position requiring certification; or,
- (2) Is responsible for planning of the instructional program for a student; or,
- (3) Evaluates student progress; or,
- (4) Does not receive specific directions from their supervising teacher or administrator that constitute a lesson plan for each lesson.

(c) Persons employed continuously by one approved private special education facility prior to September 1, 1980, shall not be required to hold appropriate certifica-

tion so long as they remain employed in the same position by the approved private special education facility.

(Effective July 1, 1993)

Sec. 10-145d-402. Application procedures

Application for state certificates and permits shall be executed on forms furnished by and filed with the Department. Additional documents and materials shall be submitted in accordance with Section 10-145d-403.

(Effective July 1, 1993)

Sec. 10-145d-403. Documentation and materials required of applicants

In application for a certificate or permit, an applicant, in addition to meeting the specific requirements of each endorsement area, shall submit the following, as appropriate, to the Department:

(a) Application on an official form provided by the Department;

(b) **Application fee:**

(1) Upon application for a certificate in accordance with these regulations, there shall be paid to the Board by or on behalf of the applicant a fee as established by the Connecticut general statutes, except that persons holding standard or permanent certificates on July 1, 1989, who apply for professional certificates to replace their standard or permanent certificates, shall not be required to pay an application fee.

(2) Upon request for a duplicate copy of any such certificate there shall be paid to the Board a fee as established by the Connecticut general statutes.

(3) If the Department is unable to provide the number of assessments required to complete the beginning educator program, the applicant shall be eligible for a one-time extension of the initial educator certificate, at no cost to the applicant, in order to complete the assessment requirements.

(4) There shall be no fee charged to remove a deficiency from a certificate.

(c) Official transcripts from an approved institution, as required, of all credits, signed and sealed by the registrar or other appropriate official of the institution issuing the transcripts;

(d) A statement made by an approved institution that the applicant has the necessary qualities of personal fitness for teaching and is competent in the area for which the certificate is sought, and has completed that institution's approved planned program of preparation for service in the field, subject area, and grade level for which certification is requested;

(e) In those cases where successful teaching experience is a condition for certification, a statement from the applicant's employing agent as to the nature, length and quality of the experience; except that when a statement regarding successful experience as an employing agent is required, such statement shall be issued by the board of education or its equivalent;

(f) Official verification that the applicant has achieved a passing score or satisfactory evaluation on required assessments;

(g) Evidence that the applicant has a high school diploma or its equivalent; and

(h) Additional documentation, as appropriate, to the type of certificate or permit requested.

(Effective July 1, 1995)

Sec. 10-145d-404. Assessment requirements

(a) **PRAXIS I. Essential Skills Requirement in Reading, Writing and Mathematics.**

(1) Except as provided in Section 10-145d-405, subsection (a) (1) of Section 10-145d-417 and 10-145d-427 any person who does not hold a valid certificate shall be required to submit official verification of one of the following:

(1) Satisfactory scores on all components in one administration of the Connecticut Competency Examination for Prospective Teachers (CONCEPT) from any administration on or prior to December 31, 1994, or, satisfactory scores on all components of the PRAXIS I from any administration on or after January 1, 1995; or

(2) A combined score of 1,000 or more on the Scholastic Aptitude Test (SAT), with no less than 400 on either the verbal or the mathematics subtest; or

(3) A total score on the Prueba de Aptitude Academica (PAA) equivalent to a combined score of 1,000 on the SAT, with neither the mathematics nor the verbal subtest below the equivalent of 400 points and a minimum score of 510 on the English as a Second Language Achievement Test (ESLAT) or the Test of English as a Foreign Language (TOEFL); or

(4) A minimum score on the English and mathematics subtests of the American College Testing Program Assessment equivalent to a combined score of 1,000 on the SAT, with neither the English nor the mathematics subtest below the equivalent of 400 points.

(b) **Subject-area knowledge.** Except as provided in Section 10-145d-610, as appropriate, any person who does not hold a valid certificate and any person wishing to receive an additional endorsement to an existing certificate, shall be required to submit official verification of a satisfactory evaluation on PRAXIS II, CONNECT, as appropriate. Subject-area knowledge assessment shall be required in the following areas: agriculture, vocational agriculture, art, biology, business education, chemistry, earth science, elementary education (not including the endorsement which covers only pre-kindergarten and kindergarten), English, French, general science, German, health, history and social studies, home economics, technology education, Italian, Latin, mathematics, music, physical education, physics, Spanish, special education, and in any other area as made available by the Board.

(c) **Professional knowledge.**

(1) To receive a provisional educator certificate, an applicant shall, except as otherwise provided by subdivision (2) of this subsection, be required to successfully complete the BEST assessment, if available. The time limit for the assessment may be extended upon a showing of good cause in accordance with Section 10-145d-427; or

(2) The requirement of successfully completing the BEST assessment shall not apply to any person who has completed at least 30 school months of successful teaching in the subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought, in a public or nonpublic school approved by the appropriate governing body during the 10 years immediately preceding the date of certification application or to a person who served successfully under a provisional teaching or provisional educator certificate for a board of education for the school year immediately preceding application for a provisional educator certificate, or to a person who has previously held Connecticut certification and is eligible for reissuance of such certificate in accordance with Section 10-145d-415 (a) (3) or subsections (s) and (t) of Section 10-145d-427.

(Effective July 1, 1995)

Sec. 10-145d-405. Assessment requirement exceptions

(a) **Nondegree educators.** Except as otherwise provided in subsection (e) of this section, to be eligible for a certificate for subject areas or fields for which a

bachelor's degree from an approved institution is not required, any applicant who is otherwise eligible for certification in those endorsement areas shall be entitled to certification for a period not to exceed two years, without having met the requirement of PRAXIS I. Such certificate may be extended in accordance with Section 10-145d-427.

(b) **Deferral of testing requirements.** A nonrenewable interim educator certificate, valid until the beginning of the school year subsequent to the school year in which it is issued, shall be issued to any person who meets the specific requirements for an initial educator or provisional educator certificate, excluding successful completion of PRAXIS I, PRAXIS II, and CONNECT, as appropriate, if such person:

(1) Has resided in a state other than Connecticut during the year immediately preceding application for certification in Connecticut; and holds current teacher certification in a state other than Connecticut; and has completed at least 10 school months of successful teaching in another state in a public or nonpublic school approved by the appropriate governing body in another state; or

(2) Has graduated from a teacher preparation program at an approved institution outside of the state.

(c) **Bilingual educators.** Persons applying for initial educator certificates for bilingual education pursuant to subsection (a) of Section 10-145d-477, shall not be required to present evidence of having met the requirement of PRAXIS I to obtain initial certification. Such persons shall be required to present evidence of having met the requirement of PRAXIS I to obtain provisional certification, except that on and after July 1, 1998, persons applying for initial educator certificate for bilingual education shall be required to present evidence of having met the requirement of PRAXIS I.

(d) **School business administrators.** Persons applying for initial educator certificates for school business administrators shall not be required to present evidence of having met assessment requirements to obtain certification.

(e) The Commissioner may waive the PRAXIS I requirement for a person applying for initial educator certificate for occupational subjects in vocational-technical schools, trade-related subjects in vocational-technical schools, trade and industrial occupational subjects in comprehensive high schools, and health occupation instruction in vocational-technical schools.

(Effective July 1, 1995)

Sec. 10-145d-406. Acceptability of course work

(a) Course work requirements for credit shall be acceptable if study has been completed at an approved institution, except as otherwise provided in this section, or except as provided by subsection (d) (3) of Section 10-145d-423 and subsection (c) of Section 10-145d-424 of these regulations.

(b) College credit awarded by Charter Oak College (Board for State Academic Awards) may be accepted.

(Effective July 1, 1995)

Sec. 10-145d-407. Responsibilities of employing agents of boards of education

Employing agents of boards of education shall be responsible for the following activities with respect to the certification of individuals employed or to be employed:

(a) Determine, before issuing a contract, that the candidate holds a valid certificate or permit appropriate to the position to be filled;

(b) Supervise, either directly or through a designated representative, persons holding initial educator, interim educator provisional teaching, provisional educator,

professional educator, temporary 90-day certificates, durational shortage area permits, and coaching permits by regularly observing, guiding and evaluating the performance of assigned duties by such certificate and permit holders;

(c) Report, to the Department, upon issuance of a contract of employment of a beginning teacher eligible to participate in the beginning educator program;

(d) Submit a signed statement to the Department, for each person presently or previously employed by the school district who applies for certification requiring such statement, certifying to the applicant's assignment and dates of service, and indicating whether the service was successful. If the experience was not successful, the employing agent shall specify the reasons as to why the experience was deemed not successful;

(e) Submit other documents, statements or forms as may be required;

(f) Between August 1, 1998, and June 30, 1999, with respect to individuals to be contracted as coaches:

(1) Determine before issuing or recommending a contract for employment as a coach (regardless of coaching assignment) that the individual possesses a valid teaching certificate, a valid coaching permit, a valid temporary emergency coaching permit, a standard or permanent certificate which has not been converted to a professional certificate or a certificate of eligibility;

(2) Determine before issuing or recommending a contract for employment as a coach that an individual possessing a valid teaching certificate or a standard or permanent certificate which has not been converted to a professional certificate or a certificate of eligibility has successfully completed a standard first aid course no earlier than three years prior to the date of employment and every three years from the date of the course thereafter, and maintain continuously CPR certification;

(3) Determine before issuing or recommending a contract for employment as a coach to an individual possessing a coaching permit or a standard or permanent certificate which has not been converted to a professional certificate that no qualified candidate possessing a valid teaching certificate or a certificate of eligibility is available for the position;

(4) Determine before issuing or recommending a contract for employment as a coach to an individual possessing a valid temporary emergency coaching permit that no qualified candidate possessing a valid teaching certificate or a certificate of eligibility or a valid coaching permit is available for the position;

(5) Determine before issuing or recommending a contract for employment as a coach to an individual possessing a valid teaching certificate or a standard or permanent certificate which has not been converted to a professional certificate or a certificate of eligibility or a valid coaching permit or a valid temporary emergency coaching permit that such individual possesses the requisite knowledge, skills, abilities, personal characteristics and background necessary to coach the specific sport for which a contract is issued or recommended and has successfully completed a standard first aid course no earlier than three years prior to the date of employment and every three years from the date of the course thereafter, and maintains continuously CPR certification; and;

(6) Supervise and assist as appropriate, either directly or through a delegated representative, of persons holding a coaching permit or a temporary emergency coaching permit by annually observing, guiding and evaluating their performance.

(g) On and after July 1, 1999, with respect to individuals to be contracted as coaches, determine, before issuing a contract as a coach (regardless of coaching assignment):

(1) That the individual possesses a valid coaching permit or a valid temporary coaching permit and has successfully completed a standard first aid course no earlier than three years prior to the date of employment and every three years from the date of the course thereafter, and holds and continues to hold CPR certification;

(2) That no qualified candidate possessing a valid teaching certificate in addition to the coaching permit is available for the position;

(3) To an individual possessing a valid temporary coaching permit that no qualified candidate possessing a valid coaching permit is available for the position; and

(4) That such individual possesses the requisite knowledge, skills, abilities, personal characteristics and background necessary to coach the specific sport for which a contract is issued or recommended.

(h) Determine before issuing a contract to a bilingual educator that the candidate is bilingual in the language used in the program and in English.

(i) Determine before employing a substitute teacher that the candidate holds a valid bachelor's degree, except as otherwise provided in subsection (f) of Section 10-145d-420.

(Effective July 1, 1995; amended August 6, 1998)

Sec. 10-145d-408. Recommendation from an approved institution

(a) To be eligible for the initial educator certificate, applicants for the endorsements listed below shall have completed a planned program of preparation at an approved institution for service in the field, subject area or grade level for which certification is sought, and shall obtain the formal institutional recommendation for certification, except that alternatives to the recommendation provided for in Sections 10-145d-412 (a) (3), 10-145d-414. Those endorsements for which institutional recommendation is required are as follows:

- (1) Early childhood, elementary and middle grades;
- (2) Secondary academic;
- (3) Special subject or field;
- (4) School library media;
- (5) On and after July 1, 1998, TESOL;
- (6) On and after July 1, 1998, bilingual education;
- (7) Single-subject special education;
- (8) Comprehensive special education;
- (9) Speech and language pathology;
- (10) School counselor;
- (11) School psychology;
- (12) Reading and language arts consultant;
- (13) Remedial reading and remedial language arts;
- (14) Superintendent of schools;
- (15) Intermediate administration or supervision.

(b) An appropriate authorized official acting for the institution shall indicate that the applicant meets the following conditions:

- (1) Has satisfactorily completed that institution's approved planned program;
- (2) Has the necessary qualities of character and personal fitness for teaching; and
- (3) Has the recommendation of the institution that the applicant is competent to perform the duties of the particular position.

(Effective July 1, 1995)

Part III

Types of Certificates

Sec. 10-145d-409. Validity of certificates issued prior to July 1, 1989

Prior to November 1, 1960, a permanent teaching certificate was issued to qualified applicants by the Board. During the period from November 1, 1960, to July 1, 1989, two types of certificates were issued by the Board: (1) provisional teaching and (2) standard teaching. Provisional teaching certificates issued prior to July 1, 1989, will continue to be valid until their dates of expiration. After July 1, 1989, standard and permanent certificates shall no longer be valid. A person holding standard or permanent certificates on July 1, 1989, shall, upon application, receive a professional educator certificate to replace said standard or permanent certificates.

(Effective July 1, 1993)

Sec. 10-145d-410. Certificate types

The following certificates shall be issued by the Board: initial educator; interim educator; temporary 90-day; provisional educator; professional educator; and certificate of eligibility.

An applicant who has met the assessment requirements, as appropriate, and the specific requirements as hereinafter stated shall be entitled to receive one of the certificates described in Sections 10-145d-411 through 10-145d-417, inclusive.

(Effective July 1, 1995)

Sec. 10-145d-411. Certificate of eligibility

(a) **Conditions for issuance.** A certificate of eligibility shall be issued to an applicant who meets the requirements for but had not been issued an initial educator certificate, as defined in Sections 10-145d-412 and assessments, as appropriate, at the time of application, a certificate of eligibility shall not be issued to a person who holds an initial educator certificate except as provided in subsection (c) and (d) of Section 10-145d-427.

(b) **Duration of the certificate of eligibility.** The certificate of eligibility shall be valid for up to five years.

(c) **Validity.**

(1) The certificate of eligibility does not authorize service for a board of education, except for coaching and substitute teaching.

(2) The certificate of eligibility shall be replaced by an initial educator certificate upon proper application to the Department.

(Effective July 1, 1995)

Sec. 10-145d-412. Initial educator certificate

(a) **Conditions for issuance.**

(1) The initial educator certificate shall be issued to any applicant who has met the assessment, preparation and eligibility requirements, as appropriate.

(2) The applicant shall hold a bachelor's degree and have completed either as part of or in addition to the bachelor's degree program in accordance with Section 10-145d-408 a planned program of preparation in the field and at the grade level for which certification is requested, except as otherwise provided in Sections 10-145d-477, 10-145d-497, 10-145d-511, 10-145d-516, 10-145d-526, 10-145d-552 and 10-145d-589. Such program shall have been completed at an approved institution and shall be approved by the Board or other appropriate governing body in the state in which the institution is located for the preparation of educators in the requested

field, subject area or grade level. On and after July 1, 1993, each applicant for certification shall have completed a subject-area major, as appropriate.

(3) An applicant who has not completed a required planned program of preparation in the field, subject area or grade level for which certification is requested may submit the following in lieu of the college or university recommendation for certification:

(A) Evidence of 20 school months of successful teaching or service in the subject area or field appropriate to the subject area or field for which the initial educator certificate is sought, except that substitute teaching may not be considered towards meeting this requirement, as evidenced by a signed recommendation from the employing agent, in the following:

(i) The same public school system, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state or for purposes of obtaining adult education certification in accordance with Sections 10-145d-594, 10-145d-599 and 10-145d-604 of the regulations in the same cooperating eligible entity pursuant to Section 10-69 of the Connecticut general statutes; or

(ii) A state education agency as a professional or managerial staff member, in accordance with Section 10-145d-530 and 10-145d-574; or

(iii) A state education agency as a managerial staff member, in accordance with Section 10-145d-585.

(B) Evidence of having served successfully under a temporary 90-day certificate and having met the assessment requirements, as appropriate, and the following requirements:

(i) Submission of a request from the employing agent of the board of education that an initial educator certificate be issued, and a statement from such employing agent attesting to the existence of a plan for the supervision of such initial educator certificate holders;

(ii) Presentation of a signed recommendation from the employing agent of the board of education attesting to successful teaching, under the temporary 90-day certificate; and

(iii) Evidence that the applicant has received orientation, including instruction in board of education policies and procedures, provided by the employing board of education.

(4) The applicant shall be required to complete a course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special needs children in the regular classroom.

(A) On and after July 1, 1996, an applicant who holds certification in one endorsement area shall be required to fulfill this special education course requirement to obtain certification in the following additional endorsement areas: reading and language arts consultant, intermediate administration or supervision, superintendent of schools, speech and language pathology, school nurse teacher, school dental hygienist-teacher, school counselor, school psychology, school social work.

(B) An applicant who fulfills all requirements for issuance of the initial educator certificate but lacks a course of study in special education, may be issued an interim educator certificate with a deficiency, provided such applicant completed a teacher preparation program either in the state prior to July 1, 1987, or outside the state, or completed the necessary combination of professional experience or course work.

This deficiency in a special education course of study shall be satisfied prior to receipt of further certification.

(C) An applicant who fulfills all requirements for issuance of the initial educator certificate but lacks a course of study in special education, may be issued an interim educator certificate valid for one year and reissued for a second year, provided the applicant is applying for certification in an area for which a bachelor's degree is not required. This deficiency in a special education course of study shall be satisfied prior to receipt of further certification.

(5) The applicant who holds or previously held a durational shortage area permit, and who was not required to fulfill the CONNTEST, Praxis II, CONNECT requirement, as appropriate, for issuance of such permit, shall be required to fulfill the CONNTEST, Praxis II, CONNECT requirement, as appropriate, to obtain initial educator or provisional educator certification.

(b) Duration of initial educator certificate.

The initial educator certificate shall be valid for one year except:

(1) That it may be extended for an additional year upon a finding of good cause by the Commissioner, based upon a request by the employing agent;

(2) The applicant who held an interim initial educator certificate of less than one year's duration and who is otherwise eligible for an initial educator certificate shall be issued an initial educator certificate valid for one year minus the duration of the interim initial educator certificate;

(3) As otherwise provided in subsection (a) of Section 10-145d-405 and Section 10-145d-427;

(4) That it may be reissued to an applicant who held an initial educator certificate and did not successfully complete the BEST assessment, provided such applicant submits evidence acceptable to the Board demonstrating significant intervening study and experience; and

(5) That it shall be valid for one and one-half years for any applicant who has taught successfully under a temporary 90-day certificate and has met the assessment requirement, as appropriate, and the requirements of subsection (a) (3) (B) of this section.

(c) The holder of an initial educator certificate employed by a board of education shall, as a condition for holding said certificate, successfully complete the BEST assessment, as shall be made available by the Board.

(d) Professional experience in lieu of student teaching, practicum or internship.

Ten school months of successful teaching completed within ten years prior to entry into an approved planned program, at the grade level, subject or field appropriate to the endorsement area for which the application is made, excluding substitute teaching or experience, may be accepted as grounds for waiving the student teaching or practicum or internship requirements for certification, provided the waiver is recommended by the preparing college or university and provided the experience was completed:

(1) In the employ of a board of education, if the professional experience was covered by an appropriate certificate or permit;

(2) In an approved nonpublic school or a nonpublic school in another state approved by the appropriate governing body in another state;

(3) In a public school in another state; or

(4) For purposes of obtaining adult education certification in accordance with Sections 10-145d-594, 10-145d-599 and 10-145d-604 of these regulations, in a

cooperating eligible entity pursuant to Section 10-69 of the Connecticut general statutes.

(Effective July 1, 1995; amended August 6, 1998)

Sec. 10-145d-413. The interim educator certificate

(a) Conditions for issuance.

(1) The interim educator certificate shall be valid for 12 months and is non-renewable if such applicant:

(A) Meets the preparation and eligibility requirements for an initial educator or provisional educator certificate except for successful completion of assessments as appropriate, if such applicant:

(i) Has resided in a state other than Connecticut during the year immediately preceding application for certification in Connecticut; and holds current teacher certification in a state other than Connecticut; and has completed at least 10 school months of successful teaching in another state in a public school or nonpublic school approved by the appropriate governing body in another state; or

(ii) Has graduated from a teacher preparation program at an approved institution outside of Connecticut; or

(B) Was hired by a charter school after July 1st in any school year for a teaching position that school year, provided the person meets the requirements for entry into the alternate route to certification program.

(2) Interim educator certificate with course work deficiency.

(A) An applicant who fulfills all requirements for issuance of the initial educator certificate or provisional educator certificate but lacks a course in special education in accordance with subsection (a) (4) of Section 10-145d-412, may be issued an interim educator certificate, valid for one year, except as otherwise provided in this section.

(B) An applicant who is otherwise eligible for certification in areas or fields for which a bachelor's degree is not required, or endorsements in agriculture education, health occupations, marketing education, practical nurse education in vocational-technical schools, but lacks course requirements to the extent of not more than six semester hours of credit and a course of study in special education in accordance with subsection (a) (4) of Section 10-145d-412 may be issued an interim educator certificate, valid for one year, which may be reissued for a second year.

(C) In order for the initial or the provisional educator certificate to be issued, the applicant shall complete the course work in the area of deficiency.

(D) Except as otherwise provided in subsection (b) of Section 10-145d-559 failure to remove the deficiency within the period specified shall prevent the holder from serving in the employ of a board of education in a position covered by the expired endorsement, except that the course work in which the applicant is deficient may be deferred for good cause shown, provided the deferment is requested in writing both by the applicant and the employing agency of the board of education, is accompanied by evidence to justify the request, and is approved by the department.

(b) The holder of an interim educator certificate employed by a board of education shall, as a condition for holding said certificate, successfully complete the BEST assessments, as appropriate and as may be made available by the Board.

(c) For those who hold the interim educator certificate, upon meeting the requirements for the initial or provisional educator certificate, such certificate shall be issued retroactive to the issuance date of the interim educator certificate.

(Effective July 1, 1995; amended August 6, 1998)

Sec. 10-145d-414. Temporary 90-day certificate**(a) Conditions for issuance.**

The temporary 90-day certificate shall be issued to any applicant who successfully completes a board-approved alternate route to licensure program, as available, in the endorsement areas of elementary education, middle grades education, secondary academic subjects, special subjects or fields, special education, and administration and supervision when the following conditions are met:

(1) The employing agent of a board of education makes a written request for the issuance and attests to the existence of a special plan for supervision of temporary 90-day certificate holders; and

(2) The applicant meets the following requirements, except as otherwise provided in subdivision (3) of this subsection:

(A) Holds a bachelor's degree from an approved institution, with a major in or closely related to the endorsement area in which the requesting board of education is placing the applicant;

(B) Has achieved a passing score on CONNCEPT or Praxis I-CBT or its equivalent, in accordance with subsection (a) of Section 10-145d-404;

(C) Has achieved a passing score on Praxis II or CONNECT, as appropriate, in accordance with subsection (b) of Section 10-145d-404;

(D) Presents a written application on such form as the Department shall prescribe;

(E) Has successfully completed the alternate route to certification program in the subject or field for which the applicant has been prepared;

(F) Possesses an undergraduate college overall grade point average of at least "B", or, if the applicant has completed at least 24 semester hours of graduate credit, possesses a graduate grade point average of at least "B"; and

(G) Presents supporting evidence of appropriate experience working with children.

(3) The Commissioner may waive the requirements of (F) or (G) or both of subdivision (2) of this subsection upon a showing of good cause.

(b) Any person serving under a temporary 90-day certificate shall participate in BEST, as appropriate, specifically designed by the Department for holders of temporary 90-day certificates.

(Effective July 1, 1995; amended August 6, 1998)

Sec. 10-145d-415. Provisional educator certificate**(a) Conditions for issuance.**

The provisional educator certificate shall be issued to an applicant who has met the assessment requirements, as appropriate, and the preparation and eligibility requirements for an initial educator certificate, and who:

(1) Has successfully completed the BEST assessment, as may have been made available by the Board and 10 school months of successful teaching under the initial educator certificate or interim educator certificate, or durational shortage area permit, except that any person who has worked less than full time shall not be required to serve more than 20 school months under an initial educator certificate. Persons who obtained the initial educator certificate upon completion of successful teaching under the temporary 90-day certificate shall be required to complete 20 school months of successful teaching under the initial educator certificate and completion of a training program designed especially for alternate route teachers; or

(2) Has successfully served for a board of education for ten school months in the same position as a permanent substitute teacher in a subject and grade level appropriate position, under an interim educator or an initial educator certificate, and

who has successfully completed the BEST program, as may have been made available by the Board; or

(3) Has completed at least 30 school months of successful teaching or service within 10 years prior to application for such provisional educator certificate in the subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought in the following:

(A) A public school system, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state or for purposes of obtaining adult education certification in accordance with Sections 10-145d-595, 10-145d-600 and 10-145d-605 of the regulations or in a cooperating eligible entity pursuant to Section 10-69 of the Connecticut general statutes; or

(B) A state education agency as a successful professional or managerial staff member, in accordance with Section 10-145d-531 and Section 10-145d-575; or

(C) A state education agency as a successful managerial staff member, in accordance with Section 10-145d-586; or

(4) Has served for a board of education successfully under a provisional teaching or provisional educator certificate the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(b) Duration of provisional educator certificate.

The provisional educator certificate shall be valid for eight years, except as otherwise provided in this section and in subsections (b) and (q) through (t) inclusive in Section 10-145d-427, and provided that any period of interim educator certification shall be deducted from the eight-year period.

(Effective July 1, 1995; amended August 6, 1998)

Sec. 10-145d-416.

Repealed, July 1, 1995.

Sec. 10-145d-417. Professional educator certificate

(a) Conditions for issuance.

The professional educator certificate shall be issued to any applicant when the following conditions are met, except as otherwise provided in endorsement area requirements:

(1) The applicant who holds a standard or permanent certificate on July 1, 1989, shall, upon application, receive a professional educator certificate; or

(2) The applicant presents signed recommendations from the employing agent. Such recommendations shall state that while holding the provisional teaching certificate, interim educator certificate, or provisional educator certificate, the applicant completed at least 30 school months of successful teaching for one or more boards of education or approved nonpublic schools, or for purposes of obtaining adult education certification in accordance with Sections 10-145d-596, 10-145d-601 and 10-145d-606 of these regulations, in a cooperating eligible entity defined in Section 10-69 of the Connecticut general statutes, or for purposes of obtaining certification in accordance with Section 10-145d-532 of these regulations, three years of appropriate successful experience as a professional staff member of the Department; and

(3) The applicant has, except as otherwise specified for particular endorsements, completed course work at an approved institution or institutions, in accordance with the following:

(A) Prior to July 1, 2003, any applicant who holds or held a provisional educator certificate shall have completed not fewer than 30 semester hours of credit beyond

the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. Except as otherwise provided in endorsement area requirements, it shall consist of:

(i) A planned program at an approved institution, related directly to the subject areas or grade levels of the endorsement, or in an area or areas related to the teacher's ability to provide instruction effectively, or to meet locally determined goals or objectives; or

(ii) An individual program which is mutually determined or approved by the applicant and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning; or

(B) Prior to July 1, 2003, any applicant who holds or held a 10-year provisional teaching certificate shall have completed 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. Except as otherwise provided in endorsement areas, it shall consist of:

(i) A planned program at an approved institution; or

(ii) An individually planned program which is mutually determined or approved by the applicant and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning. Such an individual program may include course work taken at one or more approved institutions of higher education and may include registered in-service programs sponsored by a board of education or approved nonpublic school upon the approval of the joint subcommittee of the Board of Governors and the Board established pursuant to Section 10-155b of the Connecticut general statutes, revision of 1958, revised to January 1, 1983; or

(C) Prior to July 1, 2003, any applicant who holds or held a five-year provisional teaching certificate shall have completed either a master's degree or not fewer than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. Except as otherwise provided in endorsement areas, it shall consist of:

(i) A master's degree at an approved institution; or

(ii) An individually planned program consisting of at least 30 semester hours of credit beyond the bachelor's degree, which includes at least 15 semester hours of credit in general academic courses in addition to the credits offered for the requirements for the provisional certificate. Exceptions to the requirement of 15 semester hours of credit in general academic courses may be granted when a higher education institution or the Department determine that the applicant has in the combined program of undergraduate and post-baccalaureate preparation met this requirement.

(D) On and after July 1, 2003, except as otherwise provided, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(b) Continuation of professional educator certificate.

(1) Upon application, except as otherwise provided in subsections (v), (w) or (x) of Section 10-145d-427 and subsection (b) (4) of this section, the professional educator certificate shall be continued every five years after issuance upon the successful completion of not less than 90 contact hours of continuing education activities, during each successive five-year period. Such hours may include a combination of CEUs or CEU equivalents, or any successfully completed graduate course taken from an approved institution in an area related to the individual's endorsement

area. One graduate credit used for the purpose of continuing the professional educator certificate shall represent 15 contact hours. Except as otherwise provided in subsection (w) of Section 10-145d-427, CEUs, CEU equivalents and graduate credit earned during one five-year professional educator certification period may not be applied toward the requirement for CEUs for subsequent five-year periods.

(2) Persons whose professional educator certificates are not continued due to failure to fulfill the continuing education requirement in subsection (b) (1) of this section, shall be subject to the provisions of Section 10-145d-427 (v).

(3) A person who holds or held professional educator certification in more than one endorsement area shall be eligible for continuation of professional educator certification in all endorsements held, provided the continuing education requirement in subsection (b) (1) is successfully completed, subject to the provisions of subsection (d) of this section.

(4) Full-time adult educators certified in accordance with Sections 10-145d-592 to 10-145d-606, inclusive, shall be required to complete 90 contact hours of continuing education during each successive five-year period. Part-time adult educators certified in accordance with Sections 10-145d-592 to 10-145d-606, inclusive, shall be required to complete 45 contact hours of continuing education during each successive five-year period. A part-time adult educator who holds a professional educator certificate in adult education and in other endorsements shall be eligible for continuation of the professional educator certificate in all endorsements held provided that the 90 contact hours of continuing education are completed during each successive five-year period.

(c) Responsibilities of boards of education.

(1) Each board of education shall make available annually, at no cost to its certified employees, not fewer than 18 hours of professional development activities for CEU credit. Such activities may be made available by a board of education directly, through a regional educational service center or cooperative arrangement with another board of education, or through arrangements with any CEU provider approved by the Board in accordance with subsection (d) (1) of this section.

(2) Boards of education shall grant CEU credit for CEU activities which the certified employees of the board of education are required to attend.

(3) Each board of education shall determine the specific CEU professional development activities to be made available. Such determination shall be made with the advice and assistance of the teachers employed by such board, including representatives of the exclusive bargaining unit for such teachers determined pursuant to Section 10-153b of the Connecticut general statutes. The time and location for the provision of such activities shall be in accordance either with an agreement between the board of education and the exclusive bargaining unit or, in the absence of such agreement or to the extent such agreement does not provide for the time and location of all such activities, in accordance with a determination by the board of education.

(4) Each board of education shall attest to the Department in such form and at such time as the Commissioner shall prescribe, that professional development activities for which CEUs are granted by the board of education:

- (A) Are planned in response to identified needs;
- (B) Are provided by qualified instructional personnel, as appropriate;
- (C) Have the requirements for participation in the activity shared with participants before the commencement of the activity;
- (D) Are evaluated in terms of their effectiveness and their contribution to the attainment of districtwide goals; and

(E) Are documented in accordance with procedures established by the Board.

(5) In the event the Department notifies the board of education that the provisions of subsection (c) (4) of this section have not been met and that specific corrective action is necessary, the board of education shall take such corrective action. The Department shall not invalidate CEU credit awarded prior to such notice.

(6) The board of education, as a CEU provider, shall meet all requirements in accordance with the provisions of subsection (d) (1) of this section.

(d) Criteria for the CEU requirement for continuation of the professional educator certificate:

(1) Eligibility as a provider of CEUs:

To qualify as an approved CEU provider for purposes of fulfilling requirements for continuation of professional educator certification, an organization, institution, board of education or board, agency or company shall meet the following administrative and program criteria:

(A) Administrative criteria:

(i) The provider has identifiable staff having the authority to administer and coordinate an organized schedule of continuing education programs.

(ii) The provider, through its continuing education department or office, ensures that both the administrative and program criteria are followed for learning experiences offering CEUs.

(iii) The provider maintains an attendance system, a permanent record for each individual of each CEU awarded, and a syllabus for each course of study offered for CEUs. These records will be available to the Department upon request.

(iv) The provider provides a certificate of completion to participants who have successfully completed program activities, and produces a transcript or other appropriate evidence of completion when such evidence is requested by the individual or the Department.

(v) The provider provides or arranges for appropriate educational facilities, library or reference materials, instructional aids, and equipment consistent with the purpose, design and intended learning outcomes of each learning experience.

(vi) The provider makes available, at such time and in such manner as the Department shall require, documentation of compliance with the provisions of these regulations.

(B) Program criteria:

(i) Program activities are planned in response to identified needs.

(ii) Program activities are provided by qualified instructional personnel, as appropriate.

(iii) The requirements for participation in the activities are shared with participants before the commencement of the activity.

(iv) Program activities are evaluated in terms of their effectiveness and contribution to the attainment of program goals.

(v) Program activities are documented in accordance with procedures established by the Board.

(2) CEU equivalent:

(A) A CEU equivalent shall be preapproved and may be awarded by a board of education, the Commissioner or the Commissioner's designee of the following state agencies: Education, Human Resources, Mental Retardation, Mental Health, Corrections and the Board of Education and Services for the Blind to its employees for successful completion of professional development activities based on 10 contact

hours of participation in a planned continuing education experience for which CEU credit is not otherwise available.

(B) The CEU equivalent may be accepted in full or partial fulfillment of the requirement for the continuing education credit.

(3) CEUs and CEU equivalents:

(A) A record of CEUs or CEU equivalents awarded by the board of education, the Commissioner or the Commissioner's designee of the following state agencies: Education, Human Resources, Mental Retardation, Mental Health, Corrections and the Board of Education and Services for the Blind to their employees who hold or held a professional educator certificate shall be maintained by the aforementioned agencies.

(B) The determination of the number of CEUs or CEU equivalents to be awarded shall be based upon time devoted to professional development content.

(C) A professional educator certificate holder who transfers to another board of education shall retain CEU or CEU equivalent credit earned for that current professional educator certification period, and those credits shall be applicable toward those required for continuation of the certificate.

(Effective July 1, 1995)

Part IV

Special Authorizations

Sec. 10-145d-418. Temporary authorization for minor assignment

Upon the written request of an employing agent of a board of education and filing of an application by the applicant, a certificate holder may be granted a temporary authorization for an academic subject or a special subject, provided:

(1) The certificate holder has at least 12 semester hours of credit in the subject to be taught;

(2) The certificate holder possesses a certificate endorsed for an academic subject or a special subject, or special education;

(3) The minor assignment shall supplement a primary assignment; and

(4) The number of instructional periods for the minor assignment shall not be greater than two periods per day.

(b) Upon the written request of an employing agent and approved by the Department, the 12 semester hour requirement may be waived for good cause shown. a minimum of six semester hours of credit would be required;

(c) The temporary authorization may be granted for a period of one school year and reissued for one school year, upon completion of an additional six semester hours of credit in the subject to be taught and the recommendation of the employing agent of the board of education. At the expiration of the reissuance period, the holder of the minor assignment shall either qualify and file application for the additional endorsement area or discontinue teaching the minor assignment.

(Effective July 1, 1995; amended August 6, 1998)

Sec. 10-145d-419. Limited extended authorization for early childhood

(a) Upon the written request of an employing agent of a board of education for whom the applicant has taught early childhood (NURSERY - GRADE 3) for at least 10 school months under an appropriate certificate, and the filing of an application, the certificate holder may be granted limited extended authorization to teach elementary grades, if the holder has at least 12 semester hours of credit in elementary education;

(b) Upon the written request of an employing agent of a board of education and approved by the Department, the 12 semester hour requirement may be waived for good cause shown. A minimum of six semester hours of credit would be required;

(c) The limited extended authorization shall be granted for a period of one school year and may be reissued for one school year upon completion of an additional six semester hours of credit in the elementary grade requested and the recommendation of the employing agent of the board of education. At the expiration of the reissuance period, the holder of the limited authorization shall either qualify and file application for the additional endorsement or discontinue teaching the extended grade level.

(Effective July 1, 1995; amended August 6, 1998)

Sec. 10-145d-420. Substitute teacher authorization

(a) A substitute authorization shall only be required for a person employed by a board of education for 40 school days or more in the same assignment, in a school year, except if such substitute holds either a valid Connecticut certificate, a standard or permanent certificate which has not been converted, or a certificate of eligibility, provided any certificate held is subject and grade appropriate;

(b) In order to obtain a substitute authorization, a board of education shall submit a request to the Department. The Department shall issue such authorization, provided the substitute meets all applicable qualifications and the employing board of education attests that an appropriately certified person is not available and states the steps taken to secure a certified person for the position; A substitute teacher extension shall not be valid for more than one school year in any one district;

(c) A long term substitute employed by a board of education for 40 days or more in the same assignment, in a school year, shall have a minimum of 12 semester hours of credit in the area or elementary grade levels to be taught;

(d) A board of education may employ a non-degreed substitute in subject areas for which a bachelor's degree is not required for a period of up to 40 days in a school year. When a board employs such a non-degreed substitute for 40 days or more in the same assignment, in a school year, such board shall submit a special request and obtain the approval of the Department prior to employment beyond 40 days in the same assignment;

(e) A board of education may not employ a substitute for administrative, supervisory or special service positions; and

(f) A superintendent may make a request to the Commissioner for a waiver for employing a substitute teacher without a bachelor's degree. Upon determination of good cause, the Commissioner or his designee may grant such waiver.

(Effective July 1, 1995; amended August 6, 1998)

Sec. 10-145d-421. Durational shortage area permit - issuance

(a) Validity.

A durational shortage area permit may be issued for a period of one year. The permit will be issued in lieu of a certificate.

(b) In order to be issued a durational shortage area permit, the following requirements shall be met:

(1) The existence of a shortage of certified persons has been established by the board of education;

(2) The employing agent of a board of education:

(A) Makes a written request for the issuance of the permit to cover a specific position;

(B) Attests to the fact that a certified teacher suitable to the position is not available and outlines what steps have been taken to secure a certified person suitable to the position;

(C) Attests that special attention will be given, in the form of supervision and such other assistance as may be appropriate, to the person for whom the permit is requested; and

(D) Attests that the permit holder will participate in BEST, as may have been made available by the Board.

(3) The candidate for the permit:

(A) Files an application;

(B) Has fulfilled the PRAXIS I requirement in accordance with subsection (a) of Section 10-145d-404;

(C) Holds a bachelor's degree from an approved institution;

(D) Is enrolled in a planned program leading toward certification in the field for which the permit is requested or submits a statement of intent to enroll in such a program unless enrollment in a planned program is not required; and

(E) Has completed at least 12 semester hours of credit in the subject for which a permit will be issued.

(c) In addition to meeting the requirements in subsection (b), durational shortage area permits issued for special service or administrator or supervisor endorsements shall require that the employing agent of the board of education establish the fact that immediate appointment of the position is critical.

(Effective July 1, 1995)

Sec. 10-145d-422. Durational shortage area permit - reissue

Durational shortage area permits shall be reissued no more than two times in accordance with the following conditions:

(a) The employing agent of a board of education requests reissuance of the permit and states that the permit holder has served successfully under the permit.

(b) If appropriate, the permit holder is enrolled in a planned program leading toward certification in the field for which the permit is issued:

(1) If enrollment in a planned program is a condition for issuance of the permit, the permit holder shall submit evidence from the college or university of good academic standing and completion of at least nine additional semester hours of credit in the planned program prior to the permit reissuance. The Department may defer during the first or second reissuance, for good cause shown, the nine semester hours of credit, provided the deferral is requested in writing by the employing agent of the board of education and is accompanied by sufficient evidence to justify the request; or

(2) If enrollment in a planned program is not a condition for issuance of the permit, the permit holder shall submit evidence from the college or university of completion of at least nine additional semester hours of credit prior to the permit reissuance. The Department may defer during the first or second reissuance, for good cause shown, the nine semester hours of credit, provided the deferral is requested in writing by the employing agent of the board of education and is accompanied by sufficient evidence to justify the request.

(c) The permit holder has successfully completed the BEST assessment, as may have been made available by the Board. If the permit holder meets all requirements in the endorsement area for which the permit has been issued, except to successfully complete the BEST assessment, an initial educator certificate may be issued.

(Effective July 1, 1995; amended August 6, 1998)

Sec. 10-145d-423. Coaching permits

(a) Between August 1, 1998 and June 30, 1999, a coach (regardless of coaching assignment) of intramural or interscholastic athletics in elementary, middle school and high schools, shall meet the requirements in subdivisions (1) through (4) inclusive, of this section:

(1) When required.

(A) Either a coaching permit or a temporary emergency coaching permit, a valid certificate issued by the Board, a standard or permanent certificate which has not been converted to a professional educator certificate or a certificate of eligibility is required for a coach of intramural or interscholastic athletics in kindergarten through grade 12, inclusive.

(B) A person serving as a director of athletics at the elementary, middle or high school level, not responsible for supervision, shall be required to hold a coaching permit;

(C) A person serving as a director of athletics at the elementary, middle or high school level, responsible for the supervision of coaches, shall be required to hold a valid Connecticut educator certificate;

(D) Except as otherwise provided in subsection (q) of Section 10-145d-610, a person serving as a director of athletics, with district-wide responsibilities for the athletic program or evaluation of certified staff, shall be required to hold a Connecticut educator certificate endorsed for intermediate administration or supervision.

(E) A person assisting a coach shall not be required to hold a coaching permit or temporary emergency coaching permit, valid certificate or standard or permanent certificate which has not been converted to a professional educator certificate or a certificate of eligibility, so long as he or she works directly with an individual possessing a coaching permit or a temporary emergency coaching permit, a certified professional employee or a person holding a standard or permanent certificate which has not been converted to a professional educator certificate or a certificate of eligibility.

(2) Coaches covered by valid certificates issued by the Board.

A person possessing a valid certificate issued by the Board, or a standard or permanent certificate shall have successfully completed a standard first aid course no earlier than three years prior to the date of application and every three years from the date of the course thereafter, and continuously maintains CPR certification.

(3) Validity of permit.

Any coaching permit issued prior to July 1, 1999, shall expire on June 30, 1999. Upon receipt of a proper application, the permit shall be reissued consistent with the requirements of this section. A coaching permit shall be valid from the effective date of issuance and shall be renewable every five years upon receipt of a proper application and completion of not less than 15 clock hours of seminars, course work or workshops which provide information on safe and healthful coaching practices and understanding child and adolescent development, as approved by the Department. Upon the written request of an employing agent the Department, for good cause shown, may defer the 15 clock hour requirement for 12 months.

(4) Coaching permit requirements.

To receive a coaching permit an applicant shall submit an application on forms provided by the Department giving evidence that he or she has met the following requirements:

(A) Attained the age of 18 years;

(B) Holds a high school diploma or its equivalent;

(C) Successfully completed, a standard first aid course no earlier than three years prior to the date of application and every three years from the date of the course thereafter, and continuously maintain CPR certification; and

(D) Holds a valid educator certificate issued by the board, a standard or permanent certificate or a certificate of eligibility or successfully completed a minimum of three semester hours of credit from an approved institution; or 45 clock hours of instruction in a program offered by a local or regional board of education or a regional educational service center or the Connecticut Interscholastic Athletic Conference and approved by the Department; or a combination thereof that shall include each of the following topics:

(i) Legal and safety aspects of coaching adolescents;

(ii) Medical aspects of coaching adolescents; and

(iii) Principles and practices of coaching adolescents and adolescent sports psychology.

(b) On and after July 1, 1999, a coach (regardless of coaching assignment) of intramural or interscholastic athletics in elementary, middle or high schools, shall meet the requirements of subdivisions (1) through (7), inclusive, of this section:

(1) Hold the following permit:

(a) A coaching permit; or

(b) A temporary coaching permit.

(2) A person serving as a director of athletics at the elementary or secondary school level, not responsible for supervision, shall be required to hold a coaching permit;

(3) A person serving as a director of athletics at the elementary or secondary school level, responsible for the supervision of coaches, shall be required to hold a coaching permit and a valid Connecticut educators certificate;

(4) A person serving as a director of athletics, with district-wide responsibilities for the athletic program or evaluation of certified staff, shall be required to hold a coaching permit and a Connecticut educator certificate endorsed for intermediate administration or supervision;

(5) An individual who serves as a coach shall hold a coaching permit or a temporary coaching permit. An individual, not serving as any type of coach, may assist a coach, if working under the direct and continual supervision of a coach;

(6) A coaching permit shall be valid from the effective date and shall be renewable every five years upon completion of not less than 15 clock hours of seminars, course work or workshops which provide information on safe and healthful coaching practices and understanding child and adolescent development, as approved by the Department. Upon the written request of an employing agent, the Department, for good cause shown, may defer the 15 clock hour requirement for 12 months;

(7) To receive a coaching permit, an applicant shall meet the following requirements:

(A) Attain the age of 18 years;

(B) Hold a high school diploma or its equivalent;

(C) Successfully complete a standard first aid course no earlier than three years prior to the date of application and every three years from the date of the course thereafter, and continuously maintain CPR certification; and

(D) Complete either (i) or (ii):

(i) Complete a minimum of three semester hours of credit from a regionally accredited institution or 45 clock hours of instruction in a program offered by a board of education or the Connecticut interscholastic athletic conference and approved by the Department which shall include each of the following topics: legal and safety

aspects of coaching children and adolescents; medical aspects of coaching children and adolescents; and principles and practices of coaching children and adolescents and child and adolescent sports psychology; or

- (ii) Hold a valid Connecticut educator certificate, standard or permanent certificate. (Effective July 1, 1995; amended August 6, 1998)

Sec. 10-145d-424. Temporary emergency coaching permit requirements

A temporary emergency coaching permit enables an individual to coach intramural or interscholastic athletics in kindergarten through grade 12, inclusive, in the employ of a board of education for one year from date of issuance. To receive a temporary emergency coaching permit, a board of education shall submit an application on forms provided by the Department giving evidence that the applicant for a temporary emergency coaching permit has met the following requirements:

- (a) Attained the age of 18 years;
- (b) Holds a high school diploma or its equivalent; and
- (c) Completed successfully, no earlier than one year prior to the date of application, a standard first aid course and CPR certification.

(Effective July 1, 1995; amended August 6, 1998)

Sec. 10-145d-425. Temporary emergency coaching permit issuance

(a) Upon submission by a board of education of an application to the Department on forms provided by the Department, a temporary emergency coaching permit may be issued for one year.

(b) Upon submission of an application to the Department on forms provided by the Department, a temporary emergency coaching permit may be issued for a second time for one year if the employing agent of the board of education submits evidence that the applicant has enrolled in or completed successfully at least two credits or 30 clock hours of instruction toward the requirements set forth in subsection (d) (4) of Section 10-145d-423 and (c) of this section.

(c) No temporary emergency coaching permit shall be reissued more than once. At the expiration of the reissuance, an applicant either shall discontinue coaching or obtain a coaching permit.

(Effective July 1, 1993; amended August 6, 1998)

Sec. 10-145d-426. Adult education authorization

An applicant who fulfills all requirements for issuance of the initial educator certificate in adult education endorsements in accordance with Sections 10-145d-594, 10-145d-599 or 10-145d-604, except for fulfillment of assessment requirements in accordance with subsection (a) and (b) of Section 10-145d-404, shall be issued upon the recommendation of the employing agency, an adult education authorization to teach in positions covered by Section 10-145d-593, 10-145d-598 or 10-145d-603. This authorization shall permit the employment in one or more of the positions covered by Sections 10-145d-593, 10-145d-598 or 10-145d-603, and shall expire one year from date of issuance. It shall be nonrenewable. If a person so authorized wishes to continue teaching in adult education programs following expiration of the authorization, such person shall be required to fulfill all assessment requirements and obtain appropriate certification.

(Effective July 1, 1995)

Part V

Reissue and Cross Endorsement of Certificates

Sec. 10-145d-427. Reissuance and extension of certificates

(a) Notwithstanding the provisions of this section to the contrary, a person whose certificate has lapsed may request certification retroactive to the date on which the lapse occurred, provided hardship or extenuating circumstances are found that are beyond the control of the applicant. The Commissioner or the Commissioner's designee may grant such a certificate under the following conditions:

(1) The person held a valid teaching certificate;

(2) Prior to the date on which the lapse occurred, the person had completed all requirements for issuance of a new certificate, except for filing an application for such certificate; and

(3) Application for such reissuance is made to the Commissioner or the Commissioner's designee within one year of the date on which the lapse occurred.

(b) A person who holds or held a provisional teaching or provisional educator certificate may appeal pursuant to Section 10-145d-615, to the Board for an extension of time to complete certification requirements for a professional educator certificate or continuation of a professional educator certificate.

(c) A person who holds an initial educator certificate and has not served under it in the employ of a board of education, shall be eligible for five one-year reissuances. After five such reissuances, all preparation and eligibility requirements in effect at the time of application shall be met.

(d) A person who held an initial educator certificate and has not served under it in the employ of a board of education, and who applies for reissuance:

(1) Within five years of the expiration date of the first initial educator certificate, shall be eligible for reissuance if all assessment requirements in effect at the time of application except BEST are met; or

(2) More than five years after the expiration date of the first initial educator certificate, shall be eligible for reissuance if all preparation and eligibility requirements, including assessment except BEST, are met and completion of three semester hours of credit in education technology and three semester credits in alternative student assessment or child/adolescent development.

(e) A person who holds an initial educator certificate and has served under it in the employ of a board of education, but whose assignment was part time or less than 10 school months, or has not served sufficient time to complete BEST, shall be eligible for reissuance upon recommendation of the employing agent of the board of education.

(f) A person who held an initial educator certificate and has served under it in the employ of a board of education, but whose assignment was part time or less than 10 school months, or has not served sufficient time to complete BEST, shall be eligible for reissuance upon recommendation of employing agent of the board of education:

(1) Within five years of the expiration date of the first initial educator certificate, if all assessment requirements in effect at the time of application, except BEST, are met; or

(2) More than five years after the expiration date of the first initial educator certificate, if all preparation and eligibility requirements in effect at the time of application, including assessment, except BEST, are met and completion of three

semester hours of credit in education technology and three semester hours of credit in alternative student assessment or child development or adolescent development.

(g) A person who holds an initial educator certificate in subject areas or fields for which a bachelor's degree from an approved institution is not required, and has served under it successfully but has not fulfilled the assessment requirement, as appropriate, or the course of study in special education required by Section 10-145d-412 of these regulations, shall be eligible for a reissuance of the initial educator certificate.

(h) A person who held an initial educator certificate in subject areas or fields for which a bachelor's degree from an approved institution is not required and has served under it successfully but has not fulfilled the assessment requirement, as appropriate, or the course of study in special education required by Section 10-145d-412 of these regulations and who applies for a reissuance:

(1) Within five years of the expiration date of the first initial educator certificate, shall be eligible for a reissuance if all assessment requirements in effect at the time of application except BEST, as appropriate, are met; or

(2) More than five years after the expiration date of the first initial educator certificate, shall be eligible for a reissuance if all preparation and eligibility requirements, including assessment in effect at the time of application except BEST, as appropriate, are met.

(i) A person who holds an initial educator certificate and has served under it in the employ of a board of education and who has not successfully completed the BEST assessment, as may have been made available by the Board, and who applies for an extension, shall be eligible for a one-time extension upon a finding of good cause by the Commissioner, and a request by the employing agent of a board of education.

(j) A person who held an initial educator certificate and has served under it in the employ of a board of education who has not successfully completed the BEST assessment, and applies for an extension;

(1) Within five years of the expiration date of the first initial educator certificate shall be eligible for a one-time extension upon a finding of good cause by the Commissioner, and a request by the employing agent of a board of education, if all assessment requirements in effect at the time of application, except BEST, are met; or

(2) More than five years after the expiration date of the first initial certificate, may be eligible for reissuance if all preparation and eligibility requirements in effect at the time of application, including assessment, except BEST, are met and completion of three semester hours of credit in education technology and three semester hours of credit in alternative student assessment or child development or adolescent development.

(k) A person who holds an initial educator certificate and has served under it in the employ of a board of education, and has not successfully completed the BEST assessment and whose employing agent does not request an extension of the initial educator certificate, shall not be eligible for reissuance of the initial educator certificate.

(l) A person who held an initial educator certificate, served under it in the employ of a board of education and who has not successfully completed the BEST assessment and whose employing agent does not request an extension of the initial educator certificate, and who applies for reissuance, may be eligible for reissuance if the person has submitted evidence of intervening study and experience, as established

by the Board, and if all preparation and eligibility requirements in effect at the time of application are met and completion of three semester hours of credit in education technology and three semester hours of credit in alternative student assessment or child development or adolescent development.

(m) A person who holds a temporary 90-day certificate, and has not served under it in the employ of a board of education or served for less than 90 days, and who applies for reissuance, shall be eligible for a temporary 90-day certificate when an employing agent of a board of education makes a written request for issuance.

(n) A person who held a temporary 90-day certificate, and has not served under it in the employ of a board of education or who served under it successfully in the employ of a board of education but whose assignment was part time or less than 90 days, shall be eligible for reissuance of a temporary 90-day certificate when an employing agent of a board of education makes a written request for issuance, if all assessment requirements in existence at the time of application are met.

(o) Except as otherwise provided in Section 10-145d-415, a person who holds a provisional teaching or provisional educator certificate and has not served under it in the employ of a board of education, and who applies for reissuance, shall be eligible for issuance of an initial educator certificate, if all preparation and eligibility requirements in effect at the time of application are met.

(p) Except as otherwise provided in Section 10-145d-415, a person who held a provisional teaching or provisional educator certificate and has not served under it in the employ of a board of education, and who applies for reissuance, shall be eligible for issuance of an initial educator certificate, if all preparation and eligibility requirements, including assessment, in existence at the time of application for reissuance, are met.

(q) Except as otherwise provided in Section 10-145d-415, a person who holds a provisional teaching or provisional educator certificate and has not served under it in the employ of a board of education for at least three years during the 10 years immediately preceding the date of application, shall be eligible for issuance of an initial educator certificate, if all preparation and eligibility requirements, in effect at the time of application, are met. Notwithstanding the provisions of this subsection to the contrary, a person who successfully served under a provisional teaching certificate or provisional educator certificate for a board of education for the school year immediately preceding the date of application shall be eligible for a provisional educator certificate. The duration of the certificate shall be eight years, less the time during which the applicant served in the employ of a board of education under the provisional teaching or provisional educator certificate during the 10 years immediately preceding the date of application.

(r) Except as otherwise provided in Section 10-145d-415, a person who held a provisional teaching or provisional educator certificate and has not served under it in the employ of a board of education for at least three years during the 10 years immediately preceding the date of application shall be eligible for an initial educator certificate if all preparation and eligibility requirements, including assessment in effect at the time of application, are met. Notwithstanding the provisions of this subsection to the contrary, a person who successfully served under a provisional teaching certificate for a board of education for the school year immediately preceding the date of application for reissuance shall be eligible for a provisional educator certificate, if all preparation and eligibility requirements, including assessment in effect at the time of application, for initial educator certification are met. The duration of the certificate shall be eight years, less the time during which the applicant served

in the employ of a board of education under the provisional teaching or provisional educator certificate during the 10 years immediately preceding the date of application for reissuance.

(s) Except as otherwise provided in Section 10-145d-415, a person who holds a provisional teaching or provisional educator certificate, and has served at least three years, but less than eight years, of successful teaching for a board of education during the 10 years immediately preceding the date of application, and has not fulfilled course work requirements for issuance of the professional educator certificate, shall be eligible for issuance of a provisional educator certificate. The duration of the certificate shall be eight years less the time during which the applicant served in the employ of a board of education under the provisional teaching or provisional educator certificate during the 10 years immediately preceding the date of application for reissuance. A person who has served eight or more years during the ten years immediately preceding the date of application, and has not fulfilled course work requirements for the professional educator certificate, shall not be eligible for issuance of an initial educator or provisional educator certificate.

(t) Except as otherwise provided in Section 10-145d-415, a person who held a provisional teaching or provisional educator certificate, and has served successfully at least three years, but less than eight years, for a board of education during the 10 years immediately preceding the date of application, and has not fulfilled course work requirements for issuance of the professional educator certificate, shall be eligible for issuance of a provisional educator certificate if all preparation and eligibility requirements for the initial educator certificate, including assessment in effect at the time of application, are met. The duration of the certificate shall be eight years less the time during which the applicant served in the employ of a board of education under the provisional teaching or provisional educator certificate, during the 10 years immediately preceding the date of application for reissuance.

(u) A person who holds a professional educator certificate, and who has completed the continuing education requirement and applies for continuation of the certificate, shall be eligible to have the professional educator certificate continued for a period of five years.

(v) A person who held a professional educator certificate, has served under it in the employ of a board of education for a five-year period and does not fulfill the continuing education requirement in accordance with Section 10-145d-417, shall not be eligible to have a professional educator certificate continued. Such person shall be eligible for continuation of the professional educator certificate once the continuing education requirement is met. If application is made:

(1) Within five years of the continuation date, a person shall be eligible to have the professional educator certificate continued for a period of five years; or

(2) More than five years after the continuation date, a person shall be eligible for continuation provided program and eligibility requirements including assessment, in effect at the time of application are met for any one endorsement area on the professional educator certificate.

(w) Prior to July 1, 1996, a person who holds or held a professional educator certificate, and served under it in the employ of a board of education for less than five years, and who has not fulfilled the continuing education requirement shall, upon application, be reissued the certificate for a period of five years minus the number of years served under it in the employ of a board of education. All CEUs accrued during the first issuance period shall be applied toward fulfillment of the CEU requirement in the reissuance period. Candidates not fulfilling the CEU

requirement in accordance with Section 10-145d-417 during the reissuance period shall not be eligible to have a professional educator certificate continued. Such person shall be eligible for reissuance of the professional educator certificate upon meeting the requirements in Section 10-145d-427.

On and after July 1, 1996, a person who holds a professional educator certificate, and served under it in the employ of a board of education for less than five years, and who has not fulfilled the continuing education requirement shall, upon application, be reissued the certificate for a period of five years minus the number of years served under it in the employ of a board of education. All CEUs accrued during the first issuance period shall be applied toward fulfillment of the CEU requirement in the reissuance period. Candidates not fulfilling the CEU requirement in accordance with Section 10-145d-417 during the reissuance period shall not be eligible to have a professional educator certificate continued. Such person shall be eligible for reissuance of the professional educator certificate upon meeting the requirements in Section 10-145d-427.

(x) A person who holds or held a professional educator certificate, and never served under it in the employ of a board of education from the date of issuance to the date of continuation, and who has not fulfilled the continuing education requirement shall, upon application, be reissued the certificate for one, and only one, additional five-year continuation period. All CEUs accrued during the first issuance period shall be applied toward fulfillment of the CEU requirement in the reissuance period.

(Effective July 1, 1995)

Sec. 10-145d-428. Cross endorsements

A person who holds a certificate of eligibility, an initial educator, provisional educator, provisional teaching or professional educator certificate may, upon application, obtain additional endorsements to such certificate, subject to the same terms and conditions as the certificate they currently possess, except that endorsements shall not be issued with course work deficiencies. To obtain such additional endorsement, applicants shall submit evidence of having achieved a satisfactory evaluation on the appropriate Board-approved content knowledge competency test, as appropriate, unless such assessment has not been approved by the Board at the time of application.

(a) Within the endorsement areas of early childhood, elementary, middle grades, secondary academic subjects, special subjects, single-subject special education, or comprehensive special education, cross endorsement may be obtained by completion at an approved institution of the following course work:

(1) For early childhood

(A) After July 1, 1994, and prior to July 1, 1998, for a pre-k and kindergarten endorsement, 30 semester hours of course work specifically related to early childhood education including six semester hours of credit in language arts, which may include reading, writing, speaking, listening and spelling;

(B) On and after July 1, 1998, for a birth through kindergarten or nursery through grade three endorsement shall complete an approved program of preparation at an approved institution as specified in subsection (b) of Section 10-145d-431.

(2) For elementary

On and after July 1, 1994, 30 semester hours of credit in course work specifically related to elementary education including six semester hours of credit in language arts, which may include reading, writing, speaking, listening and spelling and six semester hours of credit in child growth and development.

(3) For middle grades

An applicant shall complete a minimum of 15 semester hours of credit in a subject area (English, mathematics, biology, physics, chemistry, earth science, general science, integrated science, social science, history, political science, economics, geography, anthropology, sociology) for which the endorsement is sought and 12 semester hours of credit in course work specific to middle level education methods and instruction, except that:

(A) For an endorsement to teach history and social studies, an applicant shall include a minimum of nine semester hours of credit in history, including United States history and western civilization or European history and non-western history, and course work in at least three of the following areas: political science, economics, geography, sociology, anthropology or psychology;

(B) For the mathematics major or concentration, courses shall include study in calculus.

(C) For an endorsement to teach english, an applicant shall include course work in: secondary developmental reading, advanced composition beyond the college freshman level and English language including history and grammar of the language;

(D) For the integrated science interdisciplinary major, a concentration in one area of science of at least nine semester hours of credit including a minimum of one lab course, and course work in each of the other three areas of science, including at least one lab course in each area.

(4) For secondary academic subjects and special subjects:

On and after July 1, 1994, a major awarded by an approved institution in the subject area for which endorsement is sought or 30 semester hours of credit in the subject area for which endorsement is sought, of which six semester hours of credit may be in curriculum and instruction in the subject area requested except that:

(A) For an endorsement to teach general science, an applicant shall present a major in any one area science, including course work in biology, chemistry, physics and earth science or 30 semester hours of credit distributed among the following: biology, chemistry, earth science, physics, including course work in science curriculum and instruction;

(B) For an endorsement to teach biology, chemistry, earth science or physics, an applicant shall include course work in science curriculum and instruction. Educators who earned their initial educator certificate endorsed in a science through the alternate route to certification program, shall have met the curriculum and instruction requirement for an additional science endorsement.

For an endorsement to teach biology, chemistry, earth science or physics for those educators who currently hold any one of these endorsements, a total of 18 semester hours of credit are required in the specific endorsement area;

(C) For an endorsement to teach history and social studies, an applicant shall include a minimum of 12 semester hours of credit in history, including United States history and western civilization or European history and non-western history, and course work in at least three of the following areas: political science, economics, geography, sociology, anthropology or psychology;

(D) For an endorsement to teach a foreign language, an applicant shall include 24 semester hours of credit in the foreign language, if foreign language course work was started at the intermediate level, 18 semester hours credit in the foreign language is required; if foreign language course work was started at the advanced level, 12 semester hours of credit in the foreign language is required, and an additional six semester hours including course work in methods and materials for teaching foreign

language and course work in language acquisition. Educators who earned their initial educator certificate endorsed in foreign language through the alternate route to certification program shall have met the language acquisition and methods and materials requirement for an additional foreign language endorsement;

(E) For an endorsement to teach English, an applicant shall include course work in: secondary developmental reading, advanced composition beyond the college freshman level and English language including history and grammar of the language;

(F) For an endorsement to teach mathematics, an applicant shall include course work in mathematics curriculum and instruction;

(G) For an endorsement to teach health, an applicant shall include course work in drug prevention education and group facilitation;

(H) For an endorsement to teach art or music, an applicant shall present a subject area major only;

(I) For an endorsement to teach bilingual education to english language learners, 18 semester hours of credit, completed at one regionally accredited college or university, including study in each of the following: first and second language acquisition including language and literacy development; linguistic and academic assessment; cross cultural sensitivity and communication and implications for instruction; strategies for modifying english content area instruction; methods of teaching english as a second language, methods of teaching bilingual education; and demonstration of competency in english and the world language to be taught. this endorsement shall authorize service as a bilingual teacher in grades pre-K - 12. A bilingual educator who obtained a certificate in bilingual education through the deferral route, in accordance with subsection (a) (2) of Section 10-145d-477, shall hold a provisional educator certificate before adding an additional endorsement.

(J) For an endorsement to teach English to speakers of other languages (TESOL), an applicant shall include English syntax and English composition; language theory; culture and intergroup relations; linguistics and academic assessment of limited-English-proficient students; curriculum and methods of teaching English as a second language.

(K) For an endorsement to teach remedial reading and remedial language arts:

On and after July 1, 1998 for an endorsement to teach remedial reading and remedial language arts an applicant shall complete an approved program of preparation at an approved institution as specified in Section 10-145d-482, and 30 school months of successful classroom teaching experience.

(L) For the endorsement area of school library media specialist, an applicant shall complete 30 semester hours of graduate credit in school library media.

(5) For single-subject special education

On and after July 1, 1994, 30 semester hours of credit in special education including, as appropriate, the minimum amount of credits described in subparagraphs (A, B or C) shall be required:

(A) For an endorsement to teach blind students, 12 semester hours of credit specifically appropriate to teaching the blind, with study in the following: a survey of eye conditions, psychology of the blind, methods and materials for teaching the blind, and braille;

(B) For an endorsement to teach partially sighted students, 12 semester hours of credit specifically appropriate to teaching the partially sighted, with study in the following: basic orientation in eye conditions, effect of eye conditions on educational programs and vocational outlook, methods of teaching the partially sighted, and psychology of physically handicapped children; and

(C) For an endorsement to teach hearing-impaired students, 12 semester hours of credit specifically appropriate to teaching the hearing impaired, with study in the following: the teaching of speech to the hearing impaired, the teaching of language to the hearing impaired, methods of teaching elementary school subjects to the hearing impaired, methods of teaching lip reading to the hearing impaired, auditory and speech mechanisms, audiometry, hearing aids and auditory training, and education and guidance to the hearing impaired.

(6) For comprehensive special education

On and after July 1, 1994, 30 semester hours of credit in special education, including study in the areas listed in subparagraphs (A) through (E) shall be required:

(A) Psychoeducational theory and development of handicapped children;

(B) Diagnosis of handicapped children;

(C) Program planning and evaluation of handicapped children;

(D) Curriculum and methods of teaching handicapped children; and

(E) Two or more practica in special education dealing with different kinds of handicapping conditions covered by the comprehensive special education endorsement.

(b) Within the endorsement areas of high school credit diploma program, external diploma program and noncredit mandated programs, and English to non-English speaking adults, upon application, cross endorsement may be obtained by fulfilling the initial educator requirements in that adult education area for which endorsement is sought.

(Effective July 1, 1995; amended August 6, 1998)

Part VI

Early Childhood, Elementary or Middle Grades Certificates

A

Early Childhood

Sec. 10-145d-429. When required

This certificate, or another certificate appropriate to the grade level of the students to be taught, shall be required for anyone employed as a teacher of infants, toddlers, nursery school, kindergarten, and grades one through three in the employ of a board of education.

(Effective July 1, 1993)

Sec. 10-145d-430. Validity of certificates

(a) This certificate shall authorize the teaching of all elementary academic subjects and art, health, music, physical education and technology in the grade levels under this endorsement except that on and after July 1, 1995 it shall not authorize the teacher under this endorsement to be the sole provider for art, health, music or physical education. Early childhood certificates shall be endorsed for particular levels of teaching, according to the recommendation of the preparing institution. The recommendation shall be based upon the program of preparation and the grade levels for which the institution is approved and for which the applicant completed requirements.

(b) Endorsements may be made in any of the following or combinations of the following classifications:

(1) On and after July 1, 1995 and prior to July 1, 1998;

- (A) Pre-kindergarten and kindergarten;
- (B) Birth through kindergarten;
- (C) Nursery through grade three;
- (2) On and after July 1, 1998;
- (A) Birth through kindergarten
- (B) Nursery through grade three

(c) On and after July 1, 1995, an endorsement for birth through kindergarten authorizes the holder to teach students in both special and regular education settings pursuant to subsection (b) of Section 10-145d-431; and

(d) On and after July 1, 1995, an endorsement for nursery through grade three authorizes the holder to teach nursery through kindergarten students in both special and regular education settings and to teach grade one through grade three students in regular education pursuant to subsection (b) of Section 10-145d-431.

(Effective July 1, 1995)

Sec. 10-145d-431. Initial educator certificate requirements

To receive an initial educator certificate for early childhood teaching with an endorsement in birth through kindergarten and nursery through grade three:

(a) On and after July 1, 1995, an applicant shall present evidence of meeting the following requirements in addition to meeting the assessment requirements, as appropriate:

(1) Holds a bachelor's degree from an approved institution;

(2) Has completed a minimum of 15 semester hours of credit in human growth and development, including: typical and atypical development, psychology of learning and family studies. This may be completed as part of a subject-area major or general academic courses;

(b) Has a minimum of 39 semester hours of credit in general academic courses in five of the six areas listed below. A survey course in United States history, comprised of not fewer than three semester hours of credit shall be included.

(1) Natural sciences;

(2) Social studies;

(3) Fine arts;

(4) English;

(5) Mathematics; and

(6) Foreign language;

(c) Has completed a subject-area major consisting of one of the following:

(1) A major awarded by an approved institution in any one subject area except that a major in professional education may not be accepted in fulfillment of this requirement; or

(2) A 39-semester-hour-credit interdisciplinary major consisting of a concentration of at least 18 semester hours of credit in human growth and development, including: typical and atypical development, psychology of learning and family studies, with the remainder distributed among no more than three additional subjects related to human growth and development, except that a major or course work in professional education may not be accepted in fulfillment of any portion of this requirement; and

(d) Has a minimum of 36 semester hours of credit in professional education in a planned program of study and experience in early childhood education to be distributed among each of the following:

(1) Foundations of education. This group includes areas such as: philosophy of education; history of education; and comparative education;

(2) Curriculum and methods of teaching. All applicants shall: complete (A); for birth through kindergarten shall complete (B); and kindergarten through grade three shall complete (C);

(A) This group shall include course work in:

(i) Curriculum and methods for typical and special-needs children, taught in a manner that would facilitate the understanding of children with special-needs in a least-restrictive environment, and shall consist of course work in integrated curriculum and strategies for developmentally appropriate nursery-kindergarten programs, to include study in each of the following areas, with at least six credits in the area (*) of which at least three credits shall be in methods of teaching language arts:

(ii) *Learning and teaching of language arts, children's literature, mathematics, science, social studies, expressive arts, health/safety through an integrated curriculum; or developmentally appropriate curriculum for early childhood; or integrated early childhood curriculum;

(iii) Observation and assessment of development in young children and planning individualized programs;

(iv) Classroom organization and facilitating play; or effective teaching and organizational skills in an environment with play; or role of play and the learning environment;

(iv) Early childhood program models, and issues including family and professional collaboration and diversity;

(vi) Program adaptations for children with special needs; or teaching strategies and related services for children with special needs; or program planning for children with special needs; and

(B) This group shall consist of course work in facilitating development and programming for normal and special-needs infants and toddlers with study in at least three of the following four areas:

(i) Infant/toddler development and assessment; or assessment of behavior and development in infants and toddlers;

(ii) Curriculum development for infants and toddlers; or appropriate environment and the role of play;

(iii) Infant/toddler program models, issues and collaborations; or programs for infants and toddlers with parent and professional support;

(iv) Adaptations for infants and toddlers with special needs; or adapting the infant/toddler environment for children with special needs; or

(C) This group shall consist of course work in:

(i) Curriculum and strategies for developmentally appropriate practices in the primary grades including study in:

(ii) Learning and teaching of language arts, children's literature, mathematics, science, social studies, the arts, health/safety, physical education; or curriculum for the primary grades; and two of the following: (1) Assessment of learning in the primary grades; or evaluation of primary-grade children for program planning; (2) Classroom organization and management using media technology; or effective teaching and classroom organization with media technology; (3) Elementary school models, programs, issues, collaborative efforts; or primary-grade program models and partnerships; (4) Strategies for integrating children with special needs; or adapting curriculum and strategies for primary-grade children with special needs; and

(3) Field experiences should include observations and limited participation teaching prior to full-time student teaching and practicum. All students shall complete (A) and (B) totaling at least six, but not more than 12 semester hours of credit.

(A) Supervised student teaching or practicum in a pre-kindergarten or kindergarten, including children with special needs; and

(B) for birth through kindergarten supervised student teaching in a program serving infants and toddlers, including children with special needs; for nursery-grade three supervised student teaching in grades one, two or three.

(Effective July 1, 1995; amended August 6, 1998)

Sec. 10-145d-432. Provisional educator certificate requirements

To receive a provisional educator certificate for early childhood education, an applicant shall present evidence of meeting the assessment requirements, as appropriate, and the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful teaching under the initial educator certificate, interim initial educator certificate, or durational shortage area permit. Persons who obtained the initial educator certificate upon completion of successful service under the temporary 90-day certificate shall be required to complete 15 school months of successful teaching under the initial educator certificate; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought, in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served a board of education successfully under a provisional teaching certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-433. Professional educator certificate requirements

To receive a professional educator certificate for early childhood education an applicant shall present evidence of having met the assessment requirements, as appropriate, in addition to meeting the following requirements:

(a) Has completed 30 school months of successful teaching under the provisional educator certificate, interim provisional educator certificate or provisional teaching certificate; and

(b) Has met one of the following requirements for course work at an approved institution or institutions:

(1) Prior to July 1, 2003, an applicant who holds or held a provisional educator certificate shall have completed not less than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution related directly to the subject areas or grade levels of the endorsement, or in an area or areas related to the teacher's ability to provide instruction effectively or to meet locally determined goals and objectives; or

(B) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning.

(2) Prior to July 1, 2003, an applicant who holds or held a 10 year provisional teaching certificate shall have completed 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution; or

(B) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning. Such an individual program may include course work taken at one or more approved institutions of higher education and may include registered in-service programs sponsored by local or regional boards of education or approved nonpublic schools upon the approval of the joint subcommittee of the Board of Governors of Higher Education and the Board established pursuant to Section 10-155b of the Connecticut general statutes, revision of 1958, revised to January 1, 1983.

(3) Prior to July 1, 2003, an applicant who holds or held a five-year provisional teaching certificate shall have completed either a master's degree or not less than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. Except as otherwise provided, it shall consist of:

(A) A master's degree at an institution; or

(B) An individually planned program consisting of at least 30 semester hours of credit beyond the bachelor's degree, which includes at least 15 semester hours of credit in general academic courses in addition to the credits offered to fulfill the requirements for the provisional educator certificate. Exceptions to the requirement of 15 semester hours of credit in general academic courses may be granted when an approved institution or the Department determines that the applicant has, in the combined program of undergraduate and post-baccalaureate preparation, met this requirement.

(4) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(Effective July 1, 1995)

B

Elementary

Sec. 10-145d-434. When required

This certificate, or another certificate appropriate to the grade level of the students to be taught, shall be required for anyone employed by a board of education, as a teacher in pre-kindergarten through grade six.

(Effective July 1, 1993)

Sec. 10-145d-435. Validity of certificates

(a) This certificate shall authorize the teaching of all elementary academic subjects and art, health, music, physical education and technology in the grade levels under this endorsement in the grade levels of the endorsement; except that on and after July 1, 1995, it shall not authorize the teacher under this endorsement to be the sole provider for art, health, music or physical education. Elementary certificates shall be endorsed for the grade levels in accordance with the recommendation of the preparing institution. The recommendation shall be based upon the program of

preparation and the grade levels for which the institution is approved and for which the applicant completed requirements.

(b) Endorsements may be made in any of the following or combinations of the following classifications:

(1) On and after July 1, 1993 and prior to July 1, 1998: Kindergarten through grade six;

(2) On and after July 1, 1998: Grade one through grade six, except that a holder of this endorsement may teach kindergarten;

(3) on and after July 1, 2003: kindergarten through grade six.

(Effective July 1, 1995; amended July 1, 2003)

Sec. 10-145d-436. Initial educator certificate requirements

On and after July 1, 1993, to receive an initial educator certificate for elementary teaching an applicant shall present evidence of meeting the following requirements, in addition to meeting the assessment requirements, as appropriate:

(a) Holds a bachelor's degree from an approved institution;

(b) On and after July 1, 1998, has completed a minimum of six semester hours of credit in child and or human growth and development. This may be completed as part of the subject area major or general academic course requirement;

(c) Has a minimum of 39 semester hours of credit in general academic courses:

In five of the six areas listed below. A survey course in United States history, comprised of not fewer than three semester hours of credit shall be included.

(1) English;

(2) Natural sciences;

(3) Mathematics;

(4) Social studies; and

(5) Foreign language; or

(6) Fine arts;

(d) Has completed a subject-area major consisting of one of the following:

(1) A major awarded by an approved institution in any one subject area, except that a major in professional education may not be accepted in fulfillment of this requirement; or

(2) A 39-semester-hours-credit interdisciplinary major consisting of a concentration of at least 18 semester hours of credit in any one subject area with the remainder distributed among no more than three additional subjects related to the area of concentration, except that a major or course work in professional education may not be accepted in fulfillment of any portion of this requirement; and

(e) Has a minimum of 30 semester hours of credit in professional education in a planned program of study and experience in elementary education to be distributed among each of the following:

(1) Foundations of education. This group includes areas such as: (1) philosophy of education, (2) school effectiveness, (3) history of education, and (4) comparative education;

(2) Educational psychology. This group includes areas such as: (1) growth and development of children from birth through the life span, (2) psychology of learning, (3) child-adolescent psychology and (4) mental hygiene;

(3) Curriculum and methods of teaching. This group shall include six semester hours of credit in language arts, which may include reading, writing, speaking, listening, and spelling. This group may include areas such as: (1) effective teaching skills, (2) teaching language arts, (3) teaching mathematics and (4) teaching the arts;

(4) Supervised observation, participation, and full-time responsible student teaching in an elementary school, totaling at least six but not more than 12 semester hours of credit; and

(5) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1995; amended August 6, 1998)

Sec. 10-145d-437. Provisional educator certificate requirements

To receive a provisional educator certificate for elementary teaching an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the best assessment, as may have been made available by the Board, and 10 school months of successful teaching under the initial educator certificate, interim educator certificate or durational shortage area permit. Persons who obtained the initial educator certificate upon completion of successful service under the temporary 90-day certificate shall be required to complete 20 school months of successful teaching under the initial educator certificate; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought, in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served a board of education successfully under a provisional teaching certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995; amended August 6, 1998)

Sec. 10-145d-438. Professional educator certificate requirements

To receive a professional educator certificate for elementary teaching, an applicant shall present evidence of having met the following requirements:

(a) Has completed 30 school months of successful teaching under the provisional educator certificate, interim educator certificate or provisional teaching certificate; and

(b) Has met one of the following requirements for course work at an approved institution or institutions:

(1) Prior to July 1, 2003, an applicant who holds or held a provisional educator certificate shall have completed not less than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution related directly to the subject areas or grade levels of the endorsement or in an area or areas related to the teacher's ability to provide instruction effectively or to meet locally determined goals and objectives; or

(B) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning.

(2) Prior to July 1, 2003, an applicant who holds or held a 10-year provisional teaching certificate shall have completed 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution; or

(B) An individual program which is mutually determined or approved by the applicant and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning. Such an individual program may include course work taken at one or more approved institutions and may include registered in-service programs sponsored by local or regional boards of education or approved nonpublic schools upon the approval of the joint subcommittee of the Board of Governors of Higher Education and the Board established pursuant to Section 10-155b of the Connecticut general statutes, revision of 1958, revised to January 1, 1983.

(3) Prior to July 1, 2003, an applicant who holds or held a five-year provisional teaching certificate shall have completed either a master's degree or not less than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. Except as otherwise provided, it shall consist of:

(A) A master's degree at an approved institution; or

(B) An individually planned program consisting of at least 30 semester hours of credit beyond the bachelor's degree, which includes at least 15 semester hours of credit in general academic courses in addition to the credits offered to fulfill the requirements for the provisional educator certificate. Exceptions to the requirement of 15 semester hours of credit in general academic courses may be granted when an approved institution or the Department determines that the applicant has, in the combined program of undergraduate and post-baccalaureate preparation, met this requirement.

(4) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(Effective July 1, 1995)

C

Foreign Language Instruction

Pre-Kindergarten through Grade Eight

Sec. 10-145d-439. When required

This certificate, or another certificate appropriate to the subject and grade level to be taught, shall be required for anyone employed by a board of education as a teacher of foreign language at the elementary level.

(Effective July 1, 1993)

Sec. 10-145d-440. Validity of certificates

This certificate shall be valid for all endorsed foreign language subjects in pre-kindergarten through grade eight when departmentalized instruction is offered in foreign languages at the elementary level.

(Effective July 1, 1993)

Sec. 10-145d-441. Initial educator certificate requirements

To receive an initial educator certificate for foreign language instruction at the elementary level, an applicant shall present evidence of meeting the following requirements, in addition to meeting the assessment requirements, as appropriate:

- (a) Holds a bachelor's degree from an approved institution;
- (b) Holds or is eligible for a secondary foreign language certificate;
- (c) Has completed three semester hours of credit in each of the following:
 - (1) Language acquisition in young children;
 - (2) Methods and materials for teaching foreign language at the elementary level; and
- (d) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1993)

Sec. 10-145d-442. Provisional educator certificate requirements

To receive a provisional educator certificate for foreign language instruction at the elementary level an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

- (a) Has successfully completed the BEST assessment, as may have been made available by the Board and 10 school months of successful teaching under the initial educator certificate, interim initial educator certificate, or durational shortage area permit. Persons who obtained the initial educator certificate upon completion of successful teaching under the temporary 90-day certificate shall be required to complete 15 school months of successful teaching under the initial educator certificate; or
- (b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought, in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state; or
- (c) Has served a board of education successfully under a provisional teaching certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1993)

Sec. 10-145d-443. Professional educator certificate requirements

To receive a professional educator certificate for foreign language instruction at the elementary level an applicant shall present evidence of having met the following requirements:

- (a) Has completed 30 school months of successful teaching under the provisional educator certificate, or interim educator certificate; and
- (b) Has met one of the following requirements for course work at an approved institution or institutions:
 - (1) Prior to July 1, 2003, an applicant who holds or held a provisional educator certificate shall have completed not less than 30 semester hours of credit beyond

the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution, related directly to the subject areas or grade levels of the endorsement or in an area or areas related to the teacher's ability to provide instruction effectively or to meet locally determined goals and objectives; or

(B) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning.

(2) Prior to July 1, 2003, an applicant who holds or held a 10-year provisional teaching certificate shall have completed 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution; or

(B) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning. Such an individual program may include course work taken at one or more approved institutions and may include registered in-service programs sponsored by local or regional boards of education or approved nonpublic schools upon the approval of the joint subcommittee of the Board of Governors of Higher Education and the Board established pursuant to Section 10-155b of the Connecticut general statutes, revision of 1958, revised to January 1, 1983.

(3) Prior to July 1, 2003, an applicant who holds or held a five-year provisional teaching certificate shall have completed either a master's degree or not fewer than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. Except as otherwise provided, it shall consist of:

(A) A master's degree at an approved institution; or

(B) An individually planned program consisting of at least 30 semester hours of credit beyond the bachelor's degree, which includes at least 15 semester hours of credit in general academic courses in addition to the credits offered to fulfill the requirements for the provisional teaching certificate. Exceptions to the requirement of 15 semester hours of credit in general academic courses may be granted when an approved institution or the Department determines that the applicant has, in the combined program of undergraduate and post-baccalaureate preparation, met this requirement.

(4) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(Effective July 1, 1995)

Part VII

Middle Grades

Sec. 10-145d-444. When required

This middle grades certificate, or a secondary academic certificate is required for anyone employed by a board of education as a teacher of these subjects in a middle school setting.

(Effective July 1, 1993; amended August 6, 1998)

Sec. 10-145d-445. Validity of certificates

Middle grades certificates are valid for teaching endorsements in specific subject areas. When departmentalized instruction is offered in an elementary school, the subject area endorsement is valid for such instruction in grades five and six, and when departmentalized instruction is offered in a foreign language in an elementary school, the endorsement is valid for such instruction in grades four, five and six.

(Effective July 1, 1995; amended August 6, 1998)

Sec. 10-145d-446. Initial educator certificate requirements

On and after July 1, 1998, to receive an initial educator certificate for teaching at the middle grades, an applicant shall present evidence of meeting the following requirements in addition to meeting the assessment requirements, as appropriate:

(a) Holds a bachelor's degree from an approved institution;

(b) Has a minimum of 39 semester hours of credit in general academic courses in five of the six areas listed below. A survey course in United States history, comprised of not fewer than three semester hours of credit shall be included.

- (1) English;
- (2) Natural sciences;
- (3) Mathematics;
- (4) Social studies;
- (5) Foreign language; and
- (6) Fine arts;

(c) Has completed the requirement in either subdivisions (1), (2) or (3) of this subsection:

(1) A subject area major in any of the following areas: English mathematics, biology, physics, chemistry, earth science, general science, social science, history, political science, economics, geography, anthropology, sociology; or

(2) An interdisciplinary major in humanities, history/social science, or integrated science; or

(3) 24 semester hours of study in a subject (English, mathematics, biology, physics, chemistry, earth science, social science, history, political science, economics, geography, anthropology, sociology) and either 15 semester hours in a second subject (English, mathematics, biology, physics, chemistry, earth science, social science, history, political science, economics, geography, anthropology, sociology) which shall result in endorsements in the two subject areas, or 15 semester hours in an all level endorsement qualify for an additional teaching endorsement); and

(d) Has a minimum of 30 semester hours of credit in professional education in a planned program of study and experience in middle grades education, to be distributed among each of the following:

(1) Foundations of education. This group includes areas such as: philosophy of education, school effectiveness, history of education, comparative education and philosophy and organization of middle grade education;

(2) Educational psychology. This group includes areas such as: human growth and development, psychology of learning, child-adolescent psychology, mental hygiene, developmental characteristics of early adolescent students and family studies;

(3) Curriculum and methods of teaching. This shall include a minimum of six semester hours of credit including study in reading and writing across the middle grades curriculum, and methods for teaching at the middle grades;

(4) Supervised observation, participation, and full-time responsible student teaching, totaling at least six but not more than 12 semester hours of credit in a middle grades school setting; and

(5) A course study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(e) For the English major or English concentration, courses shall include study in the evaluation and instruction of students in the area of language arts;

(f) For the history or social science major or concentration, the history courses shall include study in U.S. history, western civilization or European history and nonwestern history, and study in at least three areas of social science.

(g) For the mathematics major or concentration, courses shall include study in calculus.

(h) For the humanities interdisciplinary major, 18 semester hours of study in language arts/English, and course work in at least 3 areas: literature, philosophy, drama, fine arts, dance, theology or foreign language.

(i) For the integrated science interdisciplinary major, a concentration in one area of science of at least 18 semester hours of credit, including a minimum of three lab courses, and course work in each of the other three areas of science, for a minimum of seven credits each including at least one lab course in each area.

(j) Complete a course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1995; amended August 6, 1998)

Sec. 10-145d-447. Provisional educator certificate requirements

To receive a provisional educator certificate for teaching at the middle grades an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful teaching under the initial educator certificate, interim educator certificate, or durational shortage area permit. Persons who obtained the initial educator certificate upon completion of successful service under the temporary 90-day certificate shall be required to complete 20 school months of successful teaching under the initial educator certificate; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought, in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served a board of education successfully under a provisional teaching certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995; amended August 6, 1998)

Sec. 10-145d-448. Professional educator certificate requirements

To receive a professional educator certificate for teaching at the middle grades an applicant shall present evidence of having met the following requirements:

(a) Has completed 30 school months of successful teaching under the provisional educator certificate, interim educator certificate or provisional teaching certificate; and

(b) Has met one of the following requirements for course work at an approved institution or institutions:

(1) Prior to July 1, 2003, an applicant who holds or held a provisional educator certificate shall have completed not less than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution, related directly to the subject areas or grade levels of the endorsement or in an area or areas related to the teacher's ability to provide instruction effectively or to meet locally determined goals and objectives; or

(B) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning.

(2) Prior to July 1, 2003, an applicant who holds or held a 10-year provisional teaching certificate shall have completed 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution; or

(B) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning. Such an individual program may include course work taken at one or more approved institutions and may include registered in-service programs sponsored by local or regional boards of education or approved nonpublic schools upon the approval of the joint subcommittee of the Board of Governors of Higher Education and the Board established pursuant to Section 10-155b of the Connecticut general statutes, revision of 1958, revised to January 1, 1983.

(3) Prior to July 1, 2003, an applicant who holds or held a five-year provisional teaching certificate shall have completed either a master's degree or not less than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. Except as otherwise provided, it shall consist of:

(A) A master's degree at an approved institution; or

(B) An individually planned program consisting of at least 30 semester hours of credit beyond the bachelor's degree, which includes at least 15 semester hours of credit in general academic courses in addition to the credits offered to fulfill the requirements for the provisional educator certificate. Exceptions to the requirement of 15 semester hours of credit in academic courses may be granted when an institution or the Department determines that the applicant has, in the combined program of undergraduate and post-baccalaureate preparation, met this requirement.

(4) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(Effective July 1, 1995)

Part VIII
Secondary Academic

Sec. 10-145d-449. When required

This certificate, or another certificate appropriate to the subject and grade level to be taught, shall be required for anyone employed by a board of education as a secondary teacher in grades seven through 12. An elementary or middle grades certificate now endorsed for grades seven and eight shall authorize the teaching of all secondary academic subjects in grades seven and eight. This certificate shall also authorize the teaching of appropriate secondary academic subjects in the adult education high school credit diploma program.

(Effective July 1, 1995)

Sec. 10-145d-450. Validity of certificates

Secondary academic certificates for grades seven through 12 are valid for endorsed subjects, unless otherwise specified. When departmentalized instruction is offered in grades below the seventh, a certificate may be considered valid for such instruction in grades five and six in the endorsed subjects only. When departmentalized instruction is offered in a foreign language in an elementary school, the endorsement is valid for such instruction in grades four, five and six.

(Effective July 1, 1993; amended August 6, 1998)

Sec. 10-145d-451. Initial educator certificate requirement

On and after July 1, 1993, to receive an initial educator certificate for secondary academic subjects an applicant shall present evidence of meeting the following requirements in addition to meeting assessment requirements, as appropriate:

- (a) Holds a bachelor's degree from an approved institution;
- (b) Has a minimum of 39 semester hours of credit in general academic courses in five of the six areas listed below. A course in United States history. On and after July 1, 1998, a survey course in United States history comprised of not fewer than three semester hours of credit shall be included.
 - (1) English;
 - (2) Natural sciences;
 - (3) Mathematics;
 - (4) Social studies;
 - (5) Foreign language; and
 - (6) Fine arts;
- (c) Has completed a subject-area major consisting of one of the following:
 - (1) A major awarded by an approved institution in the subject area for which certification is sought, except that a major in professional education may not be accepted in fulfillment of this requirement; or
 - (2) A minimum of 30 semester hours of credit in the subject for which endorsement is sought and a minimum of nine semester hours of credit in a subject or subjects related to the subject for which endorsement is sought, except that a major or course work in professional education may not be accepted in fulfillment of this requirement, and except that:
 - (A) For the general science endorsement, a major consisting of a minimum of 39 semester hours of credit in science including study in biology, chemistry, physics and earth science;
 - (B) For the history and social studies endorsement:

(i) A major awarded by an approved institution in history, except that on and after July 1, 1998, 18 semester hours of credit in social studies shall be included; or

(ii) A major in political science; economics; geography; anthropology or sociology including at least 18 semester hours of credit in history, or

(iii) An interdisciplinary major consisting of 39 semester hours of credit in subjects covered by the endorsement, each of which shall include 18 semester hours of credit in history including United States history, western civilization or European history and nonwestern history, provided that for the interdisciplinary major, study shall include a minimum of one course in each of the following areas: political science; economics; geography; sociology or anthropology or psychology;

(C) For the business endorsement, a major awarded by an approved institution in business or in any one of the subjects covered by the endorsement or an interdisciplinary major consisting of 39 semester hours of credit in subjects covered by the endorsement;

(D) For a foreign language endorsement, 24 semester hours of credit in the foreign language in which endorsement is sought; and

(4) Has a minimum of 18 semester hours of credit in professional education in a planned program of study and experience to be distributed among each of the following:

(A) Foundations of education. This group includes areas such as: (1) philosophy of education, (2) school effectiveness, (3) history of education and (4) comparative education;

(B) Educational psychology. This group includes areas such as: (1) growth and development of children from birth through the life span, (2) psychology of learning, (3) child-adolescent psychology and (4) mental hygiene;

(C) Curriculum and methods of teaching. This group includes areas such as: (1) subject area curriculum and methodology and (2) effective teaching skills;

(D) Supervised observation, participation and full-time responsible student teaching in a secondary school totaling at least six but not more than 12 semester hours of credit as part of the requirement; and

(E) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1995; amended August 6, 1998)

Sec. 10-145d-452. Provisional educator certificate requirements

To receive a provisional educator certificate for secondary academic subjects an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful teaching under the initial educator certificate, interim educator certificate or durational shortage area permit. Persons who obtained the initial educator certificate upon completion of successful teaching under the temporary 90-day certificate shall be required to complete 15 school months of successful teaching under the initial educator certificate; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching in a subject area or field appropriate to the subject area or

field for which the provisional educator certificate is sought, in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-453. Professional educator certificate requirements

To receive a professional educator certificate for secondary academic subjects an applicant shall present evidence of having met the following requirements:

(a) Has completed 30 school months of successful teaching under the provisional educator certificate, interim educator certificate or provisional teaching certificate; and

(b) Has met one of the following requirements for course work at an approved institution or institutions:

(1) Prior to July 1, 2003, an applicant who holds or held a provisional educator certificate shall have completed not fewer than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution, related directly to the subject areas or grade levels of the endorsement or in an area or areas related to the teacher's ability to provide instruction effectively or to meet locally determined goals and objectives; or

(B) An individual program which is mutually determined or approved by the teacher and the employing agent of a board of education and which is designed to increase the ability of the teacher to improve student learning.

(2) Prior to July 1, 2003, an applicant who holds or held a 10-year provisional teaching certificate shall have completed 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution; or

(B) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning. Such an individual program may include course work taken at one or more approved institutions and may include registered in-service programs sponsored by local or regional boards of education or approved nonpublic schools upon the approval of the joint subcommittee of the Board of Governors of Higher Education and the Board established pursuant to Section 10-155b of the Connecticut general statutes, revision of 1958, revised to January 1, 1983.

(3) Prior to July 1, 2003, an applicant who holds or held a five-year provisional teaching certificate has completed either a master's degree or not fewer than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. Except as otherwise provided, it shall consist of:

(A) A master's degree at an approved institution; or

(B) An individually planned program consisting of at least 30 semester hours of credit beyond the bachelor's degree, which includes at least 15 semester hours of credit in general academic courses in addition to the credits offered to fulfill the

requirements for the provisional educator certificate. Exceptions to the requirement of 15 semester hours of credit in general academic courses may be granted when the approved institution or the Department determines that the applicant has, in the combined program of undergraduate and post-baccalaureate preparation, met this requirement.

(4) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.
(Effective July 1, 1995)

Part IX

Special Subjects, Fields or Instructional Areas

A

Agriculture, Art, Health, Home Economics, Music, Physical Education and Technology Education

Sec. 10-145d-454. When required

A certificate for each special subject or field shall be required for anyone employed by a board of education in the following special subjects taught at the elementary and secondary levels: agriculture, art, health, home economics, technology education, music and physical education. This certificate shall also authorize the teaching of appropriate special subjects or fields in the adult education high school credit diploma program.

(Effective July 1, 1995)

Sec. 10-145d-455. Validity of certificates

Each special subject or field certificate shall be endorsed for pre-kindergarten through grade 12.

(Effective July 1, 1995)

Sec. 145d-456. Initial educator certificate requirements

On and after July 1, 1993, to receive an initial educator certificate for a special subject or field an applicant shall present evidence of meeting the following requirements, in addition to meeting the assessment requirements, as appropriate:

(a) Holds a bachelor's degree from an approved institution;

(b) Has a minimum of 39 semester hours of credit in general academic courses in five of the six areas listed below. A course in United States history, on and after July 1, 1998 a survey course in United States history comprised of not fewer than three semester hours of credit shall be included.

(1) Natural sciences;

(2) Social studies;

(3) Fine arts;

(4) English;

(5) Mathematics; and

(6) Foreign language;

(c) Has completed a subject area major consisting of one of the following:

(1) A major awarded by an approved institution in the subject area for which endorsement is sought, except that a major in professional education may not be accepted in fulfillment of this requirement, provided that physical education and technology education majors may be accepted in fulfillment of this requirement; or

(2) A minimum of 30 semester hours of credit in the special subject or field for which certification is sought and a minimum of nine semester hours of credit in a subject or subjects directly related to the subject for which certification is sought, except that a major or course work in professional education may not be accepted in fulfillment of this requirement, provided that physical education and technology education majors or courses may be accepted in fulfillment of this requirement; or

(3) A major awarded by an approved institution in any one of the subjects covered by the endorsement, except that a major or course work in professional education may not be accepted in fulfillment of this requirement; and

(d) Has a minimum of 18 semester hours of credit in professional education in a planned program of study and experience to be distributed among each of the following:

(1) Foundations of education. This group includes areas such as: (1) philosophy of education, (2) school effectiveness, (3) history of education and (4) comparative education;

(2) Educational psychology. This group includes areas such as: (1) growth and development of children from birth through the life span, (2) psychology of learning, (3) child-adolescent psychology and (4) mental hygiene;

(3) Curriculum and methods of teaching. This group includes areas such as: (1) subject-area curriculum and methodology and (2) effective teaching skills;

(4) Supervised observation, participation and full-time responsible student teaching totaling at least six but not more than 12 semester hours of credit; and

(5) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1995)

Sec. 10-145d-457. Provisional educator certificate requirements

To receive a provisional educator certificate for a special subject or field an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful teaching under the initial educator certificate, interim educator certificate or durational shortage area permit. Persons who obtained the initial educator certificate upon completion of successful teaching under the temporary 90-day certificate shall be required to complete 15 school months of successful teaching under the initial educator certificate; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought, in a public or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-458. Professional educator certificate requirements

To receive a professional educator certificate for a special subject or field an applicant shall present evidence of having met the following requirements:

(a) Has completed 30 school months of successful teaching under the provisional educator certificate, interim educator certificate or provisional teaching certificate; and

(b) Has met one of the following requirements for course work at an approved institution or institutions:

(1) Prior to July 1, 2003, an applicant who holds or held a provisional educator certificate shall have completed not less than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution, related directly to the subject areas or grade levels of the endorsement or in an area or areas related to the teacher's ability to provide instruction effectively or to meet locally determined goals and objectives; or

(B) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning.

(2) Prior to July 1, 2003, an applicant who holds or held a 10-year provisional teaching certificate shall have completed 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution; or

(B) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and is designed to increase the ability of the teacher to improve student learning. Such an individual program may include course work taken at one or more approved institutions and may include registered in-service programs sponsored by local or regional boards of education or approved nonpublic schools upon the approval of the joint subcommittee of the Board of Governors of Higher Education and the Board established pursuant to Section 10-155b of the Connecticut general statutes, revision of 1958, revised to January 1, 1983.

(3) Prior to July 1, 2003, an applicant who holds or held a five-year provisional teaching certificate shall have completed either a master's degree or not fewer than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. Except as otherwise provided, it shall consist of:

(A) A master's degree at an approved institution; or

(B) An individually planned program consisting of at least 30 semester hours of credit beyond the bachelor's degree, which includes at least 15 semester hours of credit in general academic courses in addition to the credits offered to fulfill the requirements for the provisional educator certificate. Exceptions to the requirement of 15 semester hours of credit in general academic courses may be granted when an approved institution or the Department determines that the applicant has, in the combined program of undergraduate and post-baccalaureate preparation, met this requirement.

(4) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(Effective July 1, 1995)

B**School Library Media****Sec. 10-145d-459. When required**

This certificate or another appropriate certificate shall be required for anyone employed by a board of education as a school library media specialist.

(Effective July 1, 1993)

Sec. 10-145d-460. Validity of certificates

Certificates shall be endorsed for pre-kindergarten through grade 12.

(Effective July 1, 1993)

Sec. 10-145d-461. Initial educator certificate requirements

To receive an initial educator certificate to serve as a school library media specialist, an applicant shall meet the requirements of subsection (a), (b) or (c) of this section in addition to meeting the assessment requirements, as appropriate:

(a) Meet all of the following conditions:

- (1) Holds a bachelor's degree from an approved institution;
- (2) Holds or is eligible for a Connecticut certificate;
- (3) Has completed at least ten school months of successful teaching; and
- (4) Has completed a minimum of 24 semester hours of credit in an approved graduate program of certification for school library media specialists, which shall include at least 12 semester hours of credit to be distributed among each of the following:

(A) Design, implementation and evaluation of media programs. Media programs here are defined as all the instructional and other services furnished to students and teachers by a media center and its staff;

(B) Evaluation, selection, acquisition, organization, production and retrieval of media. Media here are defined as printed and audiovisual forms of communications and their accompanying technology;

(C) Teaching students, staff and faculty to utilize media and its accompanying technology by applying valid instructional methods and techniques;

(D) Assisting students in the interpretation of print and nonprint materials;

(E) Application of principles of administration and supervision for effective leadership and operation of the school library media center program;

(F) Formulation of the educational specifications and contribution to the design of school library media facilities; and

(G) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom; or

(b) Meet all of the following conditions:

- (1) Holds a bachelor's degree from an approved institution;
- (2) Has completed a minimum of 18 semester hours of credit in professional education, of which at least six semester hours of credit are full-time responsible student teaching in a school library media center, and the remainder which shall include foundations of education, educational psychology, and curriculum and methods of teaching;

(3) Has completed a minimum of 24 semester hours of credit in an approved graduate program of certification for school library media specialists, which shall

include at least 12 semester hours of credit to be distributed among each of the following:

(A) Design, implementation and evaluation of media programs. Media programs here are defined as all the instructional and other services furnished to students and teachers by a media center and its staff;

(B) Evaluation, selection, acquisition, organization, production and retrieval of media. Media here are defined as printed and audiovisual forms of communications and their accompanying technology;

(C) Teaching students, staff and faculty to utilize media and its accompanying technology by applying valid instructional methods and techniques;

(D) Assisting students in the interpretation of print and nonprint materials;

(E) Application of principles of administration and supervision for effective leadership and operation of the school library media center program; and

(F) Formulation of the educational specifications and contribution to the design of school library media facilities; and

(G) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom; or

(c) **Meet all of the following conditions:**

(1) Holds a bachelor's degree from an approved institution;

(2) Holds a current school library media specialist certificate or its equivalent from another state;

(3) Has completed a minimum of 18 semester hours of credit in professional education, of which at least six semester hours of credit are full-time responsible student teaching in a school library media center, and the remainder which shall include foundations of education, educational psychology, and curriculum and methods of teaching;

(4) Has completed a minimum of 24 semester hours of graduate credit; and

(5) Has completed at least 12 semester hours of graduate credit to be distributed among each of the following:

(A) Design, implementation and evaluation of media programs. Media programs here are defined as all the instructional and other services furnished to students and teachers by a media center and its staff;

(B) Evaluation, selection, acquisition, organization, production and retrieval of media. Media here are defined as printed and audiovisual forms of communications and their accompanying technology;

(C) Teaching students, staff and faculty to utilize media and its accompanying technology by applying valid instructional methods and techniques;

(D) Assisting students in the interpretation of print and nonprint materials;

(E) Application of principles of administration and supervision for effective leadership and operation of the school library media center program;

(F) Formulation of the educational specifications and contribution to the design of school library media facilities; and

(G) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1995)

Sec. 10-145d-462. Provisional educator certificate requirements

To receive a provisional educator certificate for school library media, an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful teaching under the initial educator certificate, interim educator certificate or durational shortage area permit; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching as a school library media specialist in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state;

(c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-463. Professional educator certificate requirements

To receive a professional educator certificate for school library media specialist an applicant shall present evidence of having met the following requirements:

(a) Has completed 30 school months of successful teaching under the provisional educator certificate, interim educator certificate, or provisional teaching certificate; and

(b) Has completed a master's degree in school library media or a sixth-year program in school library media at an institution approved for the preparation of school library media specialists, or holds a master's degree from an approved institution in another field and has completed 30 semester hours of graduate credit in school library media at an institution approved for the preparation of media specialists.

(Effective July 1, 1995)

C**Driver Education****Sec. 10-145d-464. When required**

This endorsement shall be required for anyone serving in the employ of a board of education as a driver education teacher, except that nothing herein contained shall be construed to prevent a board of education from contracting with a licensed drivers' school approved by the Commissioner of Motor Vehicles.

(Effective July 1, 1993)

Sec. 10-145d-465. Endorsement requirements

To receive an endorsement for driver education an applicant shall hold a teaching certificate valid for grade seven or above and shall have completed at least three semester hours of credit in driver education or its equivalent in an approved driver education seminar.

(Effective July 1, 1993)

D

Computer Education, Gifted and Talented and Aquaculture

Sec. 10-145d-466. When required for computer education

A certificate shall be required for anyone serving in the employ of a board of education as a teacher of computer technology, computer literacy, computer programming or electronics, data processing, or related courses.

(Effective July 1, 1995)

Sec. 10-145d-467. When required for gifted and talented

A certificate shall be required for anyone serving in the employ of a board of education as a teacher of gifted and talented students.

(Effective July 1, 1993)

Sec. 10-145d-468. When required for aquaculture

A certificate and three years of aquaculture experience shall be required for anyone serving in the employ of a board of education as a teacher of aquaculture.

(Effective July 1, 1993)

Sec. 10-145d-469. Endorsement requirements

Courses shall be taught by teachers holding appropriate grade-level certification.

(Effective July 1, 1993)

E

Teaching English to Speakers of Other Languages (TESOL)

Sec. 10-145d-470. When required

This certificate shall be required for anyone in the employ of a board of education serving as a teacher of English for speakers of other languages.

(Effective July 1, 1995)

Sec. 10-145d-471. Validity of certificates

This certificate shall authorize service in programs designed for the education of limited-English-proficient students and shall be endorsed for pre-kindergarten through grade 12. This certificate shall also authorize the teaching of English to non-English speaking adults.

(Effective July 1, 1995)

Sec. 10-145d-472. Initial educator certificate requirements

To receive an initial educator certificate for teaching English to speakers of other languages, an applicant shall present evidence of meeting the following requirements, in addition to meeting the assessment requirements, as appropriate:

(a) Holds a bachelor's degree from an approved institution;

(b) Has a minimum of 39 semester hours of credit in general academic courses in five of the six areas listed below. A course in United States history, on and after July 1, 1998 a survey course in United States history comprised of not fewer than three semester hours of credit shall be included:

(1) English;

(2) Natural sciences;

(3) Mathematics;

(4) Social studies;

(5) Foreign language; and

(6) Fine arts;

(c) Has completed a subject-area major consisting of one of the following:

(1) A major in the Teaching of English To Speakers of Other Languages (TESOL) awarded by an approved institution; or

(2) A minimum of 30 semester hours of credit in the Teaching of English To Speakers of Other Languages (TESOL) and a minimum of nine semester hours of credit in the areas of bilingualism, a foreign language or literacy development. The 30 semester hours of credit in the Teaching of English To Speakers of Other Languages (TESOL) shall be distributed among the following:

(A) English Language; including the history of the English language, British and American literature, English syntax, and English composition.

(B) Language theory; including aspects such as the nature and structure of English and other languages, their systematic organization and change; major contemporary models of linguistic description, and language variation, including social, regional and functional variations of English and other languages; and language acquisition theory and its application to the assessment, placement and education of limited-English-proficient students; bilingualism and language and cognition.

(C) Culture and Intergroup Relations; including awareness of cross-cultural similarities and contrasts, the nature of specific minority American and/or foreign cultures, multicultural education and the effects of culture on language and cognition; and

(D) Linguistic and Academic Assessment of limited-English-proficient students; including testing and evaluation techniques applicable to the determination of language dominance, language proficiency, and bilingualism of limited-English-proficient students; and the development of an instructional plan appropriate to the needs of limited-English-proficient students; and

(d) Has a minimum of 30 semester hours of credit in professional education in a planned program of study to be distributed among each of the following:

(1) Foundations of education. This group includes areas such as: (1) philosophy of education, (2) school effectiveness, (3) history of education and (4) comparative education;

(2) Educational psychology. This group includes areas such as: (1) growth and development of children from birth through the life span, (2) psychology of learning, (3) child-adolescent psychology and (4) mental hygiene;

(3) Curriculum and methods of teaching. This group shall include six semester hours of credit in methods of teaching English to speakers of other languages; and curriculum development related to TESOL;

(4) Supervised observation, participation and full-time responsible student teaching, totaling at least six but not more than 12 semester hours of credit as part of the requirement; in TESOL, one each at the elementary and secondary levels; and

(5) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1995)

Sec. 10-145d-473. Provisional educator certificate requirements

To receive a provisional educator certificate in teaching English to speakers of other languages, an applicant shall present evidence of meeting the preparation and

eligibility requirements for an initial educator certificate, in addition to meeting either (a) or (b):

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful service under the initial educator certificate, interim educator certificate or durational shortage area permit; or

(b) Has completed, within 10 years prior to application for such provisional educator certificate, at least 30 school months of successful experience as a teacher of English to speakers of other languages in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state.

(Effective July 1, 1995)

Sec. 10-145d-474. Professional educator certificate requirements

To receive a professional educator certificate in teaching English to speakers of other languages, an applicant shall present evidence of having met the following requirements:

(a) Has completed 30 school months of successful teaching under the provisional educator certificate, or interim educator certificate, and

(b) The applicant who holds or held a provisional educator certificate shall have completed not less than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(1) A planned program at an approved institution, related directly to the subject areas or grade levels of the endorsement or in an area or areas related to the teacher's ability to provide instruction effectively, or to meet locally determined goals and objectives; or

(2) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning.

(3) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(Effective July 1, 1995)

F

Bilingual Education

Sec. 10-145d-475. When required

This certificate shall be required for anyone employed by a board of education as a bilingual teacher as otherwise provided in Section 10-145d-610 (m). Prior to July 1, 1993, an elementary certificate may authorize the teaching of the English component of the bilingual program in the grade levels of the elementary endorsement; a secondary English certificate may authorize the teaching of the English component of the bilingual program at both the elementary or secondary level; and a teaching of English to speakers of other languages endorsement (TESOL) may authorize the teaching of the English component at both the elementary and secondary levels. On and after July 1, 1993, the holder of a bilingual education endorsement or a TESOL endorsement may teach the English component of the bilingual program.

(Effective July 1, 1995)

Sec. 10-145d-476. Validity of certificates

This certificate shall authorize service as a bilingual teacher in programs designed for the education of students who are of limited English proficiency. It shall be

endorsed for pre-kindergarten through grade 12. This certificate shall also authorize the teaching of English to non-English speaking adults.

(Effective July 1, 1995)

Sec. 10-145d-477. Initial educator certificate requirements (Bilingual Education)

To receive an initial educator certificate for bilingual education an applicant shall:

(a) Present evidence of completion of a planned bilingual education program of preparation at an approved institution; or

(b) A deferral of the certification requirements for a bilingual educator certificate may be requested by an employing agent of a board of education only when such board cannot secure an individual who has completed a planned program of preparation for bilingual education, and provided the applicant presents evidence of meeting the following requirements:

(1) Present a written request from a board of education for issuance of an initial bilingual educator certificate, provided such board of education shall have made a reasonable search without success for a certified person capable of serving as a bilingual educator. Such request shall certify that the educator:

(A) Shall teach only in a bilingual education program;

(B) Is bilingual in the language used in such program and in English;

(C) Demonstrates experience, knowledge or proficiency in the areas in which such teacher is to serve;

(D) Has had experience in working with persons who are dominant in a language other than English;

(E) Has taught, or has other experience or qualifications which the board of education accepts as equivalent to professional education experience; and

(F) Shall receive special attention in the form of supervision and other assistance by qualified persons;

(2) The Board shall, upon receipt of such request, defer all initial educator certification requirements for such applicant, provided the applicant has completed a four-year course of study at a postsecondary institution. In the event such institution was not located in the United States, it shall be necessary that the Board of Governors of Higher Education or an organization recognized by the Department certify that such study is the equivalent of a baccalaureate degree in the United States;

(c) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom; and

(d) The applicant shall have completed three semester hours of credit in each of the following: foundations of bilingual education and methods of teaching English to speakers of other languages.

(Effective July 1, 1995; amended August 6, 1998)

Sec. 10-145d-478. Provisional educator certificate requirements

To receive a provisional educator certificate for bilingual education an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial bilingual educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the best assessment, as may have been made available by the Board, and 10 school months of successful teaching under the initial educator certificate; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching as a bilingual teacher in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served successfully under a provisional teaching certificate for a board of education for the school year immediately preceding application for a provisional educator certificate in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought.

(d) A person who holds an initial educator certificate endorsed for bilingual education may be eligible for a provisional educator certificate upon meeting the following requirements:

(1) Has successfully fulfilled Praxis I-computer based tests;

(2) Has successfully completed:

(A) 3 semester hours credit in foundations of bilingual education.

(B) 3 semester hours credit in methods of teaching English as a second language.

(C) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(3) 10 school months of successful service as a bilingual teacher under the initial educator certificate.

(Effective July 1, 1995; amended August 6, 1998)

Sec. 10-145d-479. Professional educator certificate requirements

To receive a professional educator certificate in bilingual education, an applicant shall present evidence of having met the assessment requirements, as appropriate, except as provided in Section 10-145d-610, in addition to meeting either subsection (a) or (b) or (c) of the following requirements:

(a) A person who holds or held a provisional educator bilingual education certificate issued on and after July 1, 1989 may be eligible for professional educator certification in bilingual education upon presentation of evidence of having met the following requirements:

(1) Holds a bachelor's degree;

(2) Has completed 30 school months of successful teaching under the provisional educator certificate; and

(3) Has completed 30 semester hours of credit beyond the bachelor's degree at an approved institution. For those applicants who have not already completed a planned program in bilingual education, the following course work shall be completed; 18 semester hours of credit in bilingual education, including at least three semester hours of credit in each of the following:

(A) Foundations of bilingual education. This group includes areas such as history of bilingual education, principles of bilingual education and philosophy of bilingual education;

(B) Curriculum and methods of teaching in bilingual education. This group includes areas such as educational measurements in bilingual education, the curriculum at a particular level in bilingual education, principles of curriculum construction in bilingual education, the curriculum in one specific field of bilingual education, methods of teaching in bilingual education and extra curricular activities in bilingual education;

(C) Language acquisition and assessment. This group includes areas such as language assessment, language acquisition theory, language variation, contrastive

analysis of English and other languages and major contemporary models of linguistic description; and

(D) Culture and Intergroup relations. This group includes areas such as awareness of cross-cultural similarities and contrasts and the nature of language minority groups in the United States;

(b) A person who holds or held an elementary bilingual education provisional teaching certificate issued prior to July 1, 1989, may be eligible for professional elementary bilingual education certification and elementary certification upon meeting the following requirements:

(1) Has completed 30 school months of successful teaching under the provisional teaching certificate; and

(2) Has completed 30 semester hours of credit beyond the bachelor's degree at an approved institution;

(c) A person who holds or held a secondary bilingual education provisional teaching certificate issued prior to July 1, 1989, may be eligible for professional educator secondary bilingual education certification and certification in the non-English language of the bilingual education program in which the teaching was completed, upon meeting the following requirements:

(1) Has completed three years of successful teaching under the provisional teaching certificate; and

(2) Has completed 30 semester hours of credit beyond the bachelor's degree at an approved institution.

(Effective July 1, 1995; amended August 6, 1998)

G

Remedial Reading and Remedial Language Arts

Sec. 10-145d-480. When required

This certificate or another appropriate certificate shall be required for anyone providing special remedial reading or remedial language arts instruction for elementary or secondary students in the employ of a board of education.

(Effective July 1, 1995)

Sec. 10-145d-481. Validity of certificates

(a) Certificates shall be endorsed for grades 1-12.

(b) This certificate, or another appropriate certificate, also shall cover the teaching of developmental reading and language arts at the grade levels for which the certificate is endorsed. A secondary English certificate also may cover the teaching of developmental reading and language arts in grades five through 12. An elementary teaching certificate may cover the teaching of developmental reading and language arts at the grade levels for which the certificate is endorsed.

(Effective July 1, 1993)

Sec. 10-145d-482. Initial educator certificate requirements

To receive an initial educator certificate for remedial reading and remedial language arts, an applicant shall present evidence of meeting the following requirements, in addition to meeting the assessment requirements, as appropriate:

(a) Holds or is eligible for a Connecticut certificate;

(b) Has completed at least 30 school months of successful classroom teaching experience;

(c) Has completed at least 21 semester hours of credit, including a course in each of the following:

- (1) Developmental reading;
- (2) Reading in content areas;
- (3) Diagnosis and remediation of reading and language arts difficulties;
- (4) Clinical practices in reading and language arts, consisting of at least six semester hours of credit;
- (5) Language arts; and
- (6) Tests and measurement; and

(d) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1993)

Sec. 10-145d-483. Provisional educator certificate requirements

To receive a provisional educator certificate for remedial reading and remedial language arts an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate in addition to meeting the requirements of either subsection (a) or (b):

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful service under the initial educator certificate, interim educator certificate, or durational shortage area permit; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching as a remedial reading or remedial language arts teacher in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state, or a board of education under an appropriate certificate.

(Effective July 1, 1995)

Sec. 10-145d-484. Professional educator certificate requirements

To receive a professional educator certificate for remedial reading and remedial language arts an applicant shall present evidence of having met the requirements of subsection (a) and (b):

(a) Has completed 30 school months of successful teaching under the provisional educator certificate, or interim educator certificate; and

(b) The applicant who holds or held a provisional educator certificate shall have completed not less than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(1) A planned program at an approved institution, related directly to the subject areas or grade levels of the endorsement or in an area or areas related to the teacher's ability to provide instruction effectively or to meet locally determined goals and objects; or

(2) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning.

(3) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(Effective July 1, 1995)

Part X

Applied Curriculum and Technology Subjects (Formerly Vocational Education)

A

Agriculture Education

Sec. 10-145d-485. When required

This certificate, or another appropriate certificate, shall be required for anyone serving in the employ of a board of education as a teacher of agriculture.

(Effective July 1, 1993)

Sec. 10-145d-486. Validity of certificates

This certificate, or another appropriate certificate, shall be valid for teaching agriculture or aquaculture, including classes for adults.

(Effective July 1, 1993)

Sec. 10-145d-487. Initial educator certificate requirements

To receive an initial educator certificate for agriculture or aquaculture, an applicant shall present evidence of meeting the requirements of subsections (a), (b), (c) and (d) in addition to meeting the assessment requirements, as appropriate:

(a) Holds a bachelor's degree from an approved college or university, with a major in agriculture or aquaculture;

(b) Has one year of satisfactory agriculture-related or aquaculture-related experience;

(c) Has completed a minimum of six semester hours of credit in professional education in areas such as:

(1) Teaching vocational and industrial education; or

(2) Foundations of education, educational psychology, adolescent psychology, psychology of learning, curriculum and methods of teaching, classroom instruction and management, multicultural diversity or equity issues in education; and

(d) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1995)

Sec. 10-145d-488. Provisional educator certificate requirements

To receive a provisional educator certificate for agriculture or aquaculture an applicant shall present evidence of meeting the assessment requirements, as appropriate, and the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful teaching under the

initial educator certificate, interim educator certificate or durational shortage area permit; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought, in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-489. Professional educator certificate requirements

To receive a professional educator certificate for vocational agriculture an applicant shall present evidence of having met the following requirements:

(a) Has completed 30 school months of successful teaching under the provisional educator certificate, interim educator certificate or provisional teaching certificate; and

(b) Has met one of the following requirements for course work at an approved institution or institutions:

(1) Prior to July 1, 2003, an applicant who holds or held a provisional educator certificate shall have completed not less than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution, related directly to the subject areas or grade levels of the endorsement or in an area or areas related to the teacher's ability to provide instruction effectively or to meet locally determined goals and objectives; or

(B) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning.

(2) Prior to July 1, 2003, an applicant who holds or held a 10-year provisional teaching certificate shall have completed 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution; or

(B) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning. Such an individual program may include course work taken at one or more approved institutions and may include registered in-service programs sponsored by local or regional boards of education or approved nonpublic schools upon the approval of the joint subcommittee of the Board of Governors of Higher Education and the Board established pursuant to Section 10-155b of the Connecticut general statutes, revision of 1958, revised to January 1, 1983.

(3) Prior to July 1, 2003, an applicant who holds or held a five-year provisional teaching certificate shall have completed either a master's degree or not fewer than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. Except as otherwise provided, it shall consist of:

(A) A master's degree at an approved institution; or

(B) An individually planned program consisting of at least 30 semester hours of credit beyond the bachelor's degree, which includes at least 15 semester hours of credit in general academic courses in addition to the credits offered to fulfill the requirements for the provisional educator certificate. Exceptions to the requirement of 15 semester hours of credit in general academic courses may be granted when an approved institution or the Department determines that the applicant has, in the combined program of undergraduate and post-baccalaureate preparation, met this requirement.

(4) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(Effective July 1, 1995)

B

Health Occupations

Sec. 10-145d-490. When required

This certificate, or another appropriate certificate, shall be required of instructors in health occupations in comprehensive high schools.

(Effective July 1, 1993)

Sec. 10-145d-491. Validity of certificates

This certificate shall authorize teaching health occupations in comprehensive high schools. This certificate shall not be valid to teach in the Vocational-Technical School System.

(Effective July 1, 1995)

Sec. 10-145d-492. Initial educator certificate requirements

To receive an initial educator certificate for health occupations education an applicant shall present evidence of meeting the following requirements, in addition to meeting the assessment requirements, as appropriate:

(a) Holds a bachelor's degree from an approved institution;

(b) Has one year of satisfactory experience in health occupations;

(c) Has completed a minimum of six semester hours of credit in professional education in areas such as:

(1) Teaching vocational and industrial education; or

(2) Foundations of education, educational psychology, adolescent psychology, psychology of learning, curriculum and methods of teaching, classroom instruction and management, multicultural diversity or equity issues in education;

(d) If appropriate to the subject to be taught, holds a valid license issued by the Connecticut Department of Health Services; and

(e) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1995)

Sec. 10-145d-493. Provisional educator certificate requirements

To receive a provisional educator certificate for health occupations education, an applicant shall present evidence of meeting the assessment requirements, as

appropriate, and the specific requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and one school year of successful teaching under the initial educator certificate, interim educator certificate or durational shortage area permit; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought, in a public, approved nonpublic school, or nonpublic school approved by the appropriate governing body in another state.

(Effective July 1, 1995)

Sec. 10-145d-494. Professional educator certificate requirements

To receive a professional educator certificate for health occupations education, an applicant shall present evidence of having met the following requirements:

(a) Has completed 30 school months of successful teaching under a provisional educator certificate or interim educator certificate, and

(b) Has met one of the following requirements for course work at an approved institution or institutions:

The applicant who holds or held a provisional educator certificate shall have completed not fewer than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(1) A planned program at an approved institution, related directly to the subject areas or grade levels of the endorsement or in an area or areas related to the teacher's ability to provide instruction effectively or to meet locally determined goals and objectives; or

(2) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning.

(3) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(Effective July 1, 1995)

C

Trade and Industrial Occupations in Comprehensive High Schools

Sec. 10-145d-495. When required

This certificate shall be required for anyone employed by a board of education teaching in a comprehensive high school trade and industrial program. This certificate calls for special knowledge, skill and experience in fields for which there is no provision within existing teacher preparation institutions, such as: food service, automotive servicing, machine tool and operation, building maintenance and repairs, welding, and appliance repair.

(Effective July 1, 1993)

Sec. 10-145d-496. Validity of certificates

This certificate shall authorize the teaching in occupationally-related programs of the semi-skilled occupational subjects in approved vocational education programs in day or evening school in the particular special semi-skilled area endorsed on the

certificate in the comprehensive high schools. This certificate shall not be valid to cover service in the Vocational-Technical School System.

(Effective July 1, 1993)

Sec. 10-145d-497. Initial educator certificate requirements

To receive an initial educator certificate for trade and industrial occupational subjects in comprehensive high schools an applicant shall present evidence of meeting the following requirements:

(a) A written request from an employing agent requesting issuance of such certificate, and evidence of meeting the following requirements:

(1) Holds a high school diploma or its equivalent;

(2) Has a minimum of three years of approved successful work experience appropriate to the field for which the certificate is to be endorsed. Up to two years of specialized appropriate schooling may be accepted toward fulfillment of this requirement;

(3) Has completed a minimum of six semester hours of credit in professional education in areas such as:

(A) Teaching vocational and industrial education; or

(B) Foundations of education, educational psychology, adolescent psychology, psychology of learning, curriculum and methods of teaching, classroom instruction and management, multicultural diversity or equity issues in education; and

(4) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom; or

(b) Holds or is eligible for a home economics or vocational home economics certificate and has a minimum of six months of approved successful work experience in the field in which the certificate is to be endorsed.

(Effective July 1, 1993)

Sec. 10-145d-498. Provisional educator certificate requirements

To receive a provisional educator certificate for trade and industrial occupational subjects in comprehensive high schools an applicant shall present evidence of meeting the requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful teaching under a initial educator certificate, interim educator certificate or durational shortage area permit; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought, in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-499. Professional educator certificate requirements

To receive a professional educator certificate for trade and industrial occupational subjects in comprehensive high schools an applicant shall present evidence of having met the following requirements:

(a) Has completed at least 30 school months of successful teaching under a provisional educator certificate, interim provisional educator certificate or provisional teaching certificate;

(b) Has completed a planned program of vocational education, which shall consist of 18 semester hours of credit at an approved institution or institutions related to the preparation of teachers of vocational education; and

(c) Has completed a planned program of professional education which shall consist of at least 12 semester hours of credit related to the preparation of teachers with study in at least four of the following areas:

(1) Developmental reading in secondary schools, including the knowledge and skill necessary to recognize problems and participate in a planned effort to assist students with reading problems;

(2) Psychology of learning, including terminology, concepts and methods in the study of learning;

(3) Developmental psychology, including knowledge of learners and the learning process as they are affected by physical, psychological, social and economic influences and positive practices for the level and subject taught;

(4) Audiovisual education, including the ability to use, design or adapt teaching materials and aids for use in the classroom;

(5) Principles of secondary education, including knowledge of the history and development of secondary education, the function, objectives, and problems of curriculum construction and revision, and professional responsibilities of the teachers;

(6) Psychology of the disadvantaged, including psychological, social and cultural factors that involve personality development in disadvantaged individuals; and

(7) Other areas approved for developing competencies for vocational education teachers.

(Effective July 1, 1995)

D**Marketing Education****(Formerly Teacher-Coordinator of Distributive Education)****Sec. 10-145d-500. When required**

This certificate shall be required for anyone serving in the employ of a board of education as a teacher of cooperative classes in marketing education.

(Effective July 1, 1993)

Sec. 10-145d-501. Initial educator certificate requirements

To receive an initial educator certificate for marketing education an applicant shall present evidence of meeting the following requirements, in addition to meeting the assessment requirements, as appropriate:

(a) Holds a bachelor's degree from an approved institution;

(b) Has completed a minimum of 15 semester hours of credit in marketing fields such as: merchandising, promotion, store organization, management and marketing;

(c) Has completed a minimum of six semester hours of credit in professional education in such areas as:

(1) Teaching vocational and industrial education; or

(2) Foundations of education, educational psychology, adolescent psychology, psychology of learning, curriculum and methods of teaching, classroom instruction and management, multicultural diversity or equity issues in education;

(d) Has completed one year of satisfactory experience in a marketing field. Participation in a cooperative part-time college-level program may be accepted to meet this requirement; and

(e) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1993)

Sec. 10-145d-502. Provisional educator certificate requirements

To receive a provisional educator certificate for marketing education an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful teaching under an initial educator certificate, interim educator certificate or durational shortage area permit; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought, in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-503. Professional educator certificate requirements

To receive a professional educator certificate for marketing education an applicant shall present evidence of having met the following requirements:

(a) Has completed 30 school months of successful teaching under a provisional educator certificate, interim educator certificate, or provisional teaching certificate; and

(b) Has met one of the following requirements for course work at an approved institution or institutions:

(1) Prior to July 1, 2003, an applicant who holds or held a provisional educator certificate shall have completed not fewer than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution, related directly to the subject areas or grade levels of the endorsement or in an area or areas related to the teacher's ability to provide instruction effectively or to meet locally determined goals and objectives; or

(B) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning.

(2) Prior to July 1, 2003, an applicant who holds or held a 10-year provisional teaching certificate shall have completed 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution; or

(B) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning. Such an individual program may include course work taken at one or more approved institutions and may include registered in-service programs sponsored by local or regional boards of education or approved nonpublic schools upon the approval of the joint subcommittee of the Board of Governors of Higher Education and the Board established pursuant to Section 10-155b of the Connecticut general statutes, revision of 1958, revised to January 1, 1983.

(3) Prior to July 1, 2003, an applicant who holds or held a five-year provisional teaching certificate shall have completed either a master's degree or not fewer than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. Except as otherwise provided, it shall consist of:

(A) A master's degree at an approved institution; or

(B) An individually planned program consisting of at least 30 semester hours of credit beyond the bachelor's degree, which includes at least 15 semester hours of credit in general academic courses in addition to the credits offered to fulfill requirements for the provisional educator certificate. Exceptions to the requirement of 15 semester hours of credit in general academic courses may be granted when an approved institution or the Department determines that the applicant has, in the combined program of undergraduate and post-baccalaureate preparation, met this requirement.

(4) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(Effective July 1, 1995)

E

Cooperative Work Education (Formerly Teacher-Coordinator, Cooperative Work Education, Diversified Occupation)

Sec. 10-145d-504. When required

This certificate shall be required of anyone serving in the employ of a board of education as a teacher of cooperative work education.

(Effective July 1, 1993)

Sec. 10-145d-505. Validity of certificates

This certificate shall authorize service as a teacher-coordinator of cooperative work education in grades seven through 12.

(Effective July 1, 1993)

Sec. 10-145d-506. Initial educator certification requirements

To receive an initial educator certificate for cooperative work education, an applicant shall present evidence of meeting the following requirements, in addition to meeting the assessment requirements, as appropriate:

- (a) Holds a bachelor's degree from an approved institution;
- (b) Holds or is eligible for secondary-level certification in any subject or field. For purposes of this section, an elementary education certificate endorsed for grades seven and eight shall not be considered as fulfilling the requirement for secondary-level certification;
- (c) Has completed one year of satisfactory non-teaching work experience;
- (d) Has completed three semester hours of credit in principles and organization of cooperative work education;
- (e) Has completed three semester hours of credit in each of the following:
 - (1) Foundations and principles of vocational education;
 - (2) Labor market analysis trends and job readiness; and
- (f) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1995; amended August 6, 1998)

Sec. 10-145d-507. Provisional educator certificate requirements

To receive a provisional educator certificate for cooperative work education, an applicant shall present evidence of meeting the specific requirements for an educator certificate, in addition to meeting the following requirements:

- (a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful teaching under an initial educator certificate, interim educator certificate or durational shortage area permit; or
- (b) Has completed, within 10 years prior to application, at least 30 school months of successful service in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought, in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state; or
- (c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-508. Professional educator certificate requirements

To receive a professional educator certificate for cooperative work education, an applicant shall present evidence of having met the following requirements:

- (a) Has completed 30 school months of successful teaching under the provisional teaching or provisional educator certificate; and
- (b) Has completed course work in accordance with professional educator certificate requirements for that secondary certificate used as a basis for issuance of the initial educator certificate.

(c) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(Effective July 1, 1995)

Part XI**State Vocational-Technical School System****A****Occupational Subjects in Vocational-Technical Schools
(Formerly “Skilled Trades”)****Sec. 10-145d-509. When required**

This certificate, endorsed for the occupational subject to be taught, shall be required for teaching occupational subjects in the Vocational-Technical School System day program. This certificate requires special knowledge, skill and experience in fields for which there is no provision within existing teacher preparation institutions, such as: automobile servicing, carpentry, plumbing, culinary arts, electronics and cosmetology.

(Effective July 1, 1993)

Sec. 10-145d-510. Validity of certificates

This certificate shall authorize teaching the particular occupational subject endorsed on the certificate in a vocational-technical day school. It shall be valid only in the Vocational-Technical School System.

(Effective July 1, 1993)

Sec. 10-145d-511. Initial educator certificate requirements

To receive an initial educator certificate for occupational subjects in vocational-technical schools an applicant shall present evidence of meeting the following requirements:

- (a) Holds a high school diploma or the equivalent;
- (b) Has completed eight years of experience in the field for which the certificate is to be endorsed. This may include not more than five years of apprenticeship or specialized schooling;
- (c) Has completed a minimum of six semester hours of credit teaching vocational and industrial education; and
- (d) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1993)

Sec. 10-145d-512. Provisional educator certificate requirements

To receive a provisional educator certificate for occupational subjects in vocational-technical schools an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

- (a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful teaching under the initial certificate or interim educator certificate; or
- (b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought, in a public, approved

nonpublic school or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-513. Professional educator certificate requirements

To receive a professional educator certificate for occupational subjects in vocational-technical schools an applicant shall present evidence of having met the following requirements:

(a) Has completed 30 school months of successful teaching under the provisional educator certificate or provisional teaching certificate;

(b) Has completed a minimum of 18 semester hours of credit at an approved institution or institutions in trade and industrial teacher education; and

(c) Has completed a minimum of 12 semester hours of credit at an approved institution or institutions in professional education.

(Effective July 1, 1993)

B

Trade-Related Subjects in Vocational-Technical Schools

Sec. 10-145d-514. When required

This certificate, or a secondary academic certificate in mathematics or science, is required for teaching the practical application of mathematics, science and blueprint reading in the Vocational-Technical School System.

(Effective July 1, 1993)

Sec. 10-145d-515. Validity of certificates

This certificate shall authorize teaching trade-related subjects in a vocational-technical day school. It shall be valid only in the Vocational-Technical School System.

(Effective July 1, 1993)

Sec. 10-145d-516. Initial educator certificate requirements

To receive an initial educator certificate for trade-related subjects in vocational-technical schools an applicant shall present evidence of meeting the following requirements:

(a) Holds a high school diploma or its equivalent;

(b) Has completed two years of approved post-secondary education with a minimum of 30 semester hours of credit in technical subjects such as mathematics, science, drafting or design;

(c) Has completed three years of approved business or industrial experience;

(d) Has completed a minimum of six semester hours of credit teaching vocational and industrial education; and

(e) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1993)

Sec. 10-145d-517. Provisional educator certificate requirements

To receive a provisional educator certificate for trade-related subjects in vocational-technical schools an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful teaching under the initial educator or interim educator certificate; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought, in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-518. Professional educator certificate requirements

To receive a professional educator certificate for trade-related subjects in vocational-technical schools an applicant shall present evidence of having met the following requirements:

(a) Has completed at least 30 school months of successful teaching under the provisional educator certificate or provisional teaching certificate;

(b) Has completed not fewer than 18 semester hours of credit at an approved institution or institutions in trade and industrial education; and

(c) Has completed not fewer than 12 semester hours of credit at an approved institution or institutions in professional education.

(Effective July 1, 1993)

C**Practical Nurse Education in Vocational-Technical Schools****Sec. 10-145d-519. When required**

This certificate is required for teaching practical nurse education courses in the Vocational-Technical School System.

(Effective July 1, 1993)

Sec. 10-145d-520. Validity of certificates

This certificate shall authorize the teaching of practical nurse education courses in the practical nurse program in a vocational-technical day school. This certificate shall be valid only in the Vocational-Technical School System.

(Effective July 1, 1993)

Sec. 10-145d-521. Initial educator certificate requirements

To receive an initial educator certificate for practical nurse education in vocational-technical schools, an applicant shall present evidence of meeting the following requirements, in addition to meeting the assessment requirements, as appropriate:

(a) Holds a valid registered nurse license issued by the Connecticut Department of Health Services;

- (b) Holds a bachelor's degree from an approved institution;
 - (c) Has completed three years of nursing experience;
 - (d) Has completed a minimum of six semester hours of credit teaching vocational and industrial education; and
 - (e) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.
- (Effective July 1, 1993)

Sec. 10-145d-522. Provisional educator certificate requirements

To receive a provisional educator certificate for practical nurse education in vocational-technical schools an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

- (a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful teaching under the initial educator certificate or interim educator certificate; or
- (b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought, in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state.
- (c) Has served a board of education successfully under a provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-523. Professional educator certificate requirements

To receive a professional educator certificate for practical nurse education in vocational-technical schools, an applicant shall present evidence of having met the following requirements:

- (a) Has completed 30 school months of successful teaching under the provisional educator certificate or an interim educator certificate;
- (b) Has completed not fewer than 30 semester hours of credit beyond the bachelor's degree at an approved college or institution, including a minimum of 12 semester hours of credit in professional education. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:
 - (1) A planned program at an approved institution, related directly to the subject area of the endorsement, or in an area or areas related to the teacher's ability to provide instruction effectively, or to meet locally determined goals or objectives; or
 - (2) An individual program which is mutually determined or approved by the applicant and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning.

(3) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(Effective July 1, 1995)

D

Health Occupation in Vocational-Technical Schools

Sec. 10-145d-524. When required

This certificate, endorsed for specific health occupations, shall be required for teaching subjects such as: dental assistant, dental laboratory technology, home health aide or medical assisting.

(Effective July 1, 1993)

Sec. 10-145d-525. Validity of certificates

This certificate shall be valid only in the Vocational-Technical School System.

(Effective July 1, 1993)

Sec. 10-145d-526. Initial educator certificate requirements

To receive an initial educator certificate for health occupations in vocational-technical schools an applicant shall present evidence of meeting the following requirements:

(a) Holds a high school diploma or equivalent;

(b) Holds a valid license or certificate appropriate to the particular health occupation to be taught, issued by the appropriate Connecticut governing body;

(c) Has completed eight years of approved experience in the particular health occupation to be taught, or holds a bachelor's degree from an approved institution and has three years of approved experience in the particular health occupation to be taught;

(d) Has completed a minimum of six semester hours of credit teaching vocational and industrial education; and

(e) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1995)

Sec. 10-145d-527. Provisional educator certificate requirements

To receive a provisional educator certificate for health occupations in vocational-technical schools an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful teaching under the initial educator certificate or interim educator certificate; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought, in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-528. Professional educator certificate requirements

To receive a professional educator certificate for health occupations in vocational-technical schools, an applicant shall present evidence of having met the following requirements:

- (a) Has completed 30 school months of successful teaching under the provisional educator certificate;
 - (b) Has completed a minimum of 18 semester hours of credit in trade and industrial education at an approved institution or institutions; and
 - (c) Has completed a minimum of 12 semester hours of credit in professional education course work at an approved institution or institutions.
- (Effective July 1, 1995)

E**Vocational-Technical School Administration****Sec. 10-145d-529. When required**

This certificate, or the intermediate administrator or supervisor certificate, is required for anyone serving as an administrator in the Vocational-Technical School System.

(Effective July 1, 1993)

Sec. 10-145d-530. Initial educator certificate requirements

To receive an initial educator certificate to serve as an administrator in the Vocational-Technical School System, the applicant shall meet the following requirements, in addition to meeting the assessment requirements, as appropriate:

- (a) Has completed 50 school months of successful teaching or service, which shall have been in public schools or in approved nonpublic schools or nonpublic schools approved by the appropriate governing body in another state or in a state education agency as a professional or managerial staff members, in a position or positions requiring certification in the state where employed, or in a position or positions which would have required certification had the service been in Connecticut public schools;
 - (b) Has completed three years of satisfactory industrial or related work experience;
 - (c) Holds a bachelor's degree from an approved institution;
 - (d) Has completed a minimum of 30 semester hours of credit in professional education course work, including six semester hours of credit in administration and supervision of vocational education, with the remainder in such areas as principles and practices of secondary education, personnel and school management, and curriculum and program monitoring; and
 - (e) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.
- (Effective July 1, 1995)

Sec. 10-145d-531. Provisional educator certificate requirements

To receive a provisional educator certificate for vocational-technical school administrator an applicant shall present evidence of meeting the specific requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful service under the initial educator certificate, interim educator certificate or durational shortage area permit; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful experience as a vocational school administrator in public, approved nonpublic or nonpublic school approved by the appropriate governing body in another state or three years as a managerial or professional staff member for a state education agency; or

(c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-532. Professional educator certificate requirements

To receive a professional educator certificate for vocational-technical school administrator, an applicant shall meet the following requirements:

(a) Has served successfully under the provisional educator certificate, interim educator certificate or provisional teaching certificate for 30 school months, or in the Department as a professional or managerial staff member for a period of three years in service as a vocational-technical school administrator; and

(b) Has completed at least nine semester hours of graduate credit beyond the requirements for a provisional educator certificate at an approved institution or institutions in course work such as: Problems in Education, Current Trends in Education, Principles and Practices of Secondary Education, and Foundations of Education.

(c) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(Effective July 1, 1995)

Part XII

Special Education:

Blind, Partially Sighted or Hearing Impaired

A

Special Education: Blind, Partially Sighted or Hearing Impaired

Sec. 10-145d-533. When required

An appropriately endorsed certificate shall be required for a person in the employ of a board of education teaching a class of students who all have one of the following handicapping conditions: blind, partially sighted or hearing impaired.

(Effective July 1, 1993)

Sec. 10-145d-534. Validity of certificates

Single-subject special education certificates for teaching students who are blind, partially sighted or hearing impaired are valid for teaching all subjects to such students. Certificates shall be endorsed for pre-kindergarten through grade 12.

(Effective July 1, 1993)

Sec. 10-145d-535. Initial educator certificate requirements

To receive an initial educator certificate for single-subject special education an applicant shall present evidence of meeting all of the following requirements, in addition to meeting the assessment requirements, as appropriate:

(a) Holds a bachelor's degree from an approved institution;
 (b) Has a minimum of 45 semester hours of credit in general academic courses including:

(1) Six semester hours of credit in English;
 (2) Six semester hours of credit in social science, which shall include United States history, and may include anthropology, economics, geography, history, political science, psychology or sociology;

(3) Study in at least three of the following areas, in addition to the area of major specialization:

- (A) English;
- (B) Mathematics;
- (C) Science;
- (D) Social science;
- (E) Foreign language; and
- (F) Fine arts;

(c) For teaching of the blind and partially-sighted: Has a minimum of 30 semester hours of credit in professional education in a planned program of study and experience appropriate to the level and special subject for which certification is sought, and which is designed to develop understanding of the special field. This shall include study in each of the following areas, and include the specific amount of credit where such is specified:

(1) Foundations of education. This group includes areas such as: (A) history of education, (B) principles of education, (C) philosophy of education, (D) comparative education and (E) community sociology, community resources and social anthropology;

(2) Educational psychology. This group includes areas such as: (A) psychology of learning, (B) human growth and development, (C) child-adolescent psychology and (D) mental hygiene;

(3) Curriculum and methods of teaching. This group includes areas such as: (A) methods of teaching (B) the teaching of reading, (C) school library media instruction, (D) individualizing instruction, (E) educational measurements, (F) principles of curriculum construction, (G) the specific field and (H) extra-curricular activities;

(4) Supervised observation, participation and full-time responsible student teaching totaling at least six but not more than 12 semester hours of credit as part of the requirement; and

(5) At least 12 semester hours of credit to be distributed among each of the areas as listed below, as appropriate to the special subject:

- (A) Blind:
 - (i) A survey of eye conditions;
 - (ii) Psychology of the blind;
 - (iii) Methods and materials for teaching the blind; and
 - (iv) Braille; or
- (B) Partially-sighted
 - (i) Basic orientation in eye conditions;
 - (ii) Effect of eye conditions on educational programs and vocational outlook;
 - (iii) Methods of teaching the partially-sighted; and

(iv) Psychology of physically handicapped children; or

(d) For teaching of the hearing-impaired: A total of 30 semester hours of credit in professional education in a planned program of study and experience appropriate to the level and specific subject for which certification is sought, and designed to develop understanding of the special field. This shall include study in each of the following areas:

- (1) The teaching of speech to the hearing-impaired;
- (2) The teaching of language to the hearing-impaired;
- (3) Methods of teaching elementary school subjects to the hearing-impaired;
- (4) Methods of teaching lip reading to the hearing-impaired;
- (5) Auditory and speech mechanisms;
- (6) Audiometry, hearing aids and auditory training;
- (7) Education and guidance to the hearing-impaired; and
- (8) Supervised observation, participation, and full-time responsible student teaching, totaling at least six but not more than 12 semester hours of credit as part of this requirement.

(Effective July 1, 1995)

Sec. 10-145d-536. Provisional educator certificate requirements

To receive a provisional educator certificate for single-subject special education an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful teaching under the initial educator certificate, interim educator certificate or durational shortage area permit, except that persons who obtained the initial educator certificate upon completion of successful teaching under the temporary 90-day certificate shall be required to complete 15 school months of successful teaching under the initial educator certificate; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought, in a public, approved nonpublic school, or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-537. Professional educator certificate requirements

To receive a professional educator certificate for single-subject special education an applicant shall present evidence of having met the following requirements:

(a) Has completed 30 school months of successful teaching under the provisional educator certificate, interim educator certificate or provisional teaching certificate; and

(b) Has met one of the following requirements for course work at an approved institution or institutions:

(1) Prior to July 1, 2003, an applicant who holds or held a provisional educator certificate shall have completed not less than 30 semester hours of credit beyond

the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution, related directly to the subject areas or grade levels of the endorsement or in an area or areas related to the teacher's ability to provide instruction effectively or to meet locally determined goals and objectives; or

(B) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning.

(2) Prior to July 1, 2003, an applicant who holds or held a 10-year provisional teaching certificate shall have completed 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution; or

(B) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and is designed to increase the ability of the teacher to improve student learning. Such an individual program may include course work taken at one or more approved institutions and may include registered in-service programs sponsored by local or regional boards of education or approved nonpublic schools upon the approval of the joint subcommittee of the Board of Governors of Higher Education and the Board established pursuant to Section 10-155b of the Connecticut general statutes, revision of 1958, revised to January 1, 1983.

(3) Prior to July 1, 2003, an applicant who holds or held a five-year provisional teaching certificate shall have completed either a master's degree or not fewer than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. Except as otherwise provided, it shall consist of:

(A) A master's degree at an approved institution; or

(B) An individually planned program consisting of at least 30 semester hours of credit beyond the bachelor's degree, which includes at least 15 semester hours of credit in general academic courses in addition to the credits offered for the requirements for the provisional educator certificate. Exceptions to the requirement of 15 semester hours of credit in general academic courses may be granted when either an approved institution or the Department determines that the applicant has in the combined program of undergraduate and post-baccalaureate preparation, met this requirement.

(4) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(Effective July 1, 1995)

B

Comprehensive Special Education

Sec. 10-145d-538. When required

Comprehensive special education certification is required for a person employed by a board of education to provide special education instruction to children who are mentally handicapped, either educable or trainable; physically handicapped; autistic, traumatically brain injured; socially and emotionally maladjusted; neurologi-

cally impaired; learning disabled, except as otherwise provided in Section 10-145d-401 (c).

(Effective July 1, 1995)

Sec. 10-145d-539. Validity of certificates

The comprehensive special education certificate shall be endorsed for kindergarten through grade 12.

(Effective July 1, 1995; amended July 1, 2003)

Sec. 10-145d-540. Initial educator certificate requirements

To receive an initial educator certificate for comprehensive special education, an applicant shall present evidence of meeting all of the following requirements, in addition to meeting the assessment requirements, as appropriate:

(a) Holds a bachelor's degree from an approved institution; and

(b) Has completed a planned program of professional education related to the preparation of teachers of children with handicapping conditions and presents the recommendation of an approved institution based on the applicant's skill related to knowledge and competence acquired through study and experience in:

(1) Psychoeducational theory and development of handicapped children;

(2) Diagnosis of handicapped children;

(3) Program planning and evaluation of handicapped children;

(4) Curriculum and methods of teaching handicapped children; and

(5) Supervised observation, participation, and full-time responsible student teaching, totaling at least six but not more than 12 semester hours of credit, dealing with at least two handicapping conditions covered by the comprehensive special education endorsement.

(Effective July 1, 1993)

Sec. 10-145d-541. Provisional educator certificate requirements

To receive a provisional educator certificate for comprehensive special education, an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful teaching under the initial educator certificate, interim educator certificate or durational shortage area permit, except that persons who obtained the initial educator certificate upon completion of successful teaching under the temporary 90-day certificate shall be required to complete 15 school months of successful teaching under the initial educator certificate; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought, in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-542. Professional educator certificate requirements

To receive a professional educator certificate for comprehensive special education an applicant shall present evidence of having met the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has completed 30 school months of successful teaching under the provisional educator certificate, interim educator certificate or provisional teaching certificate; and

(b) Has met one of the following requirements for course work at an approved institution or institutions:

(1) Prior to July 1, 2003, an applicant who holds or held a provisional educator certificate shall have completed not less than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A master's degree or a certificate of advanced graduate study in special education; or

(B) A planned program at an approved institution, related directly to the subject areas or grade levels of the endorsement or in an area or areas related to the teacher's ability to provide instruction effectively or to meet locally determined goals and objectives; or

(C) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and is designed to increase the ability of the teacher to improve student learning.

(2) Prior to July 1, 2003, an applicant who holds or held a 10-year provisional teaching certificate shall have completed not fewer than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A master's degree in special education; or

(B) A planned program at an approved institution; or

(C) An individual program which is mutually determined or approved by the applicant and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning.

(3) Prior to July 1, 2003, an applicant who holds or held a five-year provisional teaching certificate shall have completed either a master's degree or not fewer than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A master's degree in special education; or

(B) An individually planned program consisting of at least 30 semester hours of credit beyond the bachelor's degree.

(4) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(Effective July 1, 1995)

Part XIII

Special Services Certificates

A

Speech and Language Pathology

Sec. 10-145d-543. When required

This certificate is required for anyone serving in the employ of a board of education as a speech and language pathologist.

(Effective July 1, 1993)

Sec. 10-145d-544. Initial educator certificate requirements

To receive an initial educator certificate for speech and language pathologist an applicant shall present evidence of meeting the following requirements, in addition to meeting the assessment requirements, as appropriate:

(a) Presents a valid license or other appropriate authorization from the Connecticut Department of Health Services to practice speech pathology, or presents evidence of meeting the conditions of subsection (e) of Section 20-413 of the Connecticut general statutes;

(b) Has completed a minimum of three semester hours of credit in curriculum and methods of providing clinical services to children with communication impairments in schools;

(c) A minimum of six semester hours of credit in professional education, including course work in such areas as:

(1) Foundations of education;

(2) Psychology: child, educational, developmental, adolescent or cognitive learning;

(3) Classroom instruction and management, bilingual/bicultural education, reading, curriculum development or behavioral management;

(d) Has completed supervised observation, participation, and full-time responsible student teaching totaling at least six but not more than 12 semester hours of credit. The student teaching requirement may be satisfied by completing a minimum of 100 clock hours of supervised clinical practice in the employ of a board of education; and

(e) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1995)

Sec. 10-145d-545. Provisional educator certificate requirements

To receive a provisional educator certificate for speech and language pathology, an applicant shall present evidence of meeting the specific requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful teaching under the initial educator certificate, interim educator certificate, or durational shortage area permit; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought, in a public, approved

nonpublic school or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought; and

(d) Presents a valid license from the Connecticut Department of Health Services to practice speech pathology.

(Effective July 1, 1995)

Sec. 10-145d-546. Professional educator certificate requirements

To receive a professional educator certificate for speech and language pathologist an applicant shall present evidence of having completed 30 school months of successful teaching under the provisional educator certificate, interim educator certificate or provisional teaching certificate.

(Effective July 1, 1995)

B

School Nurse-Teacher

Sec. 10-145d-547. When required

This certificate is required for any registered nurse serving in the employ of a board of education as a teacher of health education.

(Effective July 1, 1993)

Sec. 10-145d-548. Initial educator certificate requirements

To receive an initial educator certificate for school nurse-teacher an applicant shall meet the following requirements, in addition to meeting the assessment requirements, as appropriate:

(a) Has graduated from a school of professional nursing approved by the State Board of Examiners for Nursing;

(b) Holds a valid Connecticut registered nurse license;

(c) Holds a bachelor's degree from an approved institution with a minimum of 40 semester hours of credit in general academic courses, of which six or more credits shall be in English and six or more credits shall be in the social sciences;

(d) Has a minimum of 36 semester hours of credit in a planned program of study and experience, including study to be distributed among each of the following:

(1) Foundations of education. This group includes areas such as: (A) history of education, (B) principles of education, (C) philosophy of education, (D) comparative education, and (E) community sociology, community resources and social anthropology;

(2) Educational psychology. This group includes areas such as: (A) psychology of learning, (B) human growth and development, (C) child adolescent psychology and (D) mental hygiene;

(3) Curriculum and methods of teaching. This group includes areas such as: (A) methods of teaching, (B) teaching of reading, (C) school library media instruction, (D) individualizing instruction, (E) educational measurements, (F) principles of curriculum construction, (G) the curriculum at a particular level, (H) the curriculum in one specific field and (I) extra-curricular activities; (4) Supervised field experience in a public health agency or in student teaching of health totaling an equivalent of at least six but not more than 12 semester hours of credit as part of this requirement;

(5) Health education. This group includes areas such as: (A) personal health problems, (B) school health problems, (C) nutrition, (D) health administration and (E) biology; and

(6) School health services. This group includes areas such as: (A) nursing assessment, (B) clinical management, (C) health teaching and counseling and (D) community nursing; and

(e) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1995)

Sec. 10-145d-549. Provisional educator certificate requirements

To receive a provisional educator certificate for school nurse-teacher an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful teaching under the initial educator certificate, interim educator certificate or durational shortage area permit; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought, in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-550. Professional educator certificate requirements

To receive a professional educator certificate for school nurse-teacher an applicant shall present evidence of having met the following requirements:

(a) Has completed 30 school months of successful teaching under the provisional educator certificate, interim educator certificate or provisional teaching certificate; and

(b) Has met one of the following requirements for course work at an approved institution or institutions:

(1) Prior to July 1, 2003, an applicant who holds or held a provisional educator certificate shall have completed not fewer than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution, related directly to the subject areas or grade levels of the endorsement or in an area or areas related to the teacher's ability to provide instruction effectively or to meet locally determined goals and objectives; or

(B) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning.

(2) Prior to July 1, 2003, an applicant who holds or held a 10-year provisional teaching certificate shall have completed 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution; or

(B) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and is designed to increase the ability of the teacher to improve student learning. Such an individual program may include course work taken at one or more approved institutions and may include registered in-service programs sponsored by local or regional boards of education or approved nonpublic schools upon the approval of the joint subcommittee of the Board of Governors of Higher Education and the Board established pursuant to Section 10-155b of the Connecticut general statutes, revision of 1958, revised to January 1, 1983.

(3) Prior to July 1, 2003, an applicant who holds or held a five-year provisional teaching certificate shall have completed either a master's degree or not less than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. Except as otherwise provided, it shall consist of:

(A) A master's degree at an approved institution; or

(B) An individually planned program consisting of at least 30 semester hours of credit beyond the bachelor's degree, which includes at least 15 semester hours of credit in general academic courses in addition to the credits offered for the requirements for the provisional educator certificate. Exceptions to the requirement of 15 semester hours of credit in general academic courses may be granted when an approved institution or the Department determines that the applicant has, in the combined program of undergraduate and post-baccalaureate preparation, met this requirement.

(4) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(Effective July 1, 1995)

C

School Dental Hygienist-Teacher

Sec. 10-145d-551. When required

This certificate is required for any person licensed as a dental hygienist in Connecticut and employed by a board of education as a dental hygienist who also gives instruction in dental health as part of the school program.

(Effective July 1, 1993)

Sec. 10-145d-552. Initial educator certificate requirements

To receive an initial educator certificate for school dental hygienist-teacher an applicant shall present evidence of meeting the following requirements, in addition to meeting the assessment requirements, as appropriate:

(a) Holds a valid dental hygienist license issued by the Connecticut Department of Health Services;

(b) Holds a bachelor's degree or its equivalent from an approved institution, including a total of at least six semester hours of credit in the fields of health

services in the schools, child growth and development, methods and materials of instruction, and school organization; and

(c) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1993)

Sec. 10-145d-553. Provisional educator certificate requirements

To receive a provisional educator certificate for school dental hygienist-teacher an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful teaching under the initial certificate, interim educator certificate or durational shortage area permit; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is sought, in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(d) Achieved a satisfactory score on PRAXIS I.

(Effective July 1, 1995)

Sec. 10-145d-554. Professional educator certificate requirements

To receive a professional educator certificate for school dental hygienist-teacher an applicant shall present evidence of having met the following requirements:

(a) Has completed 30 school months of successful teaching under the provisional educator certificate, interim provisional educator certificate or provisional teaching certificate; and

(b) Has met one of the following requirements for course work at an approved institution or institutions:

(1) Prior to July 1, 2003, an applicant who holds or held a provisional educator certificate shall have completed not fewer than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution, related directly to the subject areas or grade levels of the endorsement or in an area or areas related to the teacher's ability to provide instruction effectively or to meet locally determined goals and objectives; or

(B) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning.

(2) Prior to July 1, 2003, an applicant who holds or held a 10-year provisional teaching certificate shall have completed 30 semester hours of credit beyond the

bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(A) A planned program at an approved institution; or

(B) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and is designed to increase the ability of the teacher to improve student learning. Such an individual program may include course work taken at one or more approved institutions and may include registered in-service programs sponsored by local or regional boards of education or approved nonpublic schools upon the approval of the joint subcommittee of the Board of Governors of Higher Education and the Board established pursuant to Section 10-155b of the Connecticut general statutes, revision of 1958, revised to January 1, 1983.

(3) Prior to July 1, 2003, an applicant who holds or held a five-year provisional teaching certificate shall have completed either a master's degree or not less than 30 semester hours of credit beyond the bachelor's degree. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. Except as otherwise provided, it shall consist of:

(A) A master's degree at an approved institution, or

(B) An individually planned program consisting of at least 30 semester hours of credit beyond the bachelor's degree, which includes at least 15 semester hours of credit in general academic courses in addition to the credits offered for the requirements for the provisional educator certificate. Exceptions to the requirement of 15 semester hours of credit in general academic courses may be granted when an approved institution or the Department determines that the applicant has, in the combined program of undergraduate and post-baccalaureate preparation, met this requirement.

(4) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(Effective July 1, 1995)

D

School Counselor

Sec. 10-145d-555. When required

This certificate is required for a person serving in the employ of a board of education as a school counselor in pre-kindergarten through grade 12 or coordinating school counseling services within a single school, except as intermediate administrator or supervisor certification may be required in accordance with Section 10-145d-572.

(Effective July 1, 1993)

Sec. 10-145d-556. Initial educator certificate requirements

To receive the initial educator certificate to serve as a school counselor, the applicant shall meet the following requirements, in addition to meeting the assessment requirements, as appropriate:

(a) Holds a professional educator certificate; or holds or is eligible to hold an initial educator certificate, and has had either 30 school months of successful teaching experience or has completed a full-time supervised school internship of 10 school months in a school (pre-K through 12) setting. For the purposes of this section,

internship is defined as a full-time placement of a candidate in a school setting, including continued supplementary seminars or prescribed study under the supervision of the preparing institution. The internship shall include the counseling of students, consulting with parents and staff, observations and substantial participation in classroom instruction, involvement in curriculum development and other professional activities in which a school staff is involved. This internship is in addition to that required in a practicum, as described in subsection (e) below;

(b) Holds a master's degree;

(c) Has completed, as part of or in addition to the master's degree, a minimum of 30 semester hours of credit in a planned program in school counseling services as attested to by an institution approved for the preparation of school counselors;

(d) Presents the recommendation of the preparing institution, which shall be based on evidence of knowledge, skills and understanding gained from study or experience to be distributed among each of the following:

(1) Principles and philosophy of developmental guidance and counseling;

(2) Psychological and sociological theory as related to children, youth and families;

(3) Career development theory and practice;

(4) Individual and group counseling procedures;

(5) Organizational patterns and relationships of pupil personnel services to total school program and community;

(6) Pupil appraisal and evaluation techniques; and

(7) School-based consultation theory and practice;

(e) Presents evidence from the preparing institution of a progression of supervised experiences in counseling and guidance through laboratory and practicum; and

(f) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1995)

Sec. 10-145d-557. Provisional educator certificate requirements

To receive a provisional educator certificate for school counselor an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate to serve as a school counselor, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful service under the initial educator certificate, interim educator certificate or durational shortage area permit; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful teaching as a school counselor in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-558. Professional educator certificate requirements

To receive a professional educator certificate for school counselor an applicant shall present evidence of having met the following requirements:

(a) Has completed 30 school months of successful service under the provisional educator certificate, interim educator certificate or provisional teaching certificate; and

(b) Has completed 45 semester hours of graduate credit at an approved institution or institutions counseling and related areas including those required for the initial educator certificate. The candidate shall complete a program of additional semester hours of graduate credit designed to strengthen the skills and knowledge needed for the provisional educator certificate, and to include work in related disciplines such as psychology, sociology and special education.

(Effective July 1, 1995)

E

School Psychology

Sec. 10-145d-559. When required

This certificate is required for anyone serving in the employ of a board of education as a school psychologist.

(Effective July 1, 1993)

Sec. 10-145d-560. Initial educator certificate requirements

(a) To receive an initial educator certificate to serve as school psychologist, the applicant shall meet the following requirements, in addition to meeting the assessment requirements, as appropriate:

(1) Holds a master's degree;

(2) Has completed, as part of or in addition to the master's degree, at least 45 semester hours of graduate credit in a planned program in school psychological services as attested to by an approved institution;

(3) Presents the recommendation of the preparing institution, which shall be based upon evidence of knowledge, skills and understandings gained from study to be distributed among each of the following:

(A) Evaluation techniques, including observation, clinical appraisal and testing, and integration and interpretation of data;

(B) A supervised practicum or field work experience with school-age children;

(C) Characteristics of and programs for exceptional children;

(D) Human growth and personality development and the implications of individual differences among normal and exceptional children for the planning of educational programs;

(E) Individual and group counseling skills, modification of behavior techniques and interviewing skills; and

(F) Learning theories as applied to the teaching process;

(4) Has completed, in addition to the supervised practicum or field work experience, an internship consisting of 10 school months or its equivalent in a period not to exceed 20 school months, of supervised experience in a school setting under the supervision of a certified school psychologist, the local school system and the preparing institution; and

(5) A course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(b) If all other requirements except the internship are met in an approved program for the preparation of the school psychologist, an initial educator certificate may be issued and reissued once, except as otherwise provided in Section 10-145d-427, on the following conditions:

(1) That the internship is supervised jointly by a certified school psychologist and the preparing institution and is in a school setting approved by the preparing institution;

(2) That the intern is concurrently registered in an approved program for the preparation of school psychologists during the period of initial educator certification. At the expiration of the initial educator certification period, the provisional educator certificate may be issued only upon recommendation of the preparing institution in accordance with Section 10-145d-408; and

(3) That the internship be completed in conjunction with such BEST program for school psychologists as may have been made available by the Board.

(Effective July 1, 1993)

Sec. 10-145d-561. Provisional educator certificate requirements

To receive a provisional educator certificate for school psychologist an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate to serve as a school psychologist, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful service under the initial educator certificate or interim educator certificate or durational shortage area permit; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful service as a school psychologist in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-562. Professional educator certificate requirements

To receive a professional educator certificate for school psychologist an applicant shall present evidence of having met the general conditions, in addition to meeting the following requirements:

(a) Has completed 30 school months of successful service under the provisional educator certificate, interim educator certificate or provisional teaching certificate; and

(b) Has completed 60 semester hours of graduate credit in psychology and related areas at an approved institution or institutions, including those required for the initial educator certificate.

(Effective July 1, 1995)

F

School Social Work

Sec. 10-145d-563. When required

This certificate is required for anyone serving in the employ of a board of education as a school social worker.

(Effective July 1, 1993)

Sec. 10-145d-564. Initial educator certificate requirements

To receive an initial educator certificate to serve as a school social worker, the applicant shall meet the following requirements, in addition to meeting the assessment requirements, as appropriate:

(a) Holds a master's degree in social work from a school of social work accredited by the Council on Social Work Education, and

(b) Has completed a course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1993)

Sec. 10-145d-565. Provisional educator certificate requirements

To receive a provisional educator certificate for school social worker an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and one school year of successful service under the initial educator certificate, interim educator certificate or durational shortage area permit; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful service as a school social worker in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-566. Professional educator certificate requirements

To receive a professional educator certificate for school social worker an applicant shall present evidence of 30 school months of successful service under the provisional educator certificate, interim provisional educator certificate or provisional teaching certificate.

(Effective July 1, 1993)

**State Educator Certificates for School Marriage
and Family Therapist****Sec. 10-145d-566a. Applicable provisions under regulations concerning state educator certificates, permits and authorizations**

For purposes of sections 10-145d-566b to 10-145d-566f, inclusive, of the Regulations of Connecticut State Agencies, the definitions, general conditions, code of professional responsibility, types of certificates, special authorizations, reissuance of certificates, and the appeal process provisions as described in Part I, Part II, Part III, Part IV, Part V, and Part XVII of sections 10-145d-400 to 10-145d-619, inclusive, of the Regulations of Connecticut State Agencies shall apply.

(Adopted effective September 9, 2008)

Sec. 10-145d-566b. When required

This endorsement for school marriage and family therapist shall be required for anyone serving in the employ of a board of education as a school marriage and family therapist. Provision of services by the holder of this certificate for school marriage and family therapist will be determined by the school building administrator and in consultation with the planning and placement team, as defined in Section 10-76a-1 of the Regulations of Connecticut State Agencies, or in accordance with alternative procedures and programs, e.g., student assistance team, child study team, etc., before a child is referred to a planning and placement team as described in Section 10-76d-7 of the Regulations of Connecticut State Agencies. A licensed marital and family therapist providing services to a board of education through a personal services contract and not as an employee of the board of education shall not be required to hold a valid certificate.

(Adopted effective September 9, 2008)

Sec. 10-145d-566c. Validity of certificate

This certificate for school marriage and family therapist authorizes the holder to provide services to families, parents and guardians in order to support the academic or behavioral functioning of the student. The holder of this certificate for school marriage and family therapist shall not be authorized to teach unless the person holds an appropriate teaching endorsement.

(Adopted effective September 9, 2008)

Sec. 10-145d-566d. Initial educator certificate requirements

To receive an initial educator certificate to serve as a school marriage and family therapist, the applicant shall meet the following requirements:

- (a) Holds a bachelor's degree from an approved institution;
- (b) Holds a master's degree from an approved institution with a planned program in marriage and family therapy accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE);
- (c) Has successfully met Praxis I requirements;
- (d) Holds a valid license from the Connecticut Department of Public Health pursuant to Section 20-195c of the Connecticut General Statutes to practice marriage and family therapy;
- (e) Has completed graduate coursework in the following areas:
 - (1) Child and adolescent development;
 - (2) Learning theories;
 - (3) School-based systems theory;
 - (4) Federal and state education laws including, but not limited to, the Individuals with Disabilities Education Act (IDEA), Americans with Disabilities Act Section 504, professional ethics and code of professional responsibility for educators, Family Educational Rights and Privacy Act (FERPA), and statutory requirements for mandated reporting, suspensions and expulsions, and school and district accountability; and
 - (5) 300 hours of school-based marriage and family therapy practicum jointly supervised by faculty of a program accredited by the Commission on Accreditation for Marriage and Family Therapy Education (COAMFTE) and a special service staff member of a board of education;
- (f) Has completed a course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented

children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Adopted effective September 9, 2008)

Sec. 10-145d-566e. Provisional educator certificate requirements

To receive a provisional educator certificate for school marriage and family therapist, an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, and evidence of having completed the following:

(a) 10 school months of successful service under the initial educator certificate or interim educator certificate; or

(b) Within 10 years prior to application, at least 30 school months of successful service as a school marriage and family therapist in the employ of a public school in another state, approved nonpublic school in Connecticut or nonpublic school approved by the appropriate governing body in another state.

(Adopted effective September 9, 2008)

Sec. 10-145d-566f. Professional educator certificate requirements

To receive a professional educator certificate for school marriage and family therapist, an applicant shall present evidence of having completed 30 school months of successful service under a provisional educator certificate or interim provisional educator certificate.

(Adopted effective September 9, 2008)

Part XIV

Administrative

A

Reading and Language Arts Consultant

Sec. 10-145d-567. When required

(a) This certificate shall be required for anyone serving in the employ of a board of education as supervisor, consultant or coordinator in the area of reading instruction, including anyone whose function is to:

(1) Work with teachers and other school personnel in curriculum planning and revision as it relates to the total reading and language arts program; or

(2) Assist classroom teachers, other teachers of reading and other school personnel in improving instruction in reading and language arts, including direct instruction to students.

(b) A reading and language arts consultant whose job function requires summative evaluation of certified staff shall be required to hold the intermediate administrator or supervisor certificate.

(Effective July 1, 1993)

Sec. 10-145d-568. Validity of certificates

(a) The reading and language arts consultant certificate shall be issued for pre-kindergarten through grade 12.

(b) This certificate, or a remedial reading or remedial language arts certificate, also shall cover the teaching of developmental reading and language arts at the grade levels for which the certificate is endorsed. A secondary English certificate

may cover the teaching of developmental reading or language arts in grades five through 12. Elementary teaching certificates may cover the teaching of developmental reading and language arts at the grade levels for which the certificates are endorsed.

(Effective July 1, 1995)

Sec. 10-145d-569. Initial educator certificate requirements

To receive an initial educator certificate for reading and language arts consultant, an applicant shall present evidence of meeting the following requirements, in addition to meeting the assessment requirements, as appropriate:

(a) Holds a professional educator certificate, or holds or is eligible for an initial educator certificate, and has met all course work requirements for a professional educator certificate;

(b) Holds a master's degree from an approved institution;

(c) Has completed at least 30 school months of successful classroom teaching experience;

(d) Has completed, at the undergraduate or graduate level, study in each of the following areas:

(1) Curriculum;

(2) Psychology, including human growth and development, understanding human behavior, personality, mental hygiene;

(3) Measurement and evaluation; and

(4) Children's or adolescent literature;

(e) Holds or is eligible for a remedial reading and language arts endorsement and has completed at least 12 semester hours of graduate credit in a planned program for special service in reading and language arts, including courses in each of the following:

(1) Advanced reading and language arts diagnosis;

(2) Organization, administration and supervision of reading and language arts programs; and

(3) Practicum in consulting, including applied reading and language arts research, of at least six semester hours of credit in total;

(f) Applicants shall include at least 10 school months as a remedial reading and remedial language arts teacher; and

(g) Has completed a course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1995)

Sec. 10-145d-570. Provisional educator certificate requirements

To receive a provisional educator certificate for reading and language arts consultant an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful service under the initial educator certificate, interim educator certificate, or durational shortage area permit; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful service as a reading and language arts consultant in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-571. Professional educator certificate requirements

To receive a professional educator certificate for reading and language arts consultant an applicant shall present evidence of 30 school months of successful service under a provisional educator certificate, interim educator certificate or provisional teaching certificate.

(Effective July 1, 1995)

B

Intermediate Administration or Supervision

Sec. 10-145d-572. When required

(a) This certificate, or another appropriate certificate, shall be required for a person employed by a board of education who is designated by the employing agent or board of education as: deputy superintendent, assistant superintendent, principal, assistant principal, curriculum coordinator, supervisor of instruction or any person who has the primary responsibility for directing or coordinating or managing certified staff and resources, or any person responsible for summative evaluation of certified staff. This certificate may authorize service as a school business administrator.

(b) Persons hired on or after September 1, 1980, to serve in supervisory positions in special education and related services shall be required to hold the intermediate administrator or supervisor certificate and shall be appropriately certified according to the following:

(1) Whenever a board of education is required by Section 10-76d-2(b) of the Regulations of Connecticut State Agencies to employ a full-time supervisor of special education instruction, the supervisor shall be required to hold both the intermediate administrator or supervisor certificate and special education certification.

(2) Whenever a board of education is required by Section 10-76d-2 (d) of the Regulations of Connecticut State Agencies to employ a full-time supervisor of pupil personnel services, the supervisor shall be required to hold both the intermediate administrator or supervisor certificate and certification in any of the service categories to be supervised.

(3) Whenever a board of education is required by Section 10-76d-2 (e) of the Regulations of Connecticut State Agencies to employ a full-time supervisor of pupil personnel services, the supervisor shall be required to hold both the intermediate administrator or supervisor certificate and certification in the service category to be supervised.

(4) On and after July 1, 1991, whenever a board of education is required by Section 1 of P.A. 91-220 to employ a full-time supervisor for special education personnel, including instructional and pupil personnel services personnel, the super-

visor shall be required to hold both intermediate administrator or supervisor certificate and certification in special education or in a service category of pupil personnel services.

(Effective July 1, 1995)

Sec. 10-145d-573. Employer's statement for the employing agent

Where the employing agent of a board of education is required to hold an intermediate administrator or supervisor certificate, and is required to submit a statement of successful experience from an employer, such statement shall be issued by the board of education or its equivalent.

(Effective July 1, 1993)

Sec. 10-145d-574. Initial educator certificate requirements

To receive an initial educator certificate for intermediate administrator or supervisor an applicant shall present evidence of meeting the following requirements, in addition to meeting the assessment requirements, as appropriate:

- (a) Holds a master's degree from an approved institution;
- (b) Has completed 18 semester hours of graduate credit in addition to the master's degree;
- (c) Has completed 50 school months of successful teaching or service, which shall have been in public schools or in approved nonpublic schools or nonpublic schools approved by the appropriate governing body in another state in a position or positions requiring certification in the state where employed, or in a position or positions which would have required certification had the service been in Connecticut public schools, or in a state education agency as a professional or managerial staff member. Consideration may be given toward partial fulfillment of the requirements of this subsection to applicants who have completed, as part of a planned program of preparation, a one-year period of internship in areas of school administration and supervision under the supervision of the recommending institution;
- (d) Presents the recommendation of an approved institution where the applicant has completed a planned program of preparation for administrative and supervisory personnel. The recommendation shall state that the applicant is personally and professionally qualified to serve as a public school administrator or supervisor, and has completed an approved program at the institution specifically for school administration and supervision. The program on which the institutional recommendation has been based shall aggregate not less than 15 semester hours of graduate credit taken at the recommending institution;
- (e) Has completed graduate study in each of the following:
 - (1) Psychological and pedagogical foundations of learning, which may include topics such as teaching styles, learning styles, theories of human growth and development, and tests and measurement;
 - (2) Curriculum development and program monitoring;
 - (3) School administration, which may include topics such as school finance, school law, public relations and leadership training;
 - (4) Personnel evaluation and supervision, which may include topics such as theories and techniques, current practices, staff development, and human relations; and
 - (5) Contemporary educational problems and solutions from a policy-making perspective, which may include the use of research; and
- (f) Has completed a course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and

development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1995)

Sec. 10-145d-575. Provisional educator certificate requirements

To receive a provisional educator certificate for intermediate administrator or supervisor an applicant shall present evidence of meeting the specific requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful service under the initial educator certificate, interim educator certificate or durational shortage area permit; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful service as an administrator or supervisor in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state or three years as a managerial or professional staff member for a state education agency; or

(c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-576. Professional educator certificate requirements

To receive a professional educator certificate for intermediate administrator or supervisor an applicant shall meet the following requirements:

(a) Has completed at least 30 school months of successful service under the provisional educator certificate, interim educator certificate or provisional teaching certificate; and

(b) Has completed not less than 30 semester hours of graduate credit at an approved institution or institutions in addition to the master's degree.

(Effective July 1, 1995)

C

Department Chairperson

Sec. 10-145d-577. When required

(a) This certificate or another appropriate certificate, shall be required for anyone employed by a board of education who is designated by the employing agent as a department chairperson and who has the responsibility for directing, coordinating or managing staff and resources.

(b) Upon the written request from an employing agent, a person may receive an endorsement for a subject area or grade level, for which there is no current endorsement, provided the Department determines such endorsement to be appropriate.

(c) A department chairperson whose job function requires summative evaluation of certified staff, shall be required to hold the intermediate administrator or supervisor certificate.

(Effective July 1, 1995)

Sec. 10-145d-578. Validity of certificates

This certificate shall be valid for any subject area or grade level in grades kindergarten through 12.

(Effective July 1, 1995)

Sec. 10-145d-579. Initial educator certificate requirements

To receive an initial educator certificate for department chairperson, an applicant shall present evidence of meeting the following requirements, in addition to meeting the assessment requirements, as appropriate:

(a) Holds an appropriate Connecticut certificate;

(b) Holds a master's degree from an approved institution or has completed 30 semester hours of credit in addition to the bachelor's degree;

(c) Has completed in the total post baccalaureate program, at least six semester hours of graduate credit in instructional supervision and school administration, six semester hours of graduate credit in curriculum development, and six semester hours of graduate credit in the area for which the endorsement is sought; and

(d) Has completed 30 school months of successful teaching experience in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state.

(Effective July 1, 1995)

Sec. 10-145d-580. Provisional educator certificate requirements

To receive a provisional educator certificate for department chairperson an applicant shall present evidence of meeting the general requirements and the specific requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful service under the initial educator certificate, interim educator certificate or durational shortage area permit; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful service as a department chairperson in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state.

(Effective July 1, 1995)

Sec. 10-145d-581. Professional educator certificate requirements

To receive a professional educator certificate for department chairperson an applicant shall present evidence of having 30 school months of successful service under the provisional educator certificate, interim educator certificate or provisional teaching certificate.

(Effective July 1, 1995)

D

Superintendent of Schools

Sec. 10-145d-582. When required

This certificate shall be required for anyone employed by a board of education as a superintendent of schools or an executive director of a regional educational service center.

(Effective July 1, 1993)

Sec. 10-145d-583. Validity of certificates

This certificate shall authorize the holder to serve as a superintendent of schools, as deputy superintendent, assistant superintendent or as an executive director of a regional educational service center.

(Effective July 1, 1993)

Sec. 10-145d-584. Employer's statement for superintendent

Where the employing agent of a board of education is required to hold a superintendent certification, and is required to submit a statement of successful service from an employer, such statement shall be issued by the board of education or its equivalent.

(Effective July 1, 1993)

Sec. 10-145d-585. Initial educator certificate requirements

To receive an initial educator certificate for superintendent of schools an applicant shall present evidence of meeting the following requirements, in addition to meeting the assessment requirements, as appropriate:

- (a) Holds a master's degree from an approved institution;
- (b) Has completed 30 semester hours of graduate credit beyond the master's degree;
- (c) Has completed a minimum of 80 school months of successful teaching or service, at least 50 school months of which shall have been in public schools, approved nonpublic schools or nonpublic schools approved by the appropriate governing body in another state, in a position or positions requiring certification in the state in which employed, or in a position or positions which would have required certification had the service been in Connecticut public schools, or as a professional or managerial staff member in a state education agency. This total may include the 30 school months of administrative experience required in accordance with subsection (d) of this Section;
- (d) Has completed a minimum of 30 school months of full-time administrative or supervisory experience in public schools, approved nonpublic schools or nonpublic schools approved by the appropriate governing body in another state, or as a managerial staff member in a state education agency, in a position or positions which if in Connecticut public schools would have required intermediate administrator or supervisor certification. On specific recommendation of the preparing institution, consideration may be given toward partial fulfillment of the requirements of this subsection to applicants who have completed, as part of a planned program of preparation for the superintendency, a one year period of internship in general school administration under the supervision of the institution recommending the applicant for certification;
- (e) Presents the recommendation of an approved institution where the applicant has completed a planned program of preparation of superintendent of schools. The recommendation shall state that the applicant is personally and professionally qualified to serve as a superintendent of schools, and has completed an approved program at the institution specifically in preparation for the position of superintendent of schools. The program on which the institutional recommendation has been based shall aggregate not less than 30 semester hours of graduate credit in addition to the master's degree. Not less than 15 semester hours of this requirement shall have been completed at the recommending institution, and additional course work aggregating not less than 15 semester hours of credit shall have been completed either at the recommending institution or at another approved institution by arrangement with, or with the approval of, the recommending institution;

- (f) Has completed in the graduate program, study in each of the following:
- (1) Psychological and pedagogical foundations of learning, which may include topics such as teaching styles, learning styles, theories of human growth and development, and tests and measurement;
 - (2) Curriculum development and program monitoring;
 - (3) School administration, which may include topics such as school finance, school law, public relations and leadership training;
 - (4) Personnel evaluation and supervision, which may include topics such as theories and techniques, current practices, staff development and human relations; and
 - (5) Contemporary educational problems and solutions from a policy making perspective, which may include the use of research; and
- (g) Has completed a course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1995)

Sec. 10-145d-586. Provisional educator certificate requirements

To receive a provisional educator certificate for superintendent of schools an applicant shall present evidence of meeting the specific requirements for an initial educator certificate, in addition to meeting the following requirements:

- (a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful service under the initial educator certificate, interim educator certificate or durational shortage area permit; or
- (b) Has completed at least 30 school months of successful service as a superintendent of schools in a public, approved or nonpublic school approved by the appropriate governing body in another state, as an executive director at a regional educational service center or as a managerial staff member in a state education agency, within 10 years prior to application for such provisional educator certificate; or
- (c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-587. Professional educator certificate requirements

To receive a professional educator certificate for superintendent of schools, an applicant shall present evidence of having served successfully under the provisional educator, interim educator or provisional teaching certificate for a period of at least 30 school months.

(Effective July 1, 1995)

E

School Business Administration

Sec. 10-145d-588. When required

This certificate, or another appropriate certificate, shall be required for anyone employed by a board of education who is responsible for six or more of the following

areas of school business administration: (1) accounting and reporting; (2) financial planning and budgeting; (3) operation and maintenance of plant; (4) administering personnel functions; (5) purchasing and supply management; (6) data processing; (7) food service operations; (8) grant applications and reporting; (9) insurance; (10) collective bargaining and (11) transportation.

(Effective July 1, 1995)

Sec. 10-145d-589. Initial educator certificate requirements

To receive an initial educator certificate as a school business administrator, an applicant shall present evidence of having met the following requirements:

Has met one of the following conditions:

(a) Holds a bachelor's or master's degree from an approved institution with major concentration either in business administration or public administration, having completed course work in the following prescribed areas: law, accounting, finance, management, personnel and informational systems; or

(b) Holds a bachelor's degree from an approved institution, having completed a minimum of 12 semester hours of credit in the prescribed following areas: school law, school finance, school plant planning and operation, school business administration, budgeting and resource management, personnel, collective bargaining, systems analysis and operations; or

(c) Holds a master's degree or sixth-year certificate in educational administration or educational management, having completed a minimum of 12 semester hours of credit in the prescribed following areas: school business administration, school finance, budgeting and resource management, school law, personnel administration, school plant planning and operation, collective bargaining, system analysis and operations research; or

(d) In addition to possessing a minimum of a bachelor's degree from an approved institution and in lieu of the prescribed course work in subsection (a) of this section, has successfully completed a minimum of three years of work in public or private business administration, such work to have involved not less than six of the responsibilities listed in Section 10-145d-588 of these regulations, or educational administration or public administration.

(Effective July 1, 1993)

Sec. 10-145d-590. Provisional educator certificate requirements

To receive a provisional educator certificate for school business administrator an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and 10 school months of successful service under the initial educator certificate, interim educator certificate or durational shortage area permit; or

(b) Has completed, within 10 years prior to application, at least 30 school months of successful service as a school business administrator in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state; or

(c) Has served a board of education successfully under a provisional teaching or provisional educator certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-591. Professional educator certificate requirements

To receive a professional educator certificate for school business administrator, an applicant shall present evidence of meeting the following requirements:

(a) Has completed not less than 30 school months of successful service as a school business administrator under a provisional educator, interim educator or provisional teaching certificate; and

(b) Prior to July 1, 2003, has completed not less than 30 semester hours of credit beyond the bachelor's degree at an approved institution or institutions, including:

(1) A minimum of 12 semester hours of credit at an approved institution or institutions in school business administration, school finance, budgeting and resource management, school law, personnel administration, school plant planning and operation, collective bargaining, or system analysis and operations research; and

(2) A minimum of six semester hours of credit at an approved institution or institutions in public school administration, educational policy analysis, organizational behavior, curriculum and instruction, or foundations of education; or

(c) Prior to July 1, 2003, the 30 semester hours of credit beyond the bachelor's degree need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(1) A planned program at an approved institution; or

(2) An individual program which is mutually determined or approved by the school business administrator and the employing agent of the board of education, and which is designed to increase the ability of the administrator to manage the business affairs of the school system. Such an individual program may include course work taken at one or more approved institutions.

(d) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(Effective July 1, 1995)

Part XV**Adult Education****A****High School Credit Diploma Program****Sec. 10-145d-592. When required**

This certificate, or another subject appropriate certificate, for teaching in high school credit diploma programs shall be required for anyone employed by a board of education as a teacher in adult education programs mandated by statute and for which high school credit is awarded.

(Effective July 1, 1995)

Sec. 10-145d-593. Validity of certificates

This certificate, or another subject appropriate certificate, shall authorize teaching adults in the high school credit diploma programs in the endorsed secondary academic or special subjects for which the individual holds an appropriate endorsement.

(Effective July 1, 1995)

Sec. 10-145d-594. Initial educator certificate requirements

To receive an initial educator certificate for high school credit diploma programs an applicant shall present evidence of meeting the following requirements, in addition to meeting the assessment requirements, as appropriate:

- (a) Holds a bachelor's degree from an approved institution;
- (b) Holds or is eligible for the secondary academic or special subject or field endorsement appropriate to the subject area for which adult high school credit diploma program certification is sought; and
- (c) Has completed a course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1995)

Sec. 10-145d-595. Provisional educator certificate requirements

To receive a provisional educator certificate for high school credit diploma programs an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

- (a) Has successfully completed the BEST assessment, as may have been made available by the Board, and one year of successful teaching as defined in the general conditions in Section 10-145d-400 (ii) and Section 10-145d-400 (pp) under the initial educator certificate, interim educator certificate or an adult education authorization; or
- (b) Has completed, within 10 years prior to application, at least three years of appropriate successful adult education teaching or 30 school months of successful teaching in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is being sought, in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state or in a cooperating eligible entity pursuant to Sec. 10-69 of the Connecticut general statutes; or
- (c) Has served a board of education successfully under a provisional teaching certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-596. Professional educator certificate requirements

To receive a professional educator certificate for high school credit diploma programs an applicant shall present evidence of having met the following requirements:

- (a) Has completed three years of successful teaching as defined in Section 10-145d-400 (ii) and Section 10-145d-400 (pp) under the provisional teaching certificate or provisional educator certificate or interim educator certificate; and
- (b) Has completed not fewer than 30 semester hours of credit beyond the bachelor's degree at an approved institution or institutions. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(1) A planned program at an approved institution, related directly to the subject areas or grade levels of the endorsement or in an area or areas related to the teacher's ability to provide instruction effectively or to meet locally determined goals and objectives; or

(2) An individual program which is mutually determined or approved by the applicant and the employing agent of a board of education and which is designed to increase the ability of the teacher to improve student learning.

(c) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(Effective July 1, 1995)

B

External Diploma Program and Noncredit Mandated Programs

Sec. 10-145d-597. When required

This certificate shall be required, for anyone employed by a board of education as an assessor in an external diploma program or as a teacher in adult education programs mandated by statute, and for which no credit is awarded. A professional educator certificate, in an endorsement area where a bachelor's degree is required, shall also authorize service in the external diploma program and noncredit mandated programs.

(Effective July 1, 1995)

Sec. 10-145d-598. Validity of certificates

This certificate shall authorize service as an assessor in an external diploma program or as a teacher in adult education programs mandated by statute, such as Adult Basic Education and General Educational Development programs. A professional educator certificate, in an endorsement area where a bachelor's degree is required, shall also authorize service in the external diploma program and noncredit mandated programs.

(Effective July 1, 1995)

Sec. 10-145d-599. Initial educator certificate requirements

To receive an initial educator certificate for external diploma program and noncredit mandated programs, in addition to meeting the assessment requirements, as appropriate, an applicant shall:

(a) Hold a bachelor's degree from an approved institution with a major in or closely related to one of the subjects covered by the certificate; and

(b) Have completed a course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1995)

Sec. 10-145d-600. Provisional educator certificate requirements

To receive a provisional educator certificate for external diploma program and noncredit mandated programs an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

(a) Has successfully completed the BEST assessment, as may have been made available by the Board, and one year of successful teaching as defined in general conditions in Section 10-145d-400 (ii) and Section 10-145d-400 (pp) under the

initial educator certificate, interim educator certificate or an adult education authorization; or

(b) Has completed, within 10 years prior to application, at least three years of appropriate successful adult education teaching or 30 school months of successful teaching in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is being sought, in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state or in a cooperating eligible entity pursuant to Section 10-69 of the Connecticut general statutes; or

(c) Has served a board of education successfully under a provisional teaching certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-601. Professional educator certificate requirements

To receive a professional educator certificate for external diploma program and noncredit mandated programs an applicant shall present evidence of having met the following requirements:

(a) Has completed three years of successful teaching as defined in Section 10-145d-400 (ii) and Section 10-145d-400 (pp) under the provisional teaching certificate or provisional educator certificate or interim educator certificate; and

(b) Has completed not less than 30 semester hours of credit beyond the bachelor's degree at an approved institution or institutions. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(1) A planned program at an approved institution, related directly to the subject areas or grade levels of the endorsement or in an area or areas related to the teacher's ability to provide instruction effectively or to meet locally determined goals and objectives; or

(2) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning; or

(c) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(Effective July 1, 1995)

C

English to Non-English Speaking Adults

Sec. 10-145d-602. When required

This certificate, or a bilingual or tesol certificate, shall be required for anyone employed by a board of education to teach English to non-English speaking adults in a public adult education program.

(Effective July 1, 1995)

Sec. 10-145d-603. Validity of certificate

This certificate shall authorize the teaching of English to non-English speaking adults in adult education programs mandated by statute.

(Effective July 1, 1993)

Sec. 10-145d-604. Initial educator certificate requirements

To receive an initial educator certificate for teaching English to non-English speaking adults an applicant shall present evidence of meeting the following requirements, in addition to meeting the assessment requirements, as appropriate:

- (a) Holds a bachelor's degree from an approved institution;
- (b) Has completed three semester hours of credit in methods of teaching English to speakers of other languages; and
- (c) Has completed a course of study in special education comprised of not fewer than 36 clock hours, which shall include study in understanding the growth and development of exceptional children, including handicapped and gifted and talented children and children who may require special education, and methods for identifying, planning for and working effectively with special-needs children in the regular classroom.

(Effective July 1, 1995)

Sec. 10-145d-605. Provisional educator certificate requirements

To receive a provisional educator certificate for teaching English to non-English speaking adults an applicant shall present evidence of meeting the preparation and eligibility requirements for an initial educator certificate, in addition to meeting the following requirements:

- (a) Has successfully completed the BEST assessment, as may have been made available by the Board, and one year of successful teaching as defined in Section 10-145d-400 (ii) and Section 10-145d-400 (pp) under the initial educator certificate, interim educator certificate or an adult education authorization; or
- (b) Has completed, within 10 years prior to application, at least three years of appropriate successful adult education teaching or 30 school months of successful teaching in a subject area or field appropriate to the subject area or field for which the provisional educator certificate is being sought, in a public, approved nonpublic school or nonpublic school approved by the appropriate governing body in another state or in a cooperating eligible entity pursuant to Section 10-69 of the Connecticut general statutes; or
- (c) Has served a board of education successfully under a provisional teaching certificate for the school year immediately preceding application. The subject area or field taught during the preceding year shall be the same for which provisional educator certification is sought.

(Effective July 1, 1995)

Sec. 10-145d-606. Professional educator certificate requirements

To receive a professional educator certificate for teaching English to non-English speaking adults, an applicant shall present evidence of having met the following requirements:

- (a) Has completed three years of successful teaching under the provisional teaching certificate or provisional educator certificate or interim educator certificate; and
- (b) Has completed not fewer than 30 semester hours of credit beyond the bachelor's degree at an approved institution or institutions. Such course work need not necessarily lead to a master's degree and may include graduate or undergraduate courses. It shall consist of:

(1) A planned program at an approved institution, related directly to the subject areas or grade levels of the endorsement or in an area or areas related to the teacher's ability to provide instruction effectively or to meet locally determined goals and objectives; or

(2) An individual program which is mutually determined or approved by the teacher and the employing agent of the board of education and which is designed to increase the ability of the teacher to improve student learning; or

(c) On and after July 1, 2003, any applicant who holds or held a provisional teaching or provisional educator certificate shall have completed, at an approved institution, either a master's degree or at least 30 semester hours of graduate credit.

(Effective July 1, 1995)

D

General Interest Programs

Sec. 10-145d-607. When required

No certificate or permit shall be required for adult education teachers of general interest or avocational courses which are not mandated by General Statute or other sections of these regulations, and for which no high school credit is provided.

(Effective July 1, 1993)

Part XVI

Discontinued Endorsements and Prior Authorization

A

Discontinued Endorsements

Sec. 10-145d-608. Endorsements previously issued, but no longer available

A number of certification endorsement categories which were previously issued are no longer available on new certificates. Existing certificates bearing those endorsements will continue to be valid in all endorsed subject areas, fields and grade levels, as long as the certificate remains in effect.

(Effective July 1, 1993)

Sec. 10-145d-609. Professional educator certificate for discontinued endorsements

To receive a professional educator certificate in a discontinued endorsement area, except adult in-service distributive education, as hereinafter provided, an applicant shall present evidence of having met the assessment requirements, as appropriate, in addition to meeting the following requirements to each specific endorsement area:

(a) Has completed 30 school months of successful teaching under the provisional teaching certificate, except that adult in-service distributive education teachers shall complete 96 clock hours, or the equivalent, of successful service in a position covered by the provisional teaching certificate; or

(b) Has fulfilled the following course work requirements:

(1) Evening vocational schools, skilled trades: has completed at an approved institution or institutions a minimum of two courses teaching vocational and industrial education, which may include the one course which was necessary to meet requirements for the provisional teaching certificate;

(2) Evening vocational schools, trade-related subjects: has completed at an approved institution or institutions a minimum of two courses teaching vocational and industrial education, which may include the one course which was necessary to meet requirements for the provisional teaching certificate;

(3) Adult vocational homemaking: has completed at an approved institution or institutions a minimum of four semester hours of credit teaching adult vocational homemaking, which may include the two semester hours of credit which was necessary to meet requirements for the provisional teaching certificate; and

(4) Adult in-service distributive education: has completed at an approved institution or institutions a total of 24 clock hours, or the equivalent in semester hours, teaching in distributive education; and

(5) Library-teacher: has completed at least 30 semester hours of credit in library science, either as part of or in addition to the course work required for professional educator certification.

(Effective July 1, 1993)

B

Prior Authorizations

Sec. 10-145d-610. Prior authorizations

To receive an endorsement on the basis of prior authorization, an applicant may file an application and present evidence of meeting the following requirements, in addition to meeting the assessment requirements, as appropriate:

(a) Any person who holds a secondary guidance counselor certificate may serve as a school counselor in grades five through 12;

(b) Any person who served as a health occupations instructor prior to July 1, 1989, in a vocational-technical school with a certificate endorsed for service as an instructor in licensed practical nursing, occupational subjects in vocational-technical schools (formerly skilled trades) or school nurse teaching, may continue to serve in that capacity;

(c) Any person employed continuously by one approved private special education facility prior to September 1, 1980, may not be required to hold appropriate certification so long as they remain employed in the same position by the same approved private special education facility;

(d) Any person who holds or held a certificate endorsed to serve as library-teacher, or for teaching any subject or any grade level and who served as a school library media specialist before September 1, 1978, may be eligible for endorsement for school librarymedia specialist;

(e) Any person who served as a health occupations instructor prior to July 1, 1989, under a certificate for trade and industrial occupational subjects in comprehensive high schools (formerly occupational subjects), school nurse teacher or health education, may continue to serve in that capacity;

(f) Any person who held a secondary teaching or special services certificate and served as a teacher-coordinator of cooperative work education, diversified occupations prior to July 1, 1989, may be eligible for cooperative work education endorsement in accordance with the following:

(1) The holder of a provisional teaching certificate may be eligible for endorsement of such certificate for cooperative work education; or

(2) The holder of a professional educator certificate who has completed at least 30 school months of successful teaching as a teacher-coordinator of cooperative work education may be eligible for endorsement on the professional educator certificate for cooperative work education; or

(3) The holder of a professional educator certificate who has completed less than three years of successful service as a teacher-coordinator of cooperative work

education, may be eligible for issuance of a provisional educator certificate for cooperative work education.

(g) Any person who holds an elementary, secondary academic subjects, or mentally handicapped certificate, and prior to September 1, 1974, who taught children at the corresponding grade levels who are emotionally disturbed, socially maladjusted, perceptually handicapped or who have learning disabilities, may be eligible for an endorsement for comprehensive special education;

(h) Any person who, prior to July 1, 1991, served as a department chairperson, and who was not required to hold the intermediate administrator or supervisor certificate, may be eligible for endorsement for department chairperson;

(i) Any person who, on July 1, 1989, held a standard or permanent secondary academic or special subject or field teaching certificate, and who taught in an adult high school credit diploma program, may be eligible for a professional educator certificate for the adult high school credit diploma program;

(j) Any person who, on July 1, 1989, held a provisional teaching certificate for a secondary academic or special subject or field and who taught in an adult high school credit diploma program, may be eligible for a provisional educator certificate for the adult high school credit diploma program;

(k) Any person who, on July 1, 1989, held a standard or permanent certificate and who served as an assessor in an external diploma program or who taught in adult noncredit mandated programs not requiring secondary academic or special subject or field certification, may be eligible for a professional educator certificate for the external diploma program and noncredit mandated programs certificate;

(l) Any person who, on July 1, 1989, held a provisional teaching certificate and who served as an assessor in an external diploma program or who taught in adult noncredit mandated programs not requiring secondary academic or special subject or field certification, may be eligible for a provisional educator certificate for the external diploma program and noncredit mandated programs certificate;

(m) Any person who holds or held an elementary certificate or a secondary foreign language certificate who, prior to July 1, 1993, was authorized to serve as a bilingual educator, may be eligible for an endorsement for bilingual education endorsement;

(n) Any person who holds or held a secondary foreign language certificate who taught elementary foreign language under such certificate prior to July 1, 1989, may be eligible for an endorsement for foreign language instruction at the elementary level;

(o) Any person who holds an elementary or secondary certificate in English or a foreign language, who, prior to July 1, 1993, was allowed to serve as a teacher of English for speakers of other languages, may be eligible for an endorsement to serve as a teacher of English to speakers of other languages upon completion of at least three semester hours of credit in each of the following:

(1) Methods of teaching English to speakers of other languages; and

(2) Culture and intergroup relations: including awareness of cross-cultural similarities and contrasts, the nature of specific minority American and foreign cultures, multicultural education and the effects of culture on language and cognition; or

Linguistics and academic assessment of limited-English-proficient students; including testing and evaluation techniques applicable to the determination of language dominance, language proficiency, and bilingualism of limited-English-proficient students; and the development of an instructional plan appropriate to the needs of limited-English-proficient students.

(p) Notwithstanding any other provisions to the contrary, any person who holds or held a provisional teaching or provisional educator certificate endorsed for early childhood and who has successfully taught for 30 school months in a program approved by the National Academy of Early Childhood Programs may be eligible for a professional educator endorsement if the applicant meets requirements in Section 10-145d-433;

(q) Notwithstanding the provisions of Section 10-145d-423 of these Regulations, any athletic director employed by a board of education on July 31, 1998, and remaining so employed in the same position, shall not be required to hold a certificate unless such athletic director evaluates certified staff.

(Effective July 1, 1995; amended August 6, 1998)

Part XVII

Appeal Process

A

Denial

Sec. 10-145d-611. Denial of certificate, permit or authorization to applicant

(a) The Department may deny issuance of any certificate, permit or authorization when in the opinion of the department, an applicant does not meet or has not fulfilled the appropriate requirements for such certificate, permit or authorization.

(b) The decision to deny issuance of a permit or authorization is final.

(c) If the Department denies issuance of an initial educator, temporary 90 day, provisional teaching, provisional educator, professional educator or continuation of a professional educator certificate, the applicant may file within 20 days of receipt of notification of such denial, a request for review of the Department's decision.

(d) A request to review shall contain (1) the full name, address, social security number, and telephone number of the applicant making the request; (2) a clear and concise statement of the reasons for which the applicant believes the Department erred; and (3) any documentary evidence which supports the applicant's position.

(e) A review panel consisting of not less than three qualified Department staff shall review the request and accompanying information. The panel either may direct the Department to issue a certificate or notify the applicant, in writing, that the decision of the Department to deny issuance of the certificate is upheld. Any decision of the review panel shall be made within 60 days of receipt of the request for review.

(f) Within 20 days after the applicant receives notice of denial, if an applicant holding an initial educator certificate is not granted a provisional educator certificate; if an applicant holding a provisional teaching certificate or a provisional educator certificate is not granted a professional educator certificate, if an applicant holding a provisional professional educator certificate is not granted a continuation, said applicant may request reconsideration by the Board. The request for reconsideration shall be made within 30 days after the applicant has received notification that the certification decision of the Department was upheld.

(g) Within 60 days following receipt of the request for reconsideration, the Board shall review all appropriate records and determine whether to issue or not issue the certificate or, if the applicant requests a hearing, the Board, within 60 days of receipt of the request for a hearing, shall hold a hearing.

(h) Hearings shall be conducted pursuant to applicable provisions of the Rules of Practice, Sections 10-4-11 through 10-4-19 of the Regulations of Connecticut State Agencies, as may be amended from time to time.

(i) The Board shall issue a written decision as to whether to issue or not to issue a certificate within 30 days of the close of the hearing or the filing of a proposed final decision.

(Effective July 1, 1995)

B

Revocation

Sec. 10-145d-612. Revocation of certificate, permit and authorization

(a) **Causes.** Any certificate issued by the Board may be revoked by the Board in accordance with procedures hereinafter established if the Board finds that one or more of the following just causes exist:

(1) The holder of the certificate, hereinafter called “the holder,” obtained the certificate through fraud or misrepresentation of a material fact;

(2) The holder has persistently neglected to perform the duties for which certification was granted;

(3) The holder is professionally unfit to perform the duties for which certification was granted;

(4) The holder is convicted in a court of law of a crime involving moral turpitude or of any other crime of such nature that, in the opinion of the Board, continued certification would impair the standing of certificates issued by the Board; or

(5) Other due and sufficient cause.

(b) **Request for revocation.** A request for revocation of a certificate may be made by a board of education, by a superintendent of schools, or by any person with a legitimate interest, hereinafter called “the requesting party.” Such request shall be in writing, signed and notarized and shall state in reasonable detail the facts upon which revocation is requested, which shall include but not be limited to relevant names of persons, dates and places. Any such request shall be filed with the Commissioner.

(c) **Dismissal.** If, in the opinion of the Commissioner, the request to revoke does not contain factual information in reasonable detail sufficient to commence an investigation, the Commissioner may either request additional information or dismiss without prejudice the request to revoke.

(d) **Investigation.** If, in the opinion of the Commissioner, the request to revoke does contain factual information in reasonable detail sufficient to commence an investigation, the Commissioner shall cause an investigation to be made. Investigatory subpoenas may be issued.

Based upon the results of the investigation, the Commissioner shall make a determination as to whether there is probable cause to institute revocation proceedings.

(e) **Findings of no probable cause.** If, after reviewing the results of the investigation, the Commissioner finds that in his judgment probable cause does not exist for the institution of revocation procedures, the Commissioner shall notify the certificate holder and the requesting party.

(f) **Finding of probable cause.** If, after reviewing the results of the investigation, the Commissioner finds that in his judgment probable cause does exist for the institution of revocation procedures, the Commissioner shall send, by registered

mail, notice of such finding to the certificate holder. Such notice, in the form of an administrative complaint, shall contain the grounds upon which revocation procedures have been instituted.

The Commissioner also shall notify the certificate holder, in writing, that within 15 days after receipt of the notice, the certificate holder may either:

(1) Surrender his certificate to the Commissioner and waive, in writing, his right to a hearing, thereby terminating his right to serve in a position requiring such certificate; or

(2) Request, in writing, a hearing.

(g) **Provision for hearing.** If there is no surrender of certificate and waiver of hearing or, if no request for a hearing is made by the certificate holder within the time period contained in subsection (f) of this section, the Board, on its own motion, made not later than 90 days following the expiration of the aforesaid 15 days, may order a hearing be held or order the Commissioner to file a written report with the Board. Such report shall be filed with the Board not more than 90 days following the Board's order for the report.

If a hearing is requested by the certificate holder or if the Board orders a hearing on its own motion, such hearing shall be held not later than 60 days following such request or such order of the Board, unless the Commissioner and the certificate holder mutually agree to an extension. Not less than 14 days notice of such hearing shall be given. Said notice period may be mutually waived by the Commissioner and the certificate holder.

(h) **Hearing procedure.** At the discretion of the Board, the hearing shall be conducted before the Board, a subcommittee of the Board or an impartial hearing officer appointed by the Board. The hearing shall be open to the public.

The Commissioner shall represent the interests of the Department. A verbatim transcript of the hearing shall be made. Both the certificate holder and the Commissioner shall have the right to be heard in each other's presence, to be present throughout the hearing and to cross-examine witnesses, to present oral argument and, within 31 days following the close of the hearing, to file briefs. The Commissioner and the certificate holder may mutually agree to extend the time for filing briefs.

The Rules of Practice of the Board, Sections 10-4-11 through 10-4-19 of the Regulations of Connecticut State Agencies, as may be amended from time to time, govern the conduct of the hearing, except that if there is a conflict between the provisions of this Section and those Rules, the provisions of this Section prevail.

(i) **Decision by the Board.** Unless the Commissioner and the certificate holder mutually agree to an extension, within 60 days after the closing of the record of the hearing, the subcommittee of the Board or the hearing officer shall submit a proposed final decision. The Board, within 90 days after the closing of the record of the hearing, or after the filing of the proposed final decision of a subcommittee of the Board or hearing officer or the written report of the Commissioner, if no hearing is held, shall determine by a recorded roll-call vote whether the certificate of the holder shall be revoked.

An affirmative vote of a majority of the Board, present and voting, shall be necessary for revocation. Each member of the Board who votes shall certify either to attendance at the hearing or to having read the proposed final decision of the subcommittee or hearing officer or the report of the Commissioner. The members of the Board shall have available for review any brief filed or documentary evidence introduced at the hearing.

At the meeting during which the revocation matter is to be decided and prior to voting on revocation, the Board, if it has not heard the matter en banc, shall provide the Commissioner and the certificate holder with the opportunity to make an oral statement regarding the proposed final decision or the report of the Commissioner, if no hearing was held. The Board may limit the length of the statement. The Board shall not provide for the introduction of any evidence during the statements.

The Board shall state in a written opinion the reasons for its action and shall base its determination on evidence adduced at the hearing or, if no hearing is held, upon the written report of the Commissioner. Notice of the action of the Board, together with its written opinion supporting its action, shall be furnished, promptly, to the Commissioner, the certificate holder and the requesting party.

(Effective July 1, 1995)

Sec. 10-145d-612a. Automatic revocation

(a) When the commissioner is notified, pursuant to subsection (f) of section 17a-101 of the general statutes, that a certificate holder has been convicted of a crime referenced in said statute, all certificates issued by the board and held by the convicted certificate holder are revoked as of the date notification is received by the commissioner. Upon receipt of notice of conviction, the commissioner shall notify, by certified mail, return receipt requested, the certificate holder of the revocation and his right to file a request for reinstatement.

(b) Within 15 days of receipt of the commissioner's notification, the former certificate holder may file a request for reinstatement with the board, requesting the board reconsider the revocation. A request for reinstatement shall include the name of the former certificate holder, a detailed explanation of why the former certificate holder believes the board should reinstate the certificate previously held and any other pertinent information which would be useful to the board. A copy of the request for reinstatement shall also be filed with the commissioner.

(c) Within 15 days after receipt of the request for reinstatement, the Commissioner shall file with the board a statement in support of or opposition to the reinstatement. A copy of the statement shall be provided to the former certificate holder by the commissioner.

(d) The board shall review the request for reinstatement and the Commissioner's statement and make a determination, within 90 days of receipt of the commissioner's statement, as to whether to reinstate the certificate. In determining whether to reinstate the certificate of the former certificate holder the board shall consider, if appropriate: the nature of the crime; the exemplary status of a certificate holder; the crime and its relationship to the education profession; the effect the crime has on the public health, safety and welfare; and whether, in the opinion of the board, reinstatement impairs the standing of other certificates issued by the board.

(Effective July 1, 1995)

Sec. 10-145d-613. Revocation of permits and authorizations

(a) Causes.

Any permit issued by the Board may be revoked by the Board in accordance with procedures hereinafter established if the Board finds that one or more of the following just causes exist:

(1) The holder of the permit, hereinafter called "the holder," obtained the permit through fraud or the misrepresentation of a material fact;

(2) The holder has persistently neglected to perform the duties for which the permit was granted;

(3) The holder is professionally unfit to perform the duties for which the permit was granted;

(4) The holder is convicted in a court of law of a crime involving moral turpitude or of any other crime of such nature that, in the opinion of the Board, continued possessing of a permit would impair the standing of permits issued by the Board; or

(5) Other due and sufficient cause, which includes but is not limited to failure to successfully complete the BEST assessment.

(b) Request for revocation.

A request for revocation of a permit may be made by a board of education or by a superintendent of schools, or by any person or persons with a legitimate interest, hereinafter called "the requesting party." Such request shall be in writing, signed and acknowledged and shall state in reasonable detail, including relevant names of persons, dates and places, the grounds upon which revocation is requested. Any such request shall be filed with the Commissioner.

(c) Preliminary inquiry.

Procedures directed toward the revocation of a permit may be instituted by the Commissioner, only after the Commissioner has made or causes to be made a preliminary inquiry to determine whether probable cause exists for instituting revocation procedures. If the Commissioner, as a result of such inquiry, finds that probable cause does not exist for the instituting of revocation procedures, the Commissioner shall so notify the holder and the requesting party.

(d) Notice to holder of certificate.

If the Commissioner, as a result of an inquiry, finds that in the Commissioner's judgment probable cause does exist for instituting revocation procedures, the Commissioner shall forthwith send by registered mail to the holder notice that procedures directed toward the revocation of the holder's permit are to be instituted. Such notice shall contain a statement of the grounds upon which revocation procedures have been instituted and shall contain the name and address of the requesting party. Such notice shall contain further a statement in writing that the holder may, within 15 days after receiving the notice, either:

(1) Surrender the permit to the Commissioner and thereby terminate the right to serve in a position requiring such permit, and state in writing that the holder waives the right to a hearing as provided in this section; or

(2) Request in writing a hearing before the Board. Copies of such request shall be sent by the Commissioner to the requesting party and to any other appropriate person or persons as determined by the Commissioner.

(e) Provision of hearings.

If no request for a hearing is made by the holder, the Board may, on its own motion made not later than 31 days after the expiration of the aforesaid 15 days' notice period, order a hearing to be held or order the Commissioner to make or cause to be made an investigation of the matters set forth in the notice and file a written report thereon with the Board at a meeting of the Board not more than 60 days following the expiration of the aforesaid 15 days' notice period. If a hearing is requested by the holder or if the Board orders a hearing on its own motion, such hearing shall be held not later than 60 days following such request or such order by the Board unless the parties mutually agree to an extension. Not less than 21 days' notice of such hearing shall be given to the holder and to the requesting party. Said notice period may be mutually waived by the parties.

(f) Hearing procedure.

The hearing shall be conducted before the Board, a subcommittee of the Board, or at the discretion of the Board, before an impartial hearing officer. The hearing shall be public. The Commissioner shall represent the interests of the State Department of Education. A verbatim transcript of the hearing shall be made and shall be supplied to all members of the Board, to the holder, and to the Commissioner. Both the holder and the Commissioner shall have the right to examine the record of any prior investigations and proceedings in the case, to be heard in each other's presence, to be present throughout the hearing and to be represented by counsel who shall be given reasonable opportunity to call witnesses, to cross-examine adverse witnesses, to present oral argument, and within 31 days following the hearing, to file briefs.

(g) Decision by the Board.

Within 60 days, unless the parties mutually agree to an extension after the closing of the record of the hearing, the subcommittee of the Board or the hearing officer shall submit written findings and a recommendation. The Board, within 90 days after the closing of the record of the hearing, or after the filing of the findings and recommendation of a subcommittee of the Board or hearing officer or the written report of the Commissioner, if no hearing is held, shall determine by a recorded roll-call vote whether the permit of the holder shall be revoked; an affirmative vote of a majority of the Board shall be necessary for revocation. Each member of the Board who votes shall certify either to attendance at the hearing or to having read the transcript of the hearing, or having read the written report of the subcommittee, hearing officer or the Commissioner, if no hearing has been held. The Board shall state in a written opinion the reasons for its action and shall base its determination on evidence adduced at the hearing or, if no hearing is held, upon the written report of the Commissioner. Notice of the action of the Board, together with its written opinion supporting its action, shall be promptly furnished to all parties to the proceedings.

(Effective July 1, 1993; amended August 6, 1998)

C

Equivalency

Sec. 10-145d-614. Certification through equivalency

(a) Certification may be granted if an applicant presents a combination of education and experience which is determined by the Commissioner or the Commissioner's designee to be the equivalent of the experience and education required by the regulations applicable to the certificate for which application is made, and all other conditions are met.

(b) The decision of the denial of certification through equivalency by the Commissioner or the Commissioner's designee shall be final.

(Effective July 1, 1993)

D

Extension

Sec. 10-145d-615. Extension of time to complete certification requirements

(a) A request may be made to the Commissioner for good cause for an extension of time to complete certification requirements by a person who:

(1) Holds a provisional educator or provisional teaching certificate or held such certificate within one year of application for extension of such certificate and is unable to complete the requirements for a professional educator certificate within the period required; or

(2) Holds a professional educator certificate or held such certificate within one year of application for extension of such certificate and is unable to complete the requirements for continuation of said professional educator certificate within the period required.

(b) If the Commissioner finds hardship exists in the case of such person or if it finds an emergency situation exists because of a shortage of certified teachers in the school district where such person is employed, it may extend the applicable period within which the person shall complete requirements. The period of extension shall be what the Commissioner deems reasonable, provided no more than one extension shall be granted to such person, and provided further, that the employment of such person is satisfactory.

(Effective July 1, 1995)

E

Appeals

Secs. 10-145d-616—10-145d-617.

Repealed, July 1, 1995.

F

Nullification of Certificate, Permit, Authorization or Endorsement

Sec. 10-145d-618. Nullification of certificate, permit, authorization or endorsement issued through administrative error

(a) A certificate, permit, authorization or endorsement, issued through administrative error may be nullified by the Commissioner or the Commissioner’s designee. Once a holder or employing agency in possession of an erroneously issued certificate, permit, authorization or endorsement, is notified by the Commissioner or the Commissioner’s designee that such certificate, permit, authorization or endorsement has been issued in error, the holder or employing agent shall return immediately such certificate, permit, authorization or endorsement to the Commissioner or the Commissioner’s designee.

(b) Any person who has knowledge that his or her certificate, permit, authorization or endorsement, was issued in error, shall be required to notify the Commissioner or the Commissioner’s designee and immediately return such certificate, permit, authorization or endorsement to the Commissioner or the Commissioner’s designee.

(c) Nullification will be effective from the date the certificate, permit, authorization or endorsement was erroneously issued regardless of whether it is returned.

(Effective July 1, 1993)

G

New Endorsements

Sec. 10-145d-619. Endorsement for education positions having unique requirements peculiar to an assignment

In cases where existing endorsements do not cover a unique certification area, the Department may issue certificates with endorsements other than those contained

in these regulations. Issuance of such unique endorsement shall be based on completion by the applicant of general, specialized and professional education clearly appropriate to the duties of the position and similar in quality, quantity and degrees to that required for other positions of comparable importance in a board of education.

(Effective July 1, 1993)

State Educator Certificates, Permits and Authorizations

Secs. 10-145d-620—10-145d-805.

Repealed July 1, 2003.

TABLE OF CONTENTS

Application Fee for the Teacher Competency Examination

Repealed.	10-145f- 1
Fee schedule.	10-145f- 2
Fee schedule for subject area assessment	10-145f- 3

Application Fee for The Teacher Competency Examination**Sec. 10-145f-1.**

Repealed, December 29, 1988.

Sec. 10-145f-2. Fee schedule

(a) A money order, cashier's check or certified bank check for \$48.00 shall accompany each initial application to take the teacher competency examination administered by the State Board of Education.

(b) A money order, cashier's check or certified bank check for \$10.00 shall accompany each application for retest of those individuals who have taken but not passed the teacher competency examination.

(Effective January 3, 1991)

Sec. 10-145f-3. Fee schedule for subject area assessment

A money order, cashier's check or certified bank check for \$48.00 shall accompany each application to take each subject area assessment administered by the State Board of Education.

(Effective January 3, 1991)

TABLE OF CONTENTS

Reports of Child Abuse by a Certified School Employee

Reports of child abuse by a certified school employee. 10-145g-1

Reports of Child Abuse by a Certified School Employee**Sec. 10-145g-1. Reports of child abuse by a certified school employee**

(a) Reports received by the Commissioner of Education pursuant to the provisions of Section 17a-101 of the General Statutes, as may be amended from time to time, shall be considered confidential.

(b) If as a result of information contained in the report received pursuant to subsection (a) of this Section or as a result of any investigation conducted pursuant to the provisions of Section 17a-101 of the General Statutes, as may be amended from time to time, the Commissioner of Education determines that probable cause exists to institute revocation procedures pursuant to subsection (m) of Section 10-145b of the General Statutes and regulations promulgated thereunder, as may be amended from time to time, information received from the aforementioned reports or investigations may be used in any revocation proceeding.

(Effective September 29, 1993)

TABLE OF CONTENTS

State Teachers Certificates

Repealed 10-146-1—10-146-101

State Teachers Certificates

Secs. 10-146-1—10-146-101.

Repealed, March 1, 1978.

TABLE OF CONTENTS

Coaching Permits

Repealed 10-149-1—10-149-7

Coaching Permits
(§ 10-145d)

Secs. 10-149-1—10-149-7.

Repealed, July 1, 1989.

TABLE OF CONTENTS

School Board—Teacher Negotiations

Article I

Description of Organization and Definitions

Creation and authority	10-153e- 1
Functions	10-153e- 2
Official address	10-153e- 3
Public information	10-153e- 4
Signature of documents	10-153e- 5
Act; board; complainant; respondent; agent	10-153e- 6
Other terms	10-153e- 7
Time limitations.	10-153e- 8

Article II

Prohibited Practice Complaints

Complaint	10-153e- 9
Complaint; form and filing; certification of service	10-153e-10
Contents of complaint	10-153e-11
Withdrawal of complaint	10-153e-12
Reference of complaint to agent; investigation; more specific statement	10-153e-13
Report by agent to board	10-153e-14
Action by board upon agent’s report; notice of hearing.	10-153e-15
Acceleration of hearing.	10-153e-16
Amendment to complaint.	10-153e-17
Service and filing of answer	10-153e-18
Denial	10-153e-19
Defense and new matter	10-153e-20
Extension of time to answer; amendment	10-153e-21
Amendment of answer; following amendment of complaint	10-153e-22
Failure to file answer	10-153e-23
Pleading; construction	10-153e-24
Back pay proceedings.	10-153e-25

Article III

Miscellaneous Proceedings

Declaratory ruling; form of petition	10-153e-26
Declaratory ruling; procedure after filing	10-153e-27
Scope of bargaining determination.	10-153e-28
Petitions concerning adoption of regulations	10-153e-29
Settlement of cases	10-153e-30
Pre-trial hearings	10-153e-31

Article IV

**General Provisions Relating to Parties and Procedure
Applicable to All Proceedings**

Quorum of board	10-153e-32
---------------------------	------------

Nonjoinder and misjoinder of parties	10-153e-33
Parties; relief	10-153e-34
During pendency of hearing	10-153e-35
Motion made before or after hearing.	10-153e-36
Intervention; procedure; contents; filings and service	10-153e-37
Consolidation or severance	10-153e-38
Witnesses; examination; depositions	10-153e-39
Record.	10-153e-40
Application for subpoenas	10-153e-41
Witness fees.	10-153e-42
Board shall conduct hearings.	10-153e-43
Hearings; powers and duties of the board	10-153e-44
Examination of witnesses; introduction of evidence.	10-153e-45
Hearings; evidence	10-153e-46
Hearings; stipulations	10-153e-47
Continuation of hearings	10-153e-48
Contemptuous conduct at hearings.	10-153e-49
Waiver of hearing; consent order	10-153e-50
Oral argument or briefs at the close of hearings	10-153e-51
Variance between pleading and proof	10-153e-52
Motions and objections at hearings	10-153e-53
Application for leave to reopen a hearing on grounds of newly discovered evidence.	10-153e-54
Findings of fact; conclusions of law; decision and order; exception	10-153e-55
Record of proceedings before the board	10-153e-56
Public record	10-153e-57
Practice before the board	10-153e-58

Article V

Service of Complaints, Orders and Other Processes

Method; proof; complaints; orders and other processes and papers of the board and agent	10-153e-59
Service by a party.	10-153e-60
Service upon attorney.	10-153e-61

Article VI

Construction, Amendments or Application of Regulations

Construction of regulations.	10-153e-62
Application of general regulations	10-153e-63

School Board—Teacher Negotiations

Article I

Description Organization and Definitions

Sec. 10-153e-1. Creation and authority

The Connecticut State Board of Labor Relations was established in 1945 by section 31-102 of the General Statutes and administers various labor relations statutes including the Act Concerning School Board-Teacher Negotiations, sections 10-153a to 10-153j of the General Statutes.

The three Board members are appointed by the governor with the advice and consent of the General Assembly. Pursuant to section 31-103, the Board appoints an agent and a general counsel for four year terms of office, and may appoint such assistant agents and other employees as are needed to carry out the work of the Board without undue delay.

(Effective May 7, 1980)

Sec. 10-153e-2. Functions

It is the function of the quasi-judicial Board to enforce the collective bargaining statutes by deciding prohibited practice cases. The board also promulgates regulations and exercises other powers necessary to the administration of the collective bargaining statutes under its jurisdiction.

The agent and assistant agents hold informal investigation and mediation conferences with parties to a complaint in an effort to resolve the labor relations dispute before a board hearing. If settlement is not possible the agent may recommend dismissal of a complaint or assign the matter for a hearing before the Board.

The general counsel is the legal advisor to the Board and staff and represents the Board in court appeals, enforcement proceedings and other judicial and administrative proceedings to which the Board is a party or is interested.

(Effective May 7, 1980)

Sec. 10-153e-3. Official address

All communications should be addressed to the State Board of Labor Relations, 200 Folly Brook Boulevard, Wethersfield, Connecticut 06109.

(Effective May 7, 1980)

Sec. 10-153e-4. Public information

The public may inspect the regulations, decisions and public records of the board at its offices in Wethersfield. There is no prescribed form for requests for information. Written requests should be submitted to the Board at its above stated official address.

(Effective May 7, 1980)

Sec. 10-153e-5. Signature of documents

The duly authorized and official documents of the Board of every description, and without exception, including but not limited to the Board decisions, orders, notices, subpoenas, and communications shall be signed in behalf of the Board by any Board member, the agent, the general counsel, or any staff member empowered to sign in the Board's behalf. Such a signature shall be presumed to be duly authorized by the Board unless and until the contrary is demonstrated in any board proceeding or hearing.

(Effective May 7, 1980)

Sec. 10-153e-6. Act; board; complainant; respondent; agent

The term “Act” as used herein means the Act Concerning School Board-Teacher Negotiations, section 10-153 (e) of the general statutes, as amended, and the term “Board” means the Connecticut State Board of labor Relations. In proceedings under this section, the party charging a prohibited practice shall be called the “Complainant”; and the party alleged to have committed such prohibited practice shall be called the “Respondent.” The term “Agent” herein shall mean the Agent of the Board and shall include the Assistant Agents.

(Effective May 7, 1980)

Sec. 10-153e-7. Other terms

The terms defined in section 10-153 (b) (a) of the general statutes shall have the same meanings in these regulations.

(Effective May 7, 1980)

Sec. 10-153e-8. Time limitations

Whenever the time limited in these regulations for any act is seven (7) days or more, Saturdays, Sundays and holidays shall be included in making the computation. Whenever the time so limited is less than seven (7) days, Saturdays, Sundays and holidays shall be excluded.

(Effective May 7, 1980)

Article II

Prohibited Practice Complaints

Sec. 10-153e-9. Complaint

A complaint that any person, employee representative organization or school board has engaged in or is engaging in any prohibited practice under the Act may be filed by a board of education or an employee representative organization either of which may hereafter be referred to as the person filing the complaint.

(Effective May 7, 1980)

Sec. 10-153e-10. Complaint; form and filing; certification of service

A complaint shall be in writing. The original shall be signed and sworn to before any person authorized to administer an oath. The original and four (4) copies of the complaint shall be filed with the Board. The complaint shall include a certification also signed and sworn to before any person authorized to administer an oath, stating that a copy of the complaint has been served upon the Respondent by registered or certified mail or in person. Blank forms for making the complaint shall be supplied by the Board upon request.

(Effective May 7, 1980)

Sec. 10-153e-11. Contents of complaint

A complaint shall contain the following:

- (a) The full name and address of the person making the complaint;
- (b) The full name and address of the person against whom the complaint is filed;
- (c) A clear and concise description of the acts which are claimed to constitute prohibited practices, including, where known, the appropriate dates and places of such acts and names of Respondent’s agents or other representatives by whom committed. If, in any such case, the required specification is impossible, the reason

why it is impossible shall be stated, and other facts shall be included which are sufficient to describe the nature of the conduct complained of;

(d) An enumeration of the subdivision or subdivisions of the Act claimed to have been violated;

(e) A statement of the relief to which the Complainant deems himself entitled. Such claim for relief shall not limit the powers of the Board vested in it by the Act.
(Effective May 7, 1980)

Sec. 10-153e-12. Withdrawal of complaint

A complaint, or any part thereof, may be withdrawn only with the consent of the Board and upon such conditions as the Board may deem proper.

(Effective May 7, 1980)

Sec. 10-153e-13. Reference of complaint to agent; investigation; more specific statement

All complaints filed with the Board shall be automatically referred to the Agent, who shall investigate the same with due diligence. Provided however, that the Agent may return to the Complainant, without investigation, any complaint which does not comply with section 10-153e-11 of these regulations.

(Effective May 7, 1980)

Sec. 10-153e-14. Report by agent to board

Within 90 days of the date when a sufficient complaint was filed, the Agent shall report to the Board upon the complaint, recommending its dismissal or issuing a complaint of his own. If the Agent recommends dismissal, he shall do so in writing and shall forthwith serve a copy of his recommendation upon all parties in interest. If the Agent issues a complaint, he may use the original complaint filed by the Complainant in whole or in part. He may also draft new language to conform with the facts adduced by his investigation. If any such party files a written objection to the Agent's recommendation of dismissal within fourteen (14) days of its service upon him, the Board shall order a hearing to be held upon the complaint, in the manner provided in section 10-153e-15. Unless such objection is so filed, the Board will dismiss the complaint.

(Effective May 7, 1980)

Sec. 10-153e-15. Action by board upon agent's report; notice of hearing

The Board shall act promptly upon the Agent's report. If it orders a hearing, it shall cause to be issued and served upon each person complained of a copy of the complaint and a notice of hearing before the Board at the time and place therein fixed, to be held not less than seven (7) days after the service of such complaint. Notice of the hearing shall be given to the person filing the complaint or his representative.

(Effective May 7, 1980)

Sec. 10-153e-16. Acceleration of hearing

The parties to the proceedings may consent by stipulation to a hearing within less than seven (7) days after the service of the complaint.

(Effective May 7, 1980)

Sec. 10-153e-17. Amendment to complaint

Any complaint may be amended by any party or the Board at any time before final decision or order, upon such terms and conditions as the Board deems just and proper.

(Effective May 7, 1980)

Sec. 10-153e-18. Service and filing of answer

The Respondent against whom the complaint is issued shall have the right to file an answer thereto within five (5) days from the service of the complaint. Such answer shall be in writing, the original being signed by the Respondent or his, or its, attorney. The Respondent or his, or its, attorney, shall file the answer and four (4) copies thereof with the Board and serve copies of the answer on each party to the proceeding.

(Effective May 7, 1980)

Sec. 10-153e-19. Denial

The Respondent shall admit or deny each of the allegations contained in the complaint unless the Respondent is without knowledge or information sufficient to form a belief as to the truth of an averment, in which case the Respondent shall so state, such statement operating as a denial. The answer may contain a plain statement of any explanation or new matter which constitutes the grounds of defense.

(Effective May 7, 1980)

Sec. 10-153e-20. Defense and new matter

Any allegation of new matter contained in the answer is to be deemed denied or avoided without the necessity of a reply.

(Effective May 7, 1980)

Sec. 10-153e-21. Extension of time to answer; amendment

Upon the Board's own motion or upon application of the Respondent, the Board may extend the time within which the answer may be filed. The answer may be amended at any time with the permission of the Board, upon such terms and conditions as it deems just.

(Effective May 7, 1980)

Sec. 10-153e-22. Amendment of answer; following amendment of complaint

In any case where a complaint has been amended, the Respondent shall have an opportunity to amend his answer within such period as may be fixed by the Board.

(Effective May 7, 1980)

Sec. 10-153e-23. Failure to file answer

Notwithstanding any failure of the Respondent to file an answer within the time provided in section 10-153e-18, the Board may proceed to hold a hearing at the time and place specified in the notice of hearing, and may make its findings of fact and enter its order upon the testimony so taken. In any case where a respondent fails to answer and appear at the hearing the board may take the allegations in the complaint as admitted and may issue an appropriate order.

(Effective May 7, 1980)

Sec. 10-153e-24. Pleadings; construction

All Pleadings shall be liberally construed.

(Effective May 7, 1980)

Sec. 10-153e-25. Back pay proceedings

(a) After a Board order directing the payment of back pay has been issued or after enforcement of such order by the Superior Court, if informal efforts to dispose of the matter prove unsuccessful, the agent is then authorized in his discretion to issue a back pay specification in the name of the Board and a notice of hearing before the Board, both of which shall be sent by registered or certified mail to the parties involved. The specification sets forth the computations showing gross and net back pay due and any other pertinent information. The respondent must file an answer within fifteen (15) days of the receipt of the specification setting forth a particularized statement of its defense.

(b) In the alternative, and in his discretion, the agent under the circumstances specified above, may issue and send to the parties a notice of hearing only without a specification. Such notice shall contain in addition to the time and place of hearing before the Board, a brief statement of the matters in controversy.

(Effective May 7, 1980)

Article III**Miscellaneous Proceedings****Sec. 10-153e-26. Declaratory ruling; form of petition**

Whenever there is a substantial and immediate threat to rights protected by the Act Concerning School Board-Teacher Negotiations a person or organization may request a declaratory ruling by the Board with respect to the applicability to such person or organization of any statute, regulation, or order enforced, administered or promulgated by the Board in the following form:

(a) A petition stating the factual background of the issue must be in writing and sent to the board by mail or delivered in person during normal business hours.

(b) The petition shall be signed by a person or representative of an organization in whose behalf the inquiry is made and shall state the address of such person or organization and the name and address of the petitioner's attorney, if applicable.

(c) A petitioner shall send a copy of the petition by registered or certified mail to any person or organization that may be immediately affected by the petition. The petition shall state the persons or organizations so notified. If the petitioner is in doubt as to who should be notified it may apply to the Board for an order of notice.

(d) The petition shall state clearly and concisely the substance and nature of the request. It shall identify the statute, regulation or order concerning which the request is made and shall identify the particular aspect thereof to which the question of applicability is directed.

(e) The petition shall state the position of the petitioner with respect to the question of applicability.

(f) The petition or brief attached thereto may include an argument in support of the position of the petitioner with such legal citation as may be appropriate.

(Effective May 7, 1980)

Sec. 10-153e-27. Declaratory ruling; procedure after filing

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

(b) If the Board deems a hearing necessary or helpful in determining any issue concerning the request for declaratory ruling, the Board shall schedule such hearing and give such notice thereof as shall be appropriate.

(Effective May 7, 1980)

Sec. 10-153e-28. Scope of bargaining determination

Any employee organization, employer, or arbitrator may request the Board to determine the scope of collective bargaining if

(1) during the course of collective negotiations one party seeks to negotiate with respect to a matter or matters which the other party contends is not a mandatory subject for collective negotiations or

(2) one party seeks to submit a matter to a fact finder or binding interest arbitrator which the other party contends is not a mandatory subject for collective negotiations or

(3) a party alleges that an illegal subject of bargaining is improperly submitted to a grievance arbitrator.

A request for such a determination shall be submitted to the Board in the same form as a request for a declaratory ruling and shall be subject to the same procedure. If such a request has the effect of delaying negotiations or arbitration, the Board shall make every effort to expedite the proceeding.

(Effective May 7, 1980)

Sec. 10-153e-29. Petitions concerning adoption of regulations

(a) Any person or organization may at any time petition the Board to promulgate, amend or repeal any regulation. The petition shall set forth clearly and concisely the text of the proposed regulation, amendment, or repeal. Such petition shall also state the facts and arguments that favor the action it proposes by including such data, facts and arguments in the petition or in a brief annexed thereto. The petition shall be signed by the petitioner and shall furnish the address of the petitioner and the name of the petitioner's attorney, if applicable.

(b) Within thirty (30) days following receipt of the petition, the Board shall determine whether to deny the petition, or to initiate regulation making proceedings in accordance with the petition. If the petition is denied, the petitioner shall be notified in writing of the reasons for said denial.

(Effective May 7, 1980)

Sec. 10-153e-30. Settlement of cases

Informal disposition may be made of any complaint or petition by stipulation, agreed settlement, consent order, or default.

(Effective May 7, 1980)

Sec. 10-153e-31. Pre-trial hearings

Prior to any scheduled hearing the Board or agent may order the parties to meet with a Board member, agent or other staff member for the purpose of obtaining stipulations of fact, joint exhibits, disclosure of evidence and identification of witnesses and issues to be raised at the formal hearing.

Failure to disclose evidence, witnesses or issues at the pre-trial hearing may result in the Board's denying the introduction of such evidence, testimony or issues at the formal hearing.

(Effective May 7, 1980)

Article IV

General Provisions Relating to Parties and Procedure Applicable to All Proceedings

Sec. 10-153e-32. Quorum of board

A vacancy in the Board, or the absence or disqualification of a member of the Board, shall not impair the right of the remaining members to exercise all of the powers of the Board, and two members of the Board shall at all times constitute a quorum.

(Effective May 7, 1980)

Sec. 10-153e-33. Nonjoinder and misjoinder of parties

No proceeding under the Act will be dismissed because a person directly concerned is not a party thereto. If it is necessary for the determination of the matter in dispute so to do, the Board may allow parties to be added or substituted and unnecessary parties to be dropped at any time in the proceeding.

(Effective May 7, 1980)

Sec. 10-153e-34. Parties; relief

All persons alleged to have engaged in any prohibited practices may be joined as Respondents, whether jointly, severally or in the alternative, and a decision may be rendered against such one or more of the Respondents as is appropriate upon all the evidence. The Board may award any relief appropriate under law and the facts proven, and shall not be limited to the relief demanded.

(Effective May 7, 1980)

Sec. 10-153e-35. During pendency of hearing

All motions made at a hearing shall be stated orally, shall be included in the stenographic report of the hearing and shall be decided by the Board. All motions, rulings, decisions and orders shall become part of the record in the proceeding.

(Effective May 7, 1980)

Sec. 10-153e-36. Motion made before or after hearing

All motions made, other than those made during a hearing or hearings, shall be filed in writing with the Board and shall state the order or relief applied for and the grounds for such motion. The moving party shall serve copies of all such papers on all parties and shall within three (3) days thereafter, file an original, with proof of due service, and four (4) copies of all papers with and for the use of the Board. Answering statements, if any, shall be served on all parties and an original thereof, with proof of due service, and four (4) copies shall be filed with the Board within three (3) days after service of the moving party or parties, unless otherwise directed by the Board. All motions shall be decided by the Board upon the papers filed with it, unless the Board, in its discretion, shall decide to hear oral argument, or take testimony, in which event the Board shall notify the parties of such fact and of the time and place for such argument or for the taking of such testimony.

(Effective May 7, 1980)

Sec. 10-153e-37. Intervention; procedure; contents; filings and service

Any board of education or employee organization desiring to intervene in any proceeding shall file with the Board a sworn petition and four (4) copies thereof in writing, setting forth the facts upon which such board of education or employee

organization claims an interest in the proceeding. Such petition shall be served on all the parties. Petitions shall be filed with the Board, with proof of service, at least two (2) days prior to the first hearing. Failure to serve or file such petition, as above provided, shall be deemed sufficient cause for the denial thereof unless it shall be determined that good and sufficient reason exists why it was not served or filed as herein provided. The Board shall rule upon all such petitions and may permit intervention to such an extent and upon such terms and conditions as it shall determine may effectuate the policies of the Act.

(Effective May 7, 1980)

Sec. 10-153e-38. Consolidation or severance

Two or more proceedings under the Act may be consolidated by the Board, in its discretion, and such proceedings may be severed by the Board, in its discretion.

(Effective May 7, 1980)

Sec. 10-153e-39. Witnesses; examination; depositions

Witnesses at all hearings shall be examined orally, under oath or affirmation. If a witness resides outside the state or through illness or other cause is unable to testify before the Board, his or her testimony or deposition may be taken within or without the state in such manner and in such form as may be directed by the Board. All applications shall be made by motion to the Board in accordance with the motion practice herein set forth.

(Effective May 7, 1980)

Sec. 10-153e-40. Record

A record of the proceedings shall be made by the Board.

(Effective May 7, 1980)

Sec. 10-153e-41. Application for subpoenas

Any party to a proceeding may apply to the Board for the issuance of a subpoena or subpoena duces tecum, requiring the attendance during a hearing of any person, party or witness and directing the production at a hearing of any books, records or correspondence or other evidence relating to any matter under investigation or any question before the Board. Such application shall be timely, shall be in writing and shall specify the name of the witness or the documents or things, the production of which is desired, with such particularity as will enable such documents to be identified for purposes of production and the return date desired. Such application shall be made and filed with the Board and need not be served on any other party. Any subpoena issued by the Board shall be mailed or delivered forthwith to the party applying therefor. Arrangements for the service of the subpoena, according to law, shall be made by such party.

(Effective May 7, 1980)

Sec. 10-153e-42. Witness fees

Witnesses summoned before the Board or its Agent shall be paid the same fees and mileage that are paid witnesses in the courts of the state, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the state. Witness fees and mileage shall be paid by the party at whose instance the witnesses appear and shall be paid by the Board when they appear by the Board's instance, and the person

taking the deposition shall be paid by the party at whose instance the deposition is taken or by the Board if the deposition is taken at its instance.

(Effective May 7, 1980)

Sec. 10-153e-43. Board shall conduct hearings

A hearing for the purpose of taking testimony upon a complaint, or upon a complaint and answer, shall be conducted by the Board. Such hearings shall be open to the public.

(Effective May 7, 1980)

Sec. 10-153e-44. Hearings; powers and duties of the board

During the course of any hearing, the Board shall have the full authority to control the conduct and procedure of the hearings, and the records thereof, to admit or exclude testimony or other evidence, and to rule upon all motions and objections made during the course of the hearing. The Board shall provide that a full inquiry is made into all the facts in issue and shall obtain a full and complete record of all facts necessary for a fair determination of the issues. In any hearing, the Board shall have the right to call and examine witnesses, to direct the production of papers or documents and to introduce into the record such papers or documents.

(Effective May 7, 1980)

Sec. 10-153e-45. Examination of witnesses; introduction of evidence

In any hearing, the Agent and all parties shall have the right to call, examine and cross-examine witnesses and to introduce into the record papers and documents or other evidence subject to the ruling of the Board.

(Effective May 7, 1980)

Sec. 10-153e-46. Hearings; evidence

The Board shall not be bound by technical rules of evidence. All findings of the Board as to facts shall be supported by substantial evidence.

(Effective May 7, 1980)

Sec. 10-153e-47. Hearings; stipulations

At a hearing, stipulations may be introduced in evidence with respect to any issue, subject to the ruling of the Board.

(Effective May 7, 1980)

Sec. 10-153e-48. Continuation of hearings

In the discretion of the Board, the hearing may be continued from day to day or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the Board or by other appropriate notice designated by the Board.

(Effective May 7, 1980)

Sec. 10-153e-49. Contemptuous conduct at hearings

Any person who engages in contemptuous conduct before the Board may, in the discretion of the Board, be excluded from the hearing room or further participation in the proceeding.

(Effective May 7, 1980)

Sec. 10-153e-50. Waiver of hearing; consent order

Nothing in these regulations shall prevent the entry of an order with the consent of the Respondent, and on notice to all parties and without the holding of any

hearing or the making of any findings of fact or conclusions of law, if the Respondent shall waive the holding of any hearing and making of the findings of fact and conclusions of law.

(Effective May 7, 1980)

Sec. 10-153e-51. Oral argument or briefs at the close of hearings

In all hearings under the Act the Board may, in its discretion, permit the parties to argue orally before it at the close of the hearings or to file briefs. The time for oral argument or filing briefs shall be fixed by the Board. Any request for oral argument before the Board shall be submitted at the close of the hearing. The granting or denial of permission to argue orally before the Board shall be within the discretion of the Board. Arguments shall be included in the stenographic report unless the Board directs otherwise.

(Effective May 7, 1980)

Sec. 10-153e-52. Variance between pleading and proof

(a) A variance between the pleading in a prohibited practice proceeding and the proof shall be considered immaterial unless it prejudicially misleads any party or the Board. Where a variance is not material, the Board may admit such proof and the facts may be found accordingly. Where a variance is material, the Board may permit an amendment at any time before the final order of the Board upon such terms as it deems just. Any party or the Board may move to conform the pleadings to the proof.

(b) The Board shall disregard all defects in pleading and procedure wherever this may be done without impairing the substantial rights of any party, if justice so requires.

(Effective May 7, 1980)

Sec. 10-153e-53. Motions and objections at hearings

Motions made during the hearing and objections with respect to the conduct of the hearing, including objections to the introduction of evidence, shall be stated orally and shall be included in the stenographic report of the hearing.

(Effective May 7, 1980)

Sec. 10-153e-54. Application for leave to reopen a hearing on grounds of newly discovered evidence

No motion for leave to reopen a hearing because of newly discovered evidence shall be entertained unless it is shown that such additional evidence is material, that the motion has been timely made and that there were reasonable grounds for the failure to adduce such evidence at the hearing. Nothing contained in this section shall be deemed to limit the right and power of the Board in its discretion and on its own motion to reopen a hearing and take further testimony.

(Effective May 7, 1980)

Sec. 10-153e-55. Findings of fact; conclusions of law; decision and order; exception

The Board shall, at any time after the close of a hearing issue its findings of fact, conclusions of law, decision and order. Such findings of fact, conclusions of law, decision and order shall contain, but need not be limited to (a) a statement of the case and preliminary procedure before the Board, (b) findings of fact, (c) conclusions of law, (d) decision and order.

(Effective May 7, 1980)

Sec. 10-153e-56. Record of proceedings before the board

(a) The record of the proceedings before the Board shall consist of the complaint or amended complaint, any other pleadings, notices of hearing, motions, orders, stenographic report, exhibits, depositions, findings of fact, conclusions of law, the decision and order.

(b) If a prohibited practice proceeding is predicated in whole or in part upon a prior representation proceeding, the record of such representation proceeding shall be obtained, if available, and will be deemed a part of the record in the prohibited practice proceeding for all purposes.

(Effective May 7, 1980)

Sec. 10-153e-57. Public record

The record as defined in the preceding section shall constitute the public record of cases and shall be made available for inspection or copying under such conditions as the Board may prescribe.

(Effective May 7, 1980)

Sec. 10-153e-58. Practice before the board

Any person who at any time has been a member of or employed by the Board shall not be permitted to appear before the Board as an attorney or representative for any person, school board or employee representative organization until the expiration of six (6) months from the termination of his employment with the Board, nor shall he at any time be permitted to appear in any case which was pending before the Board during the period of his employment with the Board.

(Effective May 7, 1980)

Article V**Service of Complaints, Orders and Other Processes****Sec. 10-153e-59. Method; proof; complaints; orders and other processes and papers of the board and agent**

Complaints, decisions and orders and other processes and papers of the Board and Agent may be served personally, by registered or certified mail, by telegraph or by leaving a copy thereof in the principal office or place of business of persons to be served. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of the same and the return post office receipt or telegraph receipt therefor, when registered or certified and mailed or telegraphed as aforesaid, shall be proof of service of the same.

(Effective May 7, 1980)

Sec. 10-153e-60. Service by a party

Service of papers by a party to the proceeding shall be made by registered or certified mail or in person. The verified return by the individual so serving the same, setting forth the manner of such service, shall be proof of such service. When service is made by registered or certified mail, the return post office receipt shall be proof of service.

(Effective May 7, 1980)

Sec. 10-153e-61. Service upon attorney

If a party appears by her, his or its attorney, all papers other than the complaint, notice of original hearings, and final decisions and orders may be served, as herein

provided, upon such attorney with the same force and effect as though served upon the party.

(Effective May 7, 1980)

Article VI

Construction, Amendments or Application of Regulations

Sec. 10-153e-62. Construction of regulations

These regulations shall be liberally construed and shall not be deemed to limit the powers conferred upon the Board by the Act.

(Effective May 7, 1980)

Sec. 10-153e-63. Application of general regulations

These regulations and any amendments thereto shall govern all proceedings filed with the Board on or after the effective date of these regulations.

(Effective May 7, 1980)

TABLE OF CONTENTS

Impartial Arbitrator Selection

Introduction	10-153f- 1
Definitions.	10-153f- 2
Role of the board	10-153f- 3
Impartial arbitrator qualifications.	10-153f- 4
Application	10-153f- 5
Review of applications	10-153f- 6
Interview.	10-153f- 7
Role of the commissioner.	10-153f- 8
Role of the board	10-153f- 9
Evaluation	10-153f-10
Impartial arbitrator conduct, standards, and responsibilities.	10-153f-11
Intern training program	10-153f-12

Impartial Arbitrator Selection

Sec. 10-153f-1. Introduction

Sections 10-153f-1 to 10-153f-12, inclusive, of these regulations apply to the selection, nomination, conduct and evaluation of impartial arbitrators on the arbitration panel maintained by the State Board of Education pursuant to the provisions of Section 10-153f of the General Statutes, as may be amended from time to time.

It is the policy of the State Board of Education that in exercising its statutory responsibility to nominate impartial arbitrators to the Governor, every effort will be made to ensure that only qualified, responsible impartial arbitrators are nominated through a fair and valid screening procedure.

(Effective May 24, 1991)

Sec. 10-153f-2. Definitions

As used in Sections 10-153f-2 to 10-153f-12, inclusive:

(a) "Applicant" means an individual who is seeking appointment to the panel as an impartial arbitrator.

(b) "Board" means the State Board of Education.

(c) "Commissioner" means the Commissioner of Education.

(d) "Experience" means three years of responsible active participation in public sector collective bargaining interest impasse resolution.

(e) "Mock award" means any public sector interest arbitration award written by an applicant while serving as an intern to an impartial arbitrator. These awards are written for the sole and exclusive purpose of completing the requirements of the arbitrator intern program (see Section 10-153f-12 of these regulations) and will be available only to the Commissioner or his representative. They are neither binding upon the parties nor accorded any force and effect of law.

(f) "Panel" means the arbitration panel established pursuant to Section 10-153f of the General Statutes, as may be amended from time to time.

(g) "Party" means an employing board of education or exclusive bargaining representative directly involved and affected by a dispute.

(h) "Public sector collective bargaining interest impasse resolution" means mediation, factfinding or interest arbitration but not grievance or rights arbitration.

(Effective May 24, 1991)

Sec. 10-153f-3. Role of the board

The role of the Board under Sections 10-153f-1 to 10-153f-12, inclusive, of these regulations is limited to matters relating to the nomination of applicants to be appointed to the panel of impartial arbitrators and the evaluation of impartial arbitrators so appointed.

(Effective May 24, 1991)

Sec. 10-153f-4. Impartial arbitrator qualifications

(a) Impartial arbitrators shall be representatives of the public in general.

(b) An impartial arbitrator must not currently be, nor within two years of application have been, an advocate of public or private sector employers or employer organizations or public or private sector employees or employee organizations. An advocate is an individual who represents an organization in matters of personnel and labor relations, including but not limited to: unit determination and exclusive representation; collective bargaining; grievance adjustment; arbitration; unfair labor practices and labor-related litigation; wage and benefit administration; equal employ-

ment opportunity; unemployment compensation; and occupational health or safety standards.

(c) An impartial arbitrator shall be a resident of Connecticut.

(d) An impartial arbitrator shall be experienced in public sector collective bargaining interest impasse resolution.

(e) An impartial arbitrator must possess:

(1) knowledge of the Connecticut Teacher Negotiation Act and other labor laws relevant to the public sector;

(2) knowledge of hearing procedures and the ability to conduct arbitration hearings and to develop an accurate record of proceedings;

(3) knowledge of and application of the principles of arbitrator ethics;

(4) knowledge of the labor relations concepts, principles and practices of contract negotiation and administration;

(5) knowledge of the limits of arbitrator authority;

(6) knowledge of the basic tenets of public sector finance, particularly municipal finance;

(7) ability to evaluate the costs of wage and fringe benefits and improvements;

(8) ability to write clear and comprehensive arbitration awards;

(9) ability to complete the written award within statutory timelines; and

(10) commitment to the public interest.

(Effective May 24, 1991)

Sec. 10-153f-5. Application

(a) An applicant may apply for appointment as an impartial arbitrator by filing an application with the Office of Legal Affairs, Department of Education, 165 Capitol Avenue, Hartford, Connecticut, 06106.

(b) An applicant must provide clear, complete and accurate information on the application, during an interview and throughout the application process. Failure to do so shall result in rejection of application.

(c) An applicant attempting to influence any member of the Board, the Commissioner, the staff of the Department of Education or any person involved with the screening of applicants regarding nomination or appointment to the panel through means other than the formal selection process will be rejected and permanently barred from reapplying for nomination.

(Effective May 24, 1991)

Sec. 10-153f-6. Review of applications

(a) At such times deemed appropriate by the Commissioner, applications shall be reviewed.

(b) Applications will be screened by a committee of not less than five persons appointed by the Commissioner. The committee shall include the Commissioner's designee, representatives of local and regional boards of education, exclusive bargaining representatives of certified professional employees employed by local or regional boards of education, and local legislative and fiscal authorities.

(c) Application review shall be the preliminary screening method used to determine whether an applicant appears to have minimum qualifications sufficient to invite for an interview, i.e. they are Connecticut residents and are experienced in public sector collective bargaining interest impasse resolution.

(d) Applicants shall be rated by the application review committee as "qualified for an interview" or "not qualified for an interview." If a majority of the application review committee indicates that an applicant is "qualified for an interview," then

an invitation will be extended. If a majority of the application review committee indicates that an applicant is “not qualified for an interview,” then the applicant will be so notified.

(Effective May 24, 1991)

Sec. 10-153f-7. Interview

(a) The Commissioner shall appoint an interview committee. Interviews shall be coordinated by the Commissioner’s designee, who shall serve as chairperson of the committee. The committee shall include: three representatives of local and regional boards of education; three representatives of exclusive bargaining representatives of certified professional employees employed by local or regional boards of education; three representatives of local legislative and fiscal authorities; and three representatives of public or private neutral dispute resolution agencies which shall include the Commissioner’s designee.

(b) The interview committee shall evaluate applicants on the factors contained in Section 10-153f-4 (e) of these regulations and rate candidates using the following scale:

(1) UNSATISFACTORY: Applicant’s performance on the factor is well below the level required for effective job performance.

(2) MARGINAL: Applicant’s performance on the factor is at a level below the level required for effective job performance.

(3) SATISFACTORY: Applicant’s performance on the factor is at a satisfactory level for effective job performance.

(4) GOOD: Applicant’s performance on the factor is clearly above the level required for effective job performance.

(5) EXCELLENT: Applicant’s performance on the factor is at a superior level of extremely high quality.

(c) In order to be recommended by the committee, all committee members must give the applicant an overall rating of satisfactory or better. Names of applicants who achieve such a cumulative rating shall be forwarded to the Commissioner.

(Effective May 24, 1991)

Sec. 10-153f-8. Role of the commissioner

(a) The Commissioner shall review the recommendations of the interview committee. For good cause, the Commissioner may direct the interview committee to review again an unsuccessful applicant.

(b) The Commissioner shall forward the list of recommended applicants to the Board for action.

(Effective May 24, 1991)

Sec. 10-153f-9. Role of the board

(a) The Board shall review the recommendations forwarded by the Commissioner. The Board may approve or reject any or all of the recommendations submitted by the interview committee. For good cause, the Board may direct the interview committee to review any applicant.

(b) The Board shall submit its list of qualified impartial arbitrators to the Governor. Said list shall contain only names of persons approved by the interview committee.

(Effective May 24, 1991)

Sec. 10-153f-10. Evaluation

(a) The Commissioner shall develop an evaluation instrument and cause all arbitrators appointed to the panel to be evaluated. Such evaluation shall include but not be limited to: compliance with the provisions of Section 10-153f of the General Statutes, as it may be amended from time to time; compliance with arbitration statutes or rules; meeting, on a continuing basis, the arbitrator qualifications; filing complete and accurate biographical data with the Commissioner; apprising the Commissioner of changes in personal status or availability to arbitrate cases; compliance with requests from the Commissioner concerning arbitration activities and potential conflicts of interests; submitting awards in a timely manner; meeting statutory time schedules; and, evaluations of an arbitrator's performance by the parties.

(b) Evaluations or a comprehensive summary thereof, of impartial arbitrators shall be provided to the interview committee, Commissioner and the Board when each considers the reappointment of impartial arbitrators pursuant to Sections 10-153f-7 through 10-153f-9, inclusive, of these regulations.

(c) Evaluations of all arbitrators, or a comprehensive summary thereof, shall be forwarded to the Governor at the same time the Board submits its list of qualified impartial arbitrators to the Governor.

(Effective May 24, 1991)

Sec. 10-153f-11. Impartial arbitrator conduct, standards, and responsibilities

(a) Impartial arbitrators must continuously demonstrate competence in labor relations, including procedural and substantive matters, integrity, and neutrality.

(b) Except as otherwise provided, the Code of Professional Responsibility for Arbitrators of Labor-Management Disputes approved and published by the National Academy of Arbitrators is incorporated by reference and is applicable to and shall govern the professional behavior of impartial arbitrators.

(c) Impartial arbitrators shall not solicit parties for selection to cases. An impartial arbitrator must uphold the integrity of the profession and must not advertise or solicit arbitration assignments.

(d) It is the responsibility of the impartial arbitrator to schedule time commitments in a manner consistent with the needs of the parties and the expeditious handling of disputes. Assignment to an arbitration case must be declined if the impartial arbitrator is unable to schedule or participate in a hearing within the statutory time limits.

(e) All arbitrators are responsible for providing the Commissioner with complete and accurate data and for keeping the Commissioner informed of changes in personal status and availability to arbitrate cases. Revisions regarding changes in per diem fee schedules, biographical and availability data must be timely submitted. Before acceptance of an arbitration case, an impartial arbitrator must disclose to the parties and the Commissioner any personal or professional relationships or other circumstances that might reasonably raise a question regarding the arbitrator's impartiality. If the circumstances requiring disclosure are not known to the arbitrator before acceptance of the case, disclosure must be made when circumstances become known to the arbitrator. An impartial arbitrator shall withdraw from an arbitration at any time the impartial arbitrator perceives a conflict of interest.

(Effective May 24, 1991)

Sec. 10-153f-12. Intern training program

(a) An arbitrator training program shall be available to applicants or other persons who lack intern arbitration experience in public sector education but who are otherwise qualified.

(b) In order to be considered for the arbitrator intern training program, an individual shall be:

(1) a resident of Connecticut; and

(2) experienced in public sector collective bargaining interest impasse resolution.

(c) The Commissioner shall select persons for the arbitration intern program.

(d) Persons selected to the intern program may:

(1) be recommended by the interview committee; or

(2) apply directly to the Commissioner.

(e) The Commissioner shall select persons who, in the opinion of the Commissioner, will serve the best interests of the state. The Commissioner may limit the number of interns selected in order to ensure that the intern program may be operated in an administratively efficient manner maximizing the opportunities for all interns.

(f) The Commissioner shall keep a list of intern applicants and may, from time to time, select interns from that list.

(g) Interns will be required to attend training classes conducted, sponsored or endorsed by the Commissioner or his designee.

(h) Interns will be required to attend not less than six arbitrations conducted under the provisions of the Teacher Negotiation Act, Section 10-153a *et seq.* of the General Statutes, as may be amended from time to time. The intern must attend these with not less than three different impartial arbitrators, however, only one intern may be present at any one arbitration hearing at the same time. Interns will be required to write not less than three mock awards and submit same to the Commissioner or his designee. The Commissioner or his designee shall review the mock awards.

(i) If in the opinion of the Commissioner the mock awards reflect a degree of proficiency sufficient to be considered for the arbitration panel, the intern will be considered to have completed successfully this portion of the program.

(j) Interns who have completed the requirements of subsection (h) and (i) of this section will be so informed by the Commissioner.

(k) The successful intern shall be invited to an interview with the interview committee at the next available interview date and shall be interviewed pursuant to Section 10-153f-7 of these regulations.

(l) After the interview, successful applicants shall be reviewed pursuant to Section 10-153f-8 and 10-153f-9 of these regulations. Unsuccessful applicants may be given the opportunity to participate in the intern program for a second time, if so recommended by the interview committee or the Commissioner. Successful completion of the intern program does not mean that such intern shall be automatically considered a successful applicant.

(m) No person shall be permitted to participate in the intern program more than twice.

(Effective May 24, 1991)

TABLE OF CONTENTS

Retirement Credit for Members Teaching Less Than Full Time

Repealed 10-160-1

Retirement Credit for Members Teaching Less Than Full Time

Sec. 10-160-1.

Repealed, August 15, 1980.

TABLE OF CONTENTS

Teacher Retirement

Repealed 10-164-1—10-164-15

Teacher Retirement

Secs. 10-164-1—10-164-2.

Repealed, August 15, 1980.

Sec. 10-164-3.

Repealed, August 2, 1977.

Secs. 10-164-4—10-164-15.

Repealed, August 15, 1980.

TABLE OF CONTENTS

**Implementing Methods of Payment as Enacted by P.A. 76-206 which Will Allow
Teachers to Purchase Previously Forfeited Out-of-State Service Credit**
Repealed 10-166(h)-1

Implementing Methods of Payment as Enacted by P.A. 76-206 which Will Allow Teachers to Purchase Previously Forfeited Out-of-State Service Credit

Sec. 10-166(h)-1.

Repealed, August 15, 1980.

TABLE OF CONTENTS

**Eligibility and Determination of Benefits Under
the Teachers' Retirement Board**

Verification of income of disabled retirees 10-183aa(f)-1

**Eligibility and Determination of Benefits Under
the Teachers' Retirement Board**

Sec. 10-183aa(f)-1. Verification of income of disabled retirees

Each person receiving a disability retirement allowance from the system during a calendar year shall by April 15, of the following year file with the board an annual income statement on a form approved by the board containing such details of the income of the disabled retiree for the calendar year as may be required or useful to insure compliance with the provisions of chapter 167a relating to disability retirement allowances. In addition, the board may require a disabled retiree to furnish copies of the retiree's federal income tax return for any year for which disability retirement allowances have been paid to the retiree. Payment of disability retirement allowances may be suspended for any retiree while the retiree is delinquent in filing an annual income statement or a required copy of the retiree's federal income tax return.

(Effective August 15, 1980)

TABLE OF CONTENTS

**Eligibility and Determination of Benefits Under
the Teachers' Retirement System**

Credited interest	10-183/- 1
Credited service for portion of year	10-183/- 2
UConn teaching service	10-183/- 3
Repealed	10-183/- 4
Repealed	10-183/- 5
Installment purchase of service	10-183/- 6
Postmarks on mailed formal retirement application.	10-183/- 7
Reallocation of survivors' benefits	10-183/- 8
Voluntary contributions—annuity upon retirement	10-183/- 9
Repealed	10-183/-10
Organization of board	10-183/-11
Contributions for less than full year members	10-183/-12
Post retirement employment	10-183/-13
Retirement credit for members teaching less than full time	10-183/-14
Proof of date of birth.	10-183/-15
Coparticipant optional payment form	10-183/-16
Personal data	10-183/-17
Hearing procedures.	10-183/-18
Discontinuance of or reduction in benefits	10-183/-19
Repealed	10-183/-20
Petitions for declaratory ruling.	10-183/-20a
Leaves of absence	10-183/-21
Membership and credit in the teachers' retirement system.	10-183/-22
Disability benefits	10-183/-23
Early retirement incentive plan	10-183/-24
Reporting of annual salary for purposes of contributions to and benefits from the teachers' retirement system	10-183/-25

Eligibility and Determination of Benefits Under the Teachers' Retirement System

Sec. 10-183/1. Credited interest

The rate of interest to be credited to members accumulated contributions on the last day of June of each year after 1979 shall be fixed by the Teachers' Retirement Board at its regular meeting in June of each year.

Interest shall be credited on a member's accumulated contributions to the date of payment in cases of withdrawal after termination or lump sum payment at retirement. Payment shall be made to the member on the last day of the month of withdrawal, and in addition to annually credited interest, additional interest shall be paid for each month from the preceding June 30 to the date of payment at a rate which is one quarter of one per cent below the most recently established rate fixed by the Board.

(Effective August 15, 1980)

Sec. 10-183/2. Credited service for portion of year

A member who commences service as a teacher other than at the start of the school year is not entitled to a month of credited service for the month in which the pay for such teacher starts accruing after the first working day of the month but shall be entitled to credit for one month of service for any month for which pay is accrued so long as the person is employed on the first working day of the month. Thus, if a member starts service on October 15th of a school year and works until June 20, the last day of the school year, the member would receive eight months of credited service for that school year. Similarly, a member who terminates service as a teacher other than at the finish of a school year is not entitled to a month of credited service for any month after the month in which service terminates. Thus, if a member starts service on September 5, the first day of the school year and terminates service on the following February 10, the member would receive six months of credited service for that school year.

(Effective August 15, 1980)

Sec. 10-183/3. UConn teaching service

The 10-year limitation on the amount of additional credited service that a member may purchase for service as a teacher at the University of Connecticut applies only to service prior to July 1, 1965, the effective date of P.A. 65-330, which first made employees of the board of higher education and its constituent units eligible for membership in this system. Under the provision of section 10-183p, all such service after June 30, 1965, is transferable without limitation.

(Effective August 15, 1980)

Sec. 10-183/4.

Repealed, March 20, 1987.

Sec. 10-183/5.

Repealed, July 30, 1996.

Sec. 10-183/6. Installment purchase of service

If a member elects to purchase prior Connecticut teaching service credit other than by the payment of a single lump sum, such an installment purchase may only be accomplished through payroll deductions by the member's employer. An installment purchase agreement need not cover all the service credit available to

the member. In any event the entire payment including interest must be concluded prior to the member's retirement. A member may at any time prepay the balance due on an installment purchase agreement. If a person ceases to be an active member, such person loses the right to continue installment payments. If payments are not made in accordance with the installment purchase agreement between the member and the board whether because a person ceases to be an active member or because the member terminates the authority of the employer to continue payroll deductions, the member shall receive that portion of the service credit being purchased under the installment purchase agreement which the principal amounts already paid bear to the entire principal amounts originally required by the agreement. That portion of the service credit not received as the result of termination of installment payments may be purchased at a later time, provided, however, that the same period of prior Connecticut service may not be the subject of more than two purchase agreements. (Effective November 25, 1992)

Sec. 10-183/7. Postmarks on mailed formal retirement application

The term "postmarked" as used in subsection (g) of section 10-183g of the Connecticut General Statutes means a date mark affixed by the United States Postal Service.

(Effective August 15, 1980)

Sec. 10-183/8. Reallocation of survivors' benefits

If subsequent to a determination of the allocation of the family maximum of survivors benefits, one or more of the survivors ceases to receive benefits as the result of death or termination of eligibility, a reallocation shall be made among all survivors then eligible to receive benefits. For example, a member dies survived by a surviving spouse, a dependent former spouse and three children all in the care of the dependent former spouse. Two of the children are twins, age 16 and the third child is age 13. The \$600 family maximum of survivors' benefits would be allocated as follows:

- (a) \$150 to the surviving spouse;
- (b) \$150 to the dependent former spouse;
- (c) \$100 to each child.

If two years later, the twins cease to be eligible for benefits as the result of their attaining age 18 (and they are not then disabled), then the surviving spouse and the dependent former spouse would be entitled to \$150 each and the youngest child would be entitled to \$200.

(Effective August 15, 1980)

Sec. 10-183/9. Voluntary contributions—annuity upon retirement

A member who upon retirement does not elect to receive the member's accumulated voluntary contributions in the form of a lump sum shall have such contributions together with credited interest thereon payable to the member in the same form of benefit as the member has elected with respect to the member's retirement benefit under section 10-183g of the Connecticut General Statutes.

(Effective August 15, 1980)

Sec. 10-183/10.

Repealed, August 1, 1984.

Sec. 10-183/11. Organization of board

(a) **Purpose.** The system has as its objective the providing of retirement and other benefits for its members, their survivors and beneficiaries.

(b) **Organization.** The system is managed by the board consisting of twelve members: the commissioner of social services and the commissioner of education or their designees, who are ex officio members of the board; five members who are elected by the members of the retirement system for four-year terms under procedures set by the board; and five members who are appointed by the governor. One of the members of the board is elected by the board as its chair to serve for a one-year term. A secretary employed by the board is the full time chief administrator of the system. For purposes of voting for and serving as member-elected board members, persons receiving retirement benefits from the system are deemed to be members of the system.

(c) **Meetings.** Regular monthly meeting of the board are held on the date established by the board from time to time. The chair or the secretary may change the date for any regular monthly meeting. The chair or the secretary may at any time call a special meeting of the board.

Except as otherwise provided herein, all meetings of the board shall be open to the public. At the discretion of the chair, any member of the public may be allowed to make comments appropriate to matters related to the system. Unless the chair otherwise allows, the comments of each person shall be made immediately after the board acts upon the minutes of its previous meeting or at such other designated time.

In accordance with chapter 3 of the General Statutes, a matter which concerns a particular individual and which involves also subject matter of the sort described in subsection (e) of section 1-18a or subsection (b) of section 1-19 of the Connecticut General Statutes will be considered in executive session except if the individual concerned so requests, the matter will be considered in public session. The individual and his or her representative may be present at any meeting or executive session at which the matter is considered, and may address the board on the matter.

(d) **Notice of Appeal.** The board shall reconsider any decision affecting a member when so requested in writing by the member so affected. Prior to the date set for reconsideration of a prior decision of the board a member shall submit to the board a brief written statement setting out the member's position concerning the claimed error. If requested in writing and approved by the board, any member seeking reconsideration of a prior decision of the board may appear at a meeting of the board or a hearing panel of three board members appointed by the chair for the purpose of orally stating his or her position.

Such statement shall be limited to a reasonable opportunity to set out the basic facts of the members position.

(e) **Records.** Records of the board subject to disclosure under law shall be made available for inspection during regular business hours.

(Effective July 30, 1996)

Sec. 10-183/-12. Contributions for less than full year members

An employer required to make the contributions mandated by section 10-183n of the Connecticut General Statutes shall make such contributions only with respect to months for which the member will receive credited service under section 10-183e of the Connecticut General Statutes and regulation section 10-183/-2. Thus, the employer of a member who starts teaching on the first day of a school year and terminates on March 10th of the same school year shall pay to the board the required percentage of one tenth of the member's annual salary as defined in sections 10-183b and 10-183kk of the Connecticut General Statutes for each of the months September through March inclusive of such school year. Similarly, the employer

of a member who starts teaching on October 15 of a school year and continues teaching until the last day of the school year in June shall pay to the board the required percentage of one tenth of the member's annual salary for each of the months November through June inclusive of such school year.

(Effective November 25, 1992)

Sec. 10-183/-13. Post retirement employment

A person receiving retirement benefits shall be deemed to be employed in a teaching position if that person is engaged in activities normally carried out by persons who meet the definitions of member and teacher as found in the teachers' retirement act, chapter 167a of the Connecticut general statutes.

Compensation for a teaching position shall be deemed paid out of public money appropriated for school purposes as it is paid out of public money used to support an activity normally carried out by a school system.

(Effective July 30, 1996)

Sec. 10-183/-14. Retirement credit for members teaching less than full time

A member of the teachers' retirement system who is employed for a full school year or any part thereof as a regular teacher for an average of one-half of a school day or more, shall receive a retirement credit based on the ratio as determined by the Teachers' Retirement Board of such retirement credit allowed a retiring teacher who served in a full time teaching position for the entire period of service.

(Effective August 15, 1980)

Sec. 10-183/-15. Proof of date of birth

To prove the date of birth other than by birth certificate, the member shall file with the board the following:

(1) A written statement from the registrar of vital statistics stating no such record is available,

(2) a statement of the member made under oath setting forth the date he has always been given to believe is his correct date of birth and

(3) two of the following: The earliest available census record, a baptismal record, an insurance record, an early school record and an official or photostatic copy of his military record.

(Effective August 15, 1980)

Sec. 10-183/-16. Coparticipant optional payment form

(a) Procedure for electing a coparticipant option.

(1) Form for Making Election. Election of a Coparticipant Option is accomplished by the filing with the Teachers' Retirement Board at its offices in Hartford an official form provided by the board which states the name, address, date of birth and relationship to the member of the person designated as the member's coparticipant, states the percentage of the member's monthly retirement benefit which is to be continued to the coparticipant upon the death of the member, and contains the signature of the member and a witness and the date the form is executed.

(2) Coparticipant. A member may designate as coparticipant a spouse, a brother or sister, or a parent if such parent is at the time the election form is filed dependent for support on the member. Election of a parent should be accompanied by a copy of the most recent Federal Income Tax form filed by the member and on which the parent has been identified as a dependent, or such other evidence of dependency which will satisfy the Board that the designated coparticipant qualifies as an eligible

person under the provisions of subsection (c) of section 10-183j, General Statutes. A birth certificate or notarized statement supported by other evidence satisfactory to the Board must be filed for both the member and coparticipant.

(3) **Benefit to Coparticipant.** A member may elect to provide a monthly life income to be paid upon his/her death to the coparticipant so designated equal to the full amount of the actuarially reduced monthly retirement benefit payable to such member, or one-third, one-half, two-thirds, or three-fourths of such retirement benefit.

(4) **Effective Date of Coparticipant Option.** The election of a coparticipant option will become effective

(A) one year from the date the election form, including any required coparticipant identification as set out in subdivision (2) of this subsection, is filed with the Board, or

(B) on the date of the filing of the election form, required coparticipant identification, and medical evidence found by the Board to be sufficient to establish that the member is in good health; provided that no coparticipant election shall become effective earlier than the date the member first becomes eligible to retire and begin receiving a retirement allowance under the normal, early, deferred-vested, or proratable retirement forms.

(b) Effect of the death of the member prior to the death of the designated coparticipant.

(1) If a member who has filed a Coparticipant Option election form predeceases the person named on the election form as coparticipant and the option is not in effect either because the member is not yet eligible to retire and receive a retirement allowance, or has not filed with the Board satisfactory evidence of good health, or because the election has not been on file with the Board for one year, the option is void.

(2) If a member who had filed a Coparticipant Option election form predeceases the person named on the election form as coparticipant on or after the date the option becomes effective, such coparticipant shall be eligible to receive a monthly benefit effective on the first day of the month following the month in which the member died and continuing for the lifetime of the coparticipant. Such monthly benefit shall be computed according to the formula set forth in subsection (d) of Section 10-183j, General Statutes. Upon the subsequent death of the coparticipant, no further benefit would be payable.

(c) Effect of the divorce from the member or the death of the designated coparticipant prior to the Death of the member.

(1) If the person designated by a member as his/her coparticipant on a Coparticipant Option election form is divorced from the member or predeceases the member and the option is not in effect either because the member is not yet eligible to retire and receive a retirement allowance, or has not filed with the Board satisfactory evidence of good health, or because the election has not been on file with the Board for one year, the option is voidable, and if the member takes no action prior to the date it would have become effective it will on that date become void. If prior to such date the member executes and files with the Board a new election form naming another person as coparticipant, such new election will become effective on the same date as the original would have.

(2) If the person designated by a member as his/her coparticipant on a Coparticipant Option election form is divorced from the member or predeceases the member after such Option has become effective but before the effective date of the member's retirement, the option is void.

(3) If the person designated by a member as his/her coparticipant on a Coparticipant Option election form is divorced from the member or predeceases the member after the effective date of the member's retirement, monthly benefits to the member will be increased by the amount of the original reduction beginning on the first day of the month following the month in which the coparticipant became divorced from the member or died, and the member's retirement payment plan shall be deemed from that date to be the Normal payment plan.

(d) **Amending or revoking a coparticipant option.**

(1) Prior to the date of a member's retirement, the member may amend or revoke his/her election.

(A) A member may amend his/her election to substitute a new coparticipant for the one originally designated, or to increase or reduce the fraction payable to the coparticipant, by completing a new Coparticipant Option election form and stating thereon that it is intended to amend the election form previously filed. The option, if not already effective, will become effective, as amended, on the same date the original option would have become effective.

(B) A member may revoke his/her election by any writing, signed and notarized, filed with the Board.

(2) A coparticipant option may neither be amended nor revoked once the member has retired.

(e) **Computing benefits payable under the coparticipant option.**

(1) The monthly benefit payable to the member who at retirement has in effect a coparticipant option shall be the normal, early, or proratable retirement benefit computed on the basis of his/her age, length of service, and average final salary actuarially reduced according to tables adopted by the Board. Such tables shall provide for an actuarial reduction based on the fraction of the member's retirement benefit that will be continued to the coparticipant after the death of the member, and the age of the member and of the coparticipant on the date of the member's retirement. Such tables shall be revised periodically to reflect current mortality and other economic experience in order that benefits payable under the coparticipant option be the actuarial equivalent of the basic benefit payable to the member.

(2) The monthly benefit payable to the surviving coparticipant of a deceased retired member shall be that fraction of the monthly benefit payable to the member as calculated in subpart (1) above as had been selected by the member on the election form filed with the Board and in effect at the time of his/her retirement.

(3) The monthly benefit payable to the surviving coparticipant of a deceased member who was not retired and who had in effect at the time of his death a coparticipant option shall be that fraction of the benefit that would have been payable to the member had he/she retired on the date of his/her death selected by the member on the election form filed with the Board and in effect at the time of his/her death.

(Effective November 25, 1992)

Sec. 10-183/17. Personal data

(a) **Definitions.**

(1) The following definitions shall apply to these regulations:

(A) "Category of Personal Data" means the classifications of personal information set forth in the Personal Data Act, Conn. Gen. Stat. Sec. 4-190 (9).

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

(2) Terms defined in Conn. Gen. Stat. Sec. 4-190 shall apply to these regulations.

(b) General Nature and Purpose of Personal Data Systems.

(1) The Teachers' Retirement Board maintains the following personal data systems:

(A) Personnel Records

(i) All personnel records are maintained at the Teachers' Retirement Board, Room 208, State Office Building, Hartford, Connecticut.

(ii) Personnel records are maintained in both automated and manual form.

(iii) Personnel records are maintained for the purpose of providing a history of payroll, promotion, discipline and related personnel information concerning Teachers' Retirement Board employees.

(iv) Personnel records are the responsibility of the Assistant Secretary of the Teachers' Retirement Board, whose business address is Teachers' Retirement Board, Room 202, State Office Building, Hartford, Connecticut. All requests for disclosure or amendment of these records should be directed to the Assistant Secretary.

(v) Routine sources for information retained in personnel records are generally the employee, previous employers of the employee, references provided by applicants for employment, the employee's supervisor, the Comptroller's Office, Department of Administrative Services, Division of Personnel and Labor Relations, and State insurance carriers.

(vi) Personal data in personnel records are collected, maintained and used under authority of the State Personnel Act, Conn. Gen. Stat. Sec. 5-193 *et seq.*

(B) Retirement System Participant Records

(i) Participant records are maintained with the Executive Secretary of the Teachers' Retirement Board, Room 200, State Office Building, Hartford, Connecticut.

(ii) Participant records are maintained in both automated and manual form.

(iii) Participant records are maintained for the purpose of determining the eligibility for and the amount of benefit payments to be made to participants and beneficiaries.

(iv) Participant records are maintained with the Executive Secretary of the Teachers' Retirement Board, Room 200, State Office Building, Hartford, Connecticut. All requests for disclosure or amendment of these records should be directed to the Executive Secretary.

(v) Routine sources of information retained in participant records are generally the participant, current and previous employers of the participant, and the State Department of Education.

(vi) Personal data in Retirement System Participant Records are collected, maintained and used under authority of Conn. Gen. Stat. Sec. 10-183b through 10-183dd, inclusive.

(c) Categories of Personal Data.**(1) Personnel Records**

(A) The following categories of personal data are maintained in personnel records:

(i) Educational records.

(ii) Medical or emotional condition or history.

(iii) Employment records.

(iv) Marital status.

(B) The following categories of other data may be maintained in personnel records:

(i) Addresses.

(ii) Telephone numbers.

(C) Personnel records are maintained on employees of the Teachers' Retirement Board and applicants for employment with the Teachers' Retirement Board.

(2) Retirement System Participant Records

(A) The following categories of personal data are maintained in retirement system participant records:

- (i) Educational records.
- (ii) Medical or emotional condition or history.
- (iii) Employment records.
- (iv) Salary records.
- (v) Contributions records.
- (vi) Marital status.
- (vii) Date of birth.

(B) The following categories of other data may be maintained in retirement system participant records:

- (i) Addresses.
- (ii) Social security number.
- (iii) Retirement System membership number.
- (iv) Telephone numbers.
- (v) Bank account identification.
- (vi) Income tax withholding information.

(C) Retirement System Participant Records are maintained on current and former Connecticut public school teachers.

(d) **Maintenance of Personal Data—General.**

(1) Personal data will not be maintained by the Teachers' Retirement Board unless relevant and necessary to accomplish the lawful purposes of the agency. Where the agency finds irrelevant or unnecessary public records in its possession, the agency shall dispose of the records in accordance with its records retention schedule, and with the approval of the Public Records Administrator pursuant to Conn. Gen. Stat. Sec. 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 Conn. Gen. Stat. Sec. 11-8a.

(2) The Teachers' Retirement Board will collect and maintain all records with accurateness and completeness.

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

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

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

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

(7) The Teachers' Retirement Board shall have an independent obligation to insure that personal data requested from any other state agency is properly maintained.

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

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

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

(11) The Teachers' Retirement 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.

(e) Maintenance of Personal Data—Automated Systems.

(1) To the greatest extent practical, automated equipment and records shall be located in a limited access area.

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

(3) To the greatest extent practical, the Teachers' Retirement Board will insure that regular access to automated equipment is limited to operations personnel.

(4) The Teachers' Retirement Board shall utilize appropriate access control mechanisms to prevent disclosure of personal data to unauthorized individuals.

(f) Maintenance of Personal Data—Disclosure.

(1) Within four business days of receipt of a written request therefor, the Teachers' Retirement 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 the records.

(2) Except where nondisclosure is required or specifically permitted by law, the Teachers' Retirement Board shall disclose to any person upon written request all personal data concerning that individual which is maintained by the Board. The procedures for disclosure shall be in accordance with Conn. Gen. Stat. Sections 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 disclosure.

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

(4) The Teachers' Retirement 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 Teachers' Retirement Board may refuse to disclose to a 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 to a person, it shall advise that person of his/her right to seek judicial relief pursuant to the Personal Data Act.

(7) If the Teachers' Retirement 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 contained in the person's record to determine if the personal data should be disclosed. If disclosure is recommended by the person's medical doctor, the Board shall disclose the personal data to such person; if nondisclosure is recommended by such person's medical doctor, the Board shall not disclose the personal data and shall inform such person of the judicial relief provided under the Personal Data Act.

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

(g) Contesting the Content of Personal Data Records

(1) Any person who believes that the Teachers' Retirement 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.

(2) Within 30 days of receipt of such request, the Teachers' Retirement 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 personal data records.

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

(h) Uses to be Made of the Personal Data.

(1) Employees of the Teachers' Retirement Board who are assigned personnel and payroll responsibilities use the personal data contained in the Board's personnel records in processing promotions, reclassifications, transfers to another agency, retirement, and other personnel actions. Supervisors use that personal data when promotion, career counseling, or disciplinary action against such employee is contemplated, and for other employment-related purposes.

(2) All employees of the Teachers' Retirement Board use retirement system participant records for the purpose of making an accurate determination of the retirement benefit to which such participants may be eligible, or the amount payable to such participant upon application for a refund of his/her retirement contributions.

(3) The Teachers' Retirement Board retains personnel records according to schedules published by the Public Records Administrator, Connecticut State Library; it retains retirement system participant data permanently.

(4) When an individual is asked to supply personal data to the Teachers' Retirement Board, the Board shall disclose to that individual, upon request, the name of the agency and the division within the agency which is requesting the data, the legal authority under which the agency is empowered to collect and maintain the personal data, the individual's rights pertaining to such records under the Personal Data Act and the agency's regulations, the known consequences arising from supplying or refusing to supply the requested personal data, and the proposed use to be made of the requested personal data.

(Effective April 22, 1986)

Sec. 10-183-18. Hearing procedures

(a) **Scope.** This regulation shall apply to all hearings conducted by the Teachers' Retirement Board. Hearings will be held upon a timely written request for a hearing by any person receiving notice pursuant to section 10-183/19 of the board's intention to discontinue or reduce the amount of his or her periodic benefits or when a petition for a declaratory ruling is filed and the board votes to hold a hearing thereon.

(b) **Initial Determination.** In each case where a hearing is to be held the board shall determine whether the hearing will be before the entire board or a panel of the board. Where a hearing is to be held before the full board, the chairperson shall be the presiding officer.

(c) **Hearing Panel.** If not heard by the full board, the matter shall be heard by a three-member panel of the board consisting of at least one teacher member and one member who is not a teacher member. The chairperson of the board shall designate the panel in writing and shall also designate in writing one of its members to act as presiding officer. The panel shall make a written recommendation, together with a summary of the evidence presented and the reasons for its decision, to the board concerning the matter at the next regular meeting of the board.

(d) **Notice of hearings.** At least fourteen days prior to a scheduled hearing the board shall give written notice of the hearing in any pending matter to all parties, 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. The board may give such public notice of the hearing as it 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. Notice of 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 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 facts describing the purpose of the hearing and the principal facts to be asserted therein or, in lieu thereof, if the hearing is upon a petition for a declaratory ruling, a copy of the petition.

(e) **Signatures.** Every petition, notice, brief and memorandum shall be signed on behalf of the person filing the same.

(f) **Service.** Service of all documents and other papers filed in all proceedings, including but not limited to motions, petitions, notices, briefs, and exhibits shall be by personal delivery or by first class mail, except as hereinafter provided. All such documents and other papers shall be served by the person filing the same on every party and intervenor in the proceeding and all such additional persons as the board or panel shall direct. A copy of any document or other paper served by the board or panel, showing the addresses to whom the document or other paper was mailed, shall be placed in the board's files and shall be given to each party, intervenor and to such other person as the presiding officer may deem appropriate by personal service upon such person or by first class mail.

(g) **Parties, intervention, and participation.** At any time prior to the commencement of oral testimony in any hearing, any person may request that the presiding officer permit that person to participate in the hearing. Any person not a party who is so permitted to participate in the hearing will be identified as an intervenor, and will participate in those portions of the hearing as the presiding officer shall expressly allow. No grant or leave to participate in the hearing as an intervenor or in any other manner shall be deemed to be an admission by the board or panel that the person it has permitted to participate is a party in interest who may be aggrieved

by any final decision, order or ruling of the board unless such grant of leave to participate expressly so states. Each person authorized to participate in a hearing as a party or as an intervenor shall file a written notice of appearance with the board. Such appearance may be filed on behalf of parties and intervenors by an attorney, an agent, or other duly authorized representative subject to the rules hereinabove stated. The filing of a written appearance may be excused by the presiding officer.

(h) **General provisions.**

(1) Purpose of hearing. The purpose of any hearing the board conducts shall be to provide to all parties an opportunity to present evidence and argument on all issues to be considered by the board.

(2) Order of presentation. In all hearings the party who shall open and close the presentation of any part of the matter shall be the person requesting the hearing or declaratory ruling unless otherwise provided by the presiding officer for good cause shown.

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

(4) Written testimony. The board may, by order of the presiding 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 presiding officer. Prior to its admission such written testimony shall be subject to objections by parties.

(5) Additional evidence. At any time prior to a final decision, any party, for good cause shown, may move the presiding officer to reconvene the hearing for the purpose of adducing additional evidence.

(6) Transcripts. A transcript shall be made of all hearings. Any interested party or other person may, upon payment of the cost, obtain a copy of such transcript.

(i) **Rules of evidence.** The following rules of evidence shall be followed in the admission of testimony in all hearings.

(1) General. Any oral or documentary evidence may be received; but the presiding officer shall, as a matter of policy, exclude irrelevant, immaterial or unduly repetitious evidence. The presiding 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.

(2) Documentary evidence, copies. Documentary evidence may be received at the discretion of the presiding officer in the form of copies or excerpts, if the original is not found to be readily available.

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

(4) Facts noticed, scope and procedure. The board may take administrative notice of generally recognized technical facts within the board's specialized knowledge and of judicially cognizable facts including the records of the board and its prior decisions. 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 finding of facts and arriving at a final decision.

(j) **Proposal for decision.** The board will proceed in the following manner where a majority of the board has not heard the case or read the record. If the decision is to be adverse to a party requesting a hearing or declaratory ruling, 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. In the proposal for decision to be served upon the parties, the panel will set forth its summary of each issue of fact or law that it finds necessary to reach the conclusion contained in the proposed decision.

(k) **Contents of the record.** The record of the hearing shall include: (1) all motions, requests, applications, petitions, responsive pleadings, 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 thereon during the hearing; and (4) the proposed decision, opinion or report by the panel to the board and the final decision adopted by the board. The board or presiding officer may designate other documents or portions of the board's proceedings as part of the record. Requests to so designate other material as part of the record should be made to the board or presiding officer at the time the final decision is adopted.

(l) **Final decision.** All decisions of the board shall require the approval of five members of the board or a majority of the members who are present, whichever is greater. All decisions and orders of the board concluding a hearing shall be in writing, which writing shall include the board's findings of fact and conclusions of law, separately stated. The board will serve a copy of its decision on each party. Service shall be in person or by certified mail.

(Effective July 30, 1996)

Sec. 10-183/-19. Discontinuance of or reduction in benefits

Prior to the discontinuance or reduction of any periodic benefits provided for in chapter 167a for reasons other than those contemplated by the payment plan election made under section 10-183j of the Connecticut General Statutes the board shall provide the beneficiary with notice of such intention and a statement of the reason and legal authority therefor. Said notice shall also advise the beneficiary of his or her right to make written request on or before fourteen days after mailing of the notice to the board for a hearing prior to discontinuance or reduction. If a written request for a hearing is made on or before the fourteenth day after the mailing of said notice, then no discontinuance or reduction shall be made until such time as authorized by a decision rendered in accordance with section 10-183/-18. If, however, no written request is received by the board on or before the fourteenth day after mailing of the notice, the board may discontinue or reduce the benefit on the day following the fourteenth day after the mailing of the notice.

In those cases where the requesting party fails to appear at a hearing, he or she shall be deemed to have withdrawn his or her request for a hearing, and the board may discontinue or reduce the benefit without first rendering a decision in accordance with section 10-183I-18.

Notice under this section shall be by personal delivery or certified mail.
(Effective March 5, 1986)

Sec. 10-183I-20.

Repealed, December 28, 1989.

Sec. 10-183I-20a. Petitions for declaratory ruling

(a) **Scope.** These regulations set forth the state teachers' retirement board's rules governing the form and content of petitions for declaratory ruling, and board proceedings on such petitions. Petitions for declaratory rulings may be filed on: (1) the validity of any regulation of the board, and (2) the applicability to specified circumstances of a provision of the general statutes, a regulation, or a final decision (as defined in Conn. Gen. Stat. Sec. 4-166 (3)) on a matter within the jurisdiction of the board. Any petition for a declaratory ruling not falling in one of these two categories will be rejected in writing by the board as not being the proper subject for a petition for a declaratory ruling.

(b) Form and Content of Petitions.

(1) **General.** All petitions for declaratory ruling must be addressed to the secretary of the board, and either mailed or hand delivered to the secretary of the board at his or her office. All petitions must be signed by the person filing the petition, unless represented by an attorney, in which case the attorney may sign the petition. The petition must include the address of the person filing the petition, and the address of the attorney, if applicable.

(2) **Petitions on Validity of Regulation.** A petition for declaratory ruling on the validity of a regulation must contain the following:

(A) The section number and text of the regulation;

(B) The specific basis for the claim of invalidity of the regulation; and

(C) An argument by the petitioner in support of the claim of invalidity, with suggested remedy.

Any petition filed which merely requests a ruling of the validity of a regulation, without a detailed claim of invalidity, will be rejected by the board as incomplete.

(3) **Petitions on Applicability of Statute, Regulation, or Final Decision to Specific Circumstances.** A petition seeking a declaratory ruling on the applicability of a statute, regulation or final decision on a matter within the jurisdiction of the board to specified circumstances must contain the following:

(A) The specific statute, regulation, or final decision upon which the petition is sought;

(B) A brief explanation of why the petitioner believes that the particular statute, regulation, or final decision is within the jurisdiction of the board;

(C) A detailed description of the specified circumstances upon which the petition is based; and

(D) An argument by the petitioner as to why the petitioner believes that the particular statute, regulation, or final order either is or is not applicable to the specified circumstance.

Any petition failing to identify the statute, regulation, or final decision in question, or failing to adequately describe the specified circumstances will be rejected in writing by the board as incomplete.

(4) Notice. The petitioner, or his attorney, to the best of his or her knowledge, shall append to the petition for a declaratory ruling a listing of all persons, with addresses, who may have an interest in the declaratory ruling sought be issued, and shall mail a copy of the petition to all such persons. The petitioner or his attorney must certify that a copy of the petition was mailed to all such persons together with this statement, "Should you wish to participate in the proceedings on this petition, or receive notice of such proceedings or the declaratory ruling issued as a result of this petition, you should contact the state teachers' retirement board within 30 days of the date of this petition."

(c) **Notice.** In addition to the notice required to be given by the petitioner in (b) (4), above, the board shall, within thirty days after the receipt of such petition provide written notice of the filing of the petition (1) to all persons required by any law to receive notice, (2) to all persons who have requested notice of the filing of such petitions on the subject matter of the petition, and (3) to all persons who have requested notice of the filing of any such petitions with the board. The notice required by this section shall not be required where the board has rejected the filing of a petition as inappropriate or incomplete in accordance with (a), (b) (2) and (b) (3) of these regulations.

(d) **Rights of Persons to Proceeding.**

(1) Petitioner as Party. The petitioner is automatically a party to any proceeding on the petition by virtue of having filed said petition, and need not seek designation as a party from the board.

(2) Additional Parties. Any person, whether or not they have received notice of the petition, may file a petition to become a party within forty-five days from the date of filing of the petition. If the petition to become a party sets forth facts demonstrating that the petitioner's legal rights, duties or privileges will be specifically affected by the declaratory ruling to be issued, the board shall grant the petition and designate the petitioner as a party.

(3) Intervenors. Any person, whether or not he or she has received notice of the petition, may file a petition to become an intervenor within forty-five days from the date of filing of the petition. If the petition sets forth facts demonstrating that the petitioner's participation is in the interest of justice and will not impair the orderly conduct of the proceedings, the board shall grant the petition and designate the petitioner as an intervenor. In addition, any person who files a petition for party status who fails to make the requisite demonstration for party status, may be granted intervenor status.

(e) **Agency Proceedings on Petitions.**

(1) Agency Action. Within sixty days after the filing of a complete petition for a declaratory ruling, but, in any case, no sooner than thirty days after the filing of the petition, the board shall do one of the following, in writing:

(A) Issue a Declaratory Ruling in accordance with the request in the petition containing the names of all parties to the proceeding, the particular facts upon which it is based, and the reasons for the conclusions contained therein;

(B) Order that the matter be the subject of a hearing as a contested case;

(C) Notify the parties that a Declaratory Ruling will be issued by a date certain;

(D) Decide not to issue a Declaratory Ruling and initiate Regulation making proceedings; or

(E) Decide not to issue a Declaratory Ruling, stating the reasons for its action.

(2) Notice. A copy of the teachers' retirement board action taken in accordance with section (e) (1) shall be delivered to the petitioner and all other parties either

in person, or by United States mail, certified or registered, postage prepaid, return receipt requested.

(3) **Effective Date, Appeal Date.** Declaratory rulings shall be effective when personally delivered or mailed, or on such later date specified by the board in the ruling, except that for the purposes of any appeal from the declaratory ruling, the date of personal delivery or mailing shall control.

(4) **Contested Case Appeals.** Declaratory Rulings shall have the same status and binding effect as an order in a contested case, and shall be a final decision in a contested case for the purposes of appeals in accordance with Conn. Gen. Stat. Sec. 4-183.

(5) **Failure to Act.** If the board does not issue a declaratory ruling on a complete petition within 180 days after the filing of the petition, or later if agreed to by the parties, the board shall be deemed to have decided not to issue a ruling.

(Effective December 28, 1989)

Sec. 10-183l-21. Leaves of absence

(a) **Creditable leaves.** An absence from active teaching service in the public schools of this state shall be creditable toward retirement provided such absence is a formal leave of absence granted by a teacher's employer, or is an absence due to illness. A member establishes that a formal leave of absence has been granted by his or her employer through records of the employer created at the time the leave of absence was granted. A member establishes that an absence was due to illness either by means of employer records which indicate a formal leave of absence was granted by the employer or through medical or other evidence satisfactory to the Board. A member who is performing active service in a teaching position at less than full time is not considered to be absent from active teaching service.

(b) **Purchase of retirement credit.** The purchase of retirement credit for a leave of absence as defined in subsection (a) of this section is accomplished by:

(1) the payment of mandatory contributions to the Board during each month of the leave at the rate mandated in section 10-183n of the Connecticut General Statutes times the annual salary rate that would have been earned by the member for full-time service during that period, or

(2) the payment of mandatory contributions to the Board at the time of retirement as provided in section 10-183e (c) of the General Statutes.

(c) **Maximum retirement credit.** The total number of years of absence from public school teaching in this state which may be purchased by a member for retirement credit shall be one year of such credit for each five years of full time active teaching service in the public schools of this state. The member may purchase up to ten school months of such leave through payment of mandatory contributions during the leave, as provided in subsection (b) of this section. All additional years of formal leave of absence, or if the member has made no mandatory contributions during a leave of absence then all such years of formal leave of absence, shall be purchased at the time of retirement. If any absence from active teaching service in the public schools of this state is greater than thirty consecutive school months the member may purchase no more than thirty months of retirement credit for that absence. No retirement credit may be purchased for a leave of absence granted by an employer which is not a Connecticut public school employer.

(d) **Purchase of credit by a survivor.** A survivor of a member who dies while on an authorized leave of absence may pay to the teachers' retirement board the required contributions which would have been paid to the board by the member

under the provisions of subparagraph (1) of subsection (b) of this section had the member so elected in order to establish eligibility for benefits under section 10-183h of the General Statutes.

(e) **Purchased credit in the computation of benefits.** Additional credit purchased in accordance with this regulation shall be treated in the computation of any benefit as if it were service in the public schools of Connecticut, except that any salary related to the period of the leave of absence, whether or not used in determining the cost of the purchase of additional credit, shall not be considered in determining the member's final average salary.

(Effective November 25, 1992)

Sec. 10-183l-22. Membership and credit in the teachers' retirement system

(a) **Eligibility for Membership.** A person is a member in the State Teachers' Retirement System if that person is employed in the public schools of Connecticut by a local board of education for an average of one-half time or more in a position requiring certification by the state department of education and that person holds the certificate so required. A person may also be a member in the State Teachers' Retirement System if that person is a member of the professional staff of the state board of education or of the board of governors of higher education or any of its constituent units.

(b) **Mandatory Contributions.** A person who is a member in the State Teachers' Retirement System shall make mandatory contributions to the Teachers' Retirement Fund each month at the rate specified in section 10-183n of the Connecticut General Statutes. Mandatory contributions shall be forwarded by the employer to the teachers' retirement board by the last day of each month. Monthly contributions shall be in the amount of one-tenth of the member's annual mandatory contributions, and shall be made for any month in which the member was employed on the first school day of that month. No contribution is due from any person for any month in which that person was not employed on the first school day of that month.

(c) **Credit for Service.** A member shall receive a month of credit for each month of service described in subsection (a), of this section for which mandatory contributions are made in accordance with subsection (b), of this section. Ten months of credited service shall be equal to one year of credited service. A member may not accumulate more than one year of credited service during any school year. No credit is given for any month in which the member was not employed on the first school day of that month.

(d) **Service Not Qualifying a Person for Membership.** A person who has been employed by a local board of education for an average of one-half time or more in a position not requiring certification by the state department of education, but such position at a later date is regulated by the state department of education and requires an incumbent to hold state certification, and that person while performing services in that position is a certified teacher, may obtain credit for such service. Such credit shall be obtained by payment of the mandatory contributions which would have been assessed on the salary earned in that position had it met the standards of subsection (a), of this section, plus credited interest. Credit obtained under this subsection shall be treated as service which determines the member's eligibility for retirement benefits.

(Effective November 25, 1992)

Sec. 10-183l-23. Disability benefits

(a) **Definitions.** As used in this Section:

(1) "Average annual salary" means the average annual salary received during the member's three years of highest salary.

(2) "Eligible for a disability allowance" means the status of a member who meets the requirements of subsection (a) of Section 10-183aa of the General Statutes, and who has submitted an application for a disability allowance and has been determined to have met the definition of "disabled" as found in section 10-183b of the Connecticut General Statutes.

(3) "Normal retirement date" means the date a member would be able to begin receiving a normal retirement benefit under section 10-183f (a) of the Connecticut General Statutes, determined on the basis of both actual service prior to disability and service credited under section 10-183aa (d) of the Connecticut General Statutes.

(4) "Service retirement benefit" means a retirement benefit which is determined on the basis of the member's age and years of credited service.

(b) **Application for disability allowance.** An application for disability allowance consists of an application form, which may be obtained from the State Teachers' Retirement Board, together with such medical evidence as will support the member's claim to be eligible for a disability allowance from the System and statements from the member's employer attesting to the adverse effect which the member's condition has on his or her performance as a teacher. Such medical evidence and statements shall be reviewed by the Board's Medical Committee for the purpose of determining whether the member is disabled within the meaning of the Teachers' Retirement Act, Chapter 167a of the Connecticut General Statutes. The teachers' retirement board shall make a determination of the member's eligibility for a disability allowance based on the recommendation of the Medical Committee and the application submitted by the member. A copy of the Board's determination regarding his application for a disability benefit will be mailed to the applicant within ten days of such determination.

(c) **Effective date of a disability allowance.** Upon approval by the Board of the member's application for a disability allowance, such disability allowance shall be effective on the first day of the month next following the receipt of a complete application for disability. Additional evidence of the member's disability requested by the medical committee shall not be deemed to be part of the member's application for a disability allowance for purposes of determining the effective date of his/her allowance.

(d) **Calculation of a disability allowance.** A members disability allowance shall be 2% times average annual salary times actual credited service to the date of disability, divided by twelve. In no event, however, shall the disability allowance be less than 15% of average annual salary, divided by twelve. Credited service shall be pro-rated if less than full time.

(e) **Cost of living increases.** A member's disability allowance shall be increased from time to time in the same manner as service retirements.

(f) **Payment to survivors.** Upon the death of a member receiving a disability allowance which became effective on or after July 5, 1983, the death benefits provided in section 10-183h shall be available to eligible survivors. Upon the death of a member receiving a disability allowance which became effective prior to July 5, 1983, settlement shall be made in accordance with the payment plan option selected by the member.

(g) **Re-examination and review of disability status.** A member receiving a disability allowance shall submit such medical evidence as may be required by the medical committee for the purpose of fulfilling its obligation to make recommendations to the board regarding the continued eligibility of persons receiving disability allowances. Such medical evidence may be used by the committee to make a recommendation that the member's disability has ended, or that the member has failed to pursue an appropriate program of treatment.

(h) **Termination of a disability allowance.** The teachers' retirement board may terminate a disability allowance if it makes a determination that the member's disability has ended or that the member has failed to pursue an appropriate program of treatment. Upon making such a determination, the member shall be given notice and an opportunity for a hearing before his/her allowance is terminated.

(i) **Conversion of disability allowance to service retirement benefit.**

(1) A monthly disability allowance shall be converted to a service retirement when the member has reached his/her normal retirement date.

(2) A member's service retirement benefit shall be calculated in accordance with the provisions of section 10-183g (a) of the Connecticut General Statutes. Service which is credited for the time the member was receiving a disability allowance will be deemed to be full time service if the member had rendered full time service during the entire period prior to disability, and will be deemed to be part time service if the member had served part time during any portion of the period prior to disability. The part time rate applied to the disability period shall be determined by averaging all pre-disability service at both full time and part time, except the two years immediately preceding disability. The part time rate so determined shall apply to all service credited for the period the member was receiving a disability allowance. If a member presents evidence satisfactory to the retirement board that an increase in the part time rate of employment during the two years immediately preceding disability is unrelated to his/her discovery of the condition which later resulted in disability, the board may at its sole discretion use one or both of those years in the determination of the part time rate which shall be applied to the disability period.

(3) The monthly service retirement benefit payable on conversion of the member's disability allowance shall be the sum of the benefit calculated above and the aggregate of all previously-granted cost of living increases in the member's former disability allowance.

(4) In lieu of the benefit determined above, the member may elect one of the optional payment plans described in section 10-183j of the Connecticut General Statutes, except that if such member had elected a payment option which became effective at the commencement of his/her disability allowance such previously selected option shall continue to be in effect.

(j) **Offsets for social security, worker's compensation payments, and earned income.**

(1) A member receiving a disability allowance shall provide to the retirement board information regarding all worker's compensation payments received while receiving the disability allowance, and all social security benefits to which he is entitled. The member's disability allowance shall be adjusted so that the total of such allowance, less cost of living adjustments, plus worker's compensation payments and social security benefits payable in any month do not exceed seventy-five percent of the member's average annual salary.

(2) A member receiving a disability allowance shall provide to the retirement board information, including but not limited to copies of the member's federal

income tax return, regarding all income earned during the period the member is eligible to receive a disability allowance. During the first twenty-four months of the member's eligibility for a disability allowance, such allowance shall be reduced by twenty percent of such earned income, unless such income is determined by the board to have been paid as part of the rehabilitation of the member. The member shall provide the board with a statement from his/her physician regarding such program of rehabilitation, and such statement shall be considered by the board in arriving at its determination that the income is or is not to be used to reduce the member's disability allowance. After the first twenty-four months of payment of the disability allowance to the member, the member's disability allowance shall be adjusted so that the allowance plus earned income do not exceed the member's average annual salary.

(3) Reports of a member's earnings and of social security and worker's compensation payments which are received by the board following the month in which such income is earned or such payments are received shall be used by the board to reduce the amount of future disability payments which become payable over a term equal to the term covered by the member's reports.

(Effective July 30, 1996)

Sec. 10-183I-24. Early retirement incentive plan

(a) **Notice to Board.** Upon adoption of an early retirement incentive plan in accordance with Public Act No. 89-233, the employer shall notify the State Teachers' Retirement System on an official form approved by the State Teachers' Retirement Board.

(b) **Teacher Application.** A teacher may initiate action to retire under the locally adopted early retirement incentive plan in accordance with Public Act No. 89-233 by completing the employee section of a form adopted by the State Teachers' Retirement Board and by filing such form with the employer. The employer will then complete the balance of the form and file it with the Teachers' Retirement System no later than the last day of the month preceding the date of retirement.

(c) **Purchase of Service Credit.** The cost to the employer for additional credited service purchased will be determined by factors recommended by the actuary for the State Teachers' Retirement Board as sufficient to yield an amount equal to the additional liability created by such purchase of additional credited service. Actuarial cost factors will be revised no more frequently than once a year, and revised factors shall apply only to purchases of service made after the adoption by the Teachers' Retirement Board of such revised factors.

(d) **Payment in Installments.** An employer may pay the cost of purchased additional service credit in one sum, or in equal annual installments over a number of years equal to the number of years purchased under the plan it had adopted. The due date for payment for service shall be June 30 of the year in which service is purchased, and interest at the rate of nine per cent shall be assessed on all payments made after that date, and on annual installment payments. Any payment made before August 1 shall be deemed to have been made on June 30.

(Effective March 26, 1990)

Sec. 10-183I-25. Reporting of annual salary for purposes of contributions to and benefits from the teachers' retirement system

(a) **Definitions.**

As used in this section:

(1) "Base salary" means that element of compensation specifically and separately stated and paid to a superintendent of schools pursuant to an individual contract of employment in installments throughout the term of the contract or the school year, except that if a portion of such separately stated salary is deferred by means of a legally binding salary reduction agreement for the purpose of making premium payments on a tax sheltered annuity, such deferred salary shall be included in the superintendent's base salary.

(2) "Benefits" means retirement allowances, disability payments, and survivor payments made to members of the system pursuant to chapter 167a of the Connecticut General Statutes.

(3) "Contributions" means mandatory contributions as specified in section 10-183n of the Connecticut General Statutes withheld from the teachers' salary prior to July 1, 1991 or paid by the employer after June 30, 1991 pursuant to the employer pick-up plan set out in Conn. Gen. Stat. section 10-183kk.

(4) "Elective deferrals" means tax sheltered annuity premiums paid by an employer from salary deferred under a legally binding salary reduction agreement.

(5) "Employer" means an elected school committee, a board of education, the state board of education, the board of governors or any of its constituent units, the governing body of the Children's Center, the E. O. Smith School and any other activity, institution of school employing members.

(6) "Expenses" means payment of or on account of costs incurred by an employee in connection with the performance of his duties.

(7) "Extra duty assignments" means assignments unrelated to a teacher's professional certification, or additional assignments which, although covered by the member's certification, are performed on an irregular or unscheduled basis including but not limited to assignments which are less than one full month in duration.

(8) "Fringe benefits" means items of compensation purchased or provided for an employee over and above the cash compensation paid to the employee.

(9) "Longevity" means additional payments based on the accrual of a certain number of years of service with the employer.

(10) "Member" means any Connecticut teacher employed for an average of at least one-half of each school day, except that no teacher who under any provision of the general statutes elects not to participate in the system shall be a member unless and until the teacher elects to participate in the system. Members teaching in a nonpublic school classified as a public school by the board under the provisions of Conn. Gen. Stat. section 10-183b may continue as members as long as they continue as teachers in such school even if the school ceases to be so classified. A former teacher who has not withdrawn his or her accumulated contributions shall be an "inactive member." A member who, during the period of a formal leave of absence granted by his or her employer, but not exceeding an aggregate of ten school months, continues to make mandatory contributions to the board, retains his or her status as an active member.

(11) "Nonelective contributions" means tax sheltered annuity premiums paid by an employer as additional compensation.

(12) "Tax sheltered annuity" means an annuity purchased by a public school employer for an employee pursuant to provisions of the Internal Revenue Code, the premiums for which are not taxable income to the employee until received as annuity payments.

(13) "Terminal pay" means any payment to an employee in exchange for an agreement to retire by a certain date.

(b) **Payments that are included in a members annual salary.** For purposes of contributions to and benefits from the Teachers' Retirement System, annual salary includes the amount of cash compensation, before deductions mandated by state or federal law and employee contributions toward the cost of fringe benefits, payable to a member on the basis of an annual salary rate set out on a schedule adopted by an employer for members and paid to the member according to an established pay schedule for all members employed by that employer, plus the following:

- (1) Longevity payments;
- (2) Payment for ongoing supervisory and/or programmatic responsibilities;
- (3) Payment for additional duties beyond the regular school year performed by Guidance Counselors, Social Workers, and School Psychologists as part of their overall job responsibilities.
- (4) Mandatory contributions to the Teachers' Retirement System picked up by the employer pursuant to Conn. Gen. Stat. Section 10-183kk;
- (5) Elective deferrals to a tax sheltered annuity plan selected by the member; and
- (6) Payment for additional teaching assignments in a program for adults for which high school credit is granted leading to a diploma provided the teacher is certified for such assignment.

The annual salary rate of a member not covered by a schedule approved by an employer is that annual rate identified in a written contract or letter of employment as salary. In the event that a member's annual salary rate is not clearly stated in the member's contract or salary agreement, or the terms of such contract or agreement are inconsistent with the practice or stated intent of the employer, the Board will determine the salary rate on the basis of evidence submitted by the member and/or the member's employer.

(c) **Payments that are presumed not included in a member's annual salary.**

Absent a showing to the Teachers' Retirement Board by the member that the following are included in the member's salary for purposes other than the inflating of the member's average annual salary, the following shall not be included in annual salary:

Increases in annual salary rate which result from the foregoing of nonsalary compensation such as fringe benefits, including increases where the member is given the option of receiving cash in lieu of fringe benefits. That such conversion of nonsalary compensation was accomplished more than three years before the member's retirement shall not by itself be sufficient to overcome the presumption that the amounts were included for the purpose of inflating the member's average annual salary and therefore are not includable.

(d) **Payments that are not included in a member's annual salary.**

The following shall not be included in annual salary:

- (1) Compensation for extra duty assignments or for coaching, unless such compensation was included in salary for which contributions to the system were made prior to July 1, 1971;
- (2) Terminal pay;
- (3) Unused sick and vacation pay;
- (4) Payments to the employee to cover anticipated expenses expected to be incurred, or as reimbursement of actual expenses incurred, by the employee in the performance of the employee's duties;
- (5) The cost of fringe benefits provided by the employer, including, but not limited to, insurance premiums and nonelective contributions to a tax sheltered annuity;

(6) Any payment to the member the timing of which may be directed by the member;

(7) Any payment for summer school work, as defined in section 10-74a of the Connecticut General Statutes;

(8) Any payment for assigned responsibilities related to curriculum development, unless such assignment is part of the member's regular duties and the salary therefor is included in the member's annual contract of employment; and

(9) any other payments to a superintendent of schools pursuant to an individual contract between the superintendent and a board of education of amounts which are not included in base salary.

(e) **Payments deferred from a prior year by collective bargaining agreement.**

A member's annual salary includes the full amount set out in a collectively bargained agreement between a local board of education and a local bargaining organization, and the salaries set out in a schedule in that agreement form the basis for retirement contributions. Where because of economic conditions an agreement is reached to defer the payment of any portion of such salary or increase in salary to a later year, such portion shall be reported as salary when originally payable and not when actually paid.

(Effective July 30, 1996)

TABLE OF CONTENTS

School-related Immunizations

Definitions	10-204a- 1
Repealed	10-204a- 2
Adequate immunization	10-204a- 2a
Repealed	10-204a- 3
Immunization in progress	10-204a- 3a
Procedures for reporting immunizations data.	10-204a- 4

School-related Immunizations

Immunization of School Children Against Measles, Mumps, Rubella, Poliomyelitis, Diphtheria, Tetanus, Pertussis, Hemophilus influenzae Type B (HIB), Hepatitis B, and Varicella

Sec. 10-204a-1. Definitions

As used in Sections 10-204a-2 through 10-204a-4 of the Regulations of Connecticut State Agencies:

- (a) "Commissioner" means the commissioner of public health.
- (b) "Department" means the department of public health.
- (c) "Local health authority" means and includes the town, city, borough and local district director of health, local superintendent and commissioner of public health and any officer or person having the usual powers and duties of a local director of health.
- (d) "Medically contraindicated immunization" means an immunization that is not in the best health interest of an individual as determined by a physician licensed to practice medicine in the United States and in accordance with:
 - (1) the then current recommendation of the United States Public Health Service Advisory Committee on Immunization Practices, Centers for Disease Control or American Academy of Pediatrics Committee on Infectious Diseases; or
 - (2) written approval of the commissioner for any case not resolvable by reference to the recommendations specified in subdivision (1) of this subsection.

(Effective September 25, 1996; amended February 25, 2000)

Sec. 10-204a-2.

Repealed, July 26, 1993.

Sec. 10-204a-2a. Adequate immunization

(a) **Measles.** An individual shall be considered adequately protected against measles if that individual:

- (1) is enrolled in preschool and is less than four (4) years of age and was immunized by use of live attenuated measles vaccine on or after that individual's first birthday; or
- (2) is or has been enrolled in kindergarten on or after August 2000 and was immunized against measles by use of two (2) doses of a live attenuated measles vaccine given at least thirty (30) days apart, the first on or after that individual's first birthday; or
- (3) is or has been enrolled in seventh grade after September 1992 and had two (2) doses of a live attenuated measles vaccine, the first on or after that individual's first birthday; or
- (4) has had protection against measles confirmed in writing by a physician, physician assistant or advanced practice registered nurse based on specific blood testing by a certified laboratory.

(b) **Rubella.** An individual shall be considered adequately protected against rubella, if that individual:

- (1) was immunized at one (1) year or older with a rubella vaccine; or
- (2) has had protection against rubella confirmed in writing by specific blood testing conducted by a certified laboratory.

(c) **Poliomyelitis**

(1) An individual eighteen (18) months of age or older shall be considered adequately protected against poliomyelitis if that individual has had a minimum of

(3) doses of either trivalent oral polio vaccine (TOPV) or inactivated polio vaccine (IPV), two (2) doses of polio vaccine given at least four (4) weeks apart and a third dose given at least two (2) months after the previous dose.

(2) For individuals enrolled in grades kindergarten through twelve (12) and at least forty-eight (48) months of age, at least one (1) dose of polio vaccine must be given on or after the fourth birthday.

(d) Diphtheria, Tetanus, Pertussis (DTP)

(1) An individual eighteen to seventy-one (18-71) months of age shall be considered adequately protected against diphtheria, tetanus and pertussis if such individual was immunized with a minimum of four (4) doses of diphtheria, tetanus, and pertussis toxoid, three (3) doses given at a minimum of four (4) week intervals followed by a fourth DTP dose at least six (6) months after the third.

(2) For individuals forty eight (48) to seventy-one (48-71) months of age and enrolled in grades kindergarten and above, at least one (1) dose of DTP vaccine must have been given on or after the fourth birthday.

(3) An individual seventy-two (72) months of age or older shall be considered adequately protected if such individual was immunized with a minimum of two (2) doses of tetanus, diphtheria toxoid (td) at a minimum of four (4) week intervals, followed by a third dose of tetanus, diphtheria toxoid at least six (6) months after the second dose and on or after the fourth birthday.

(e) Mumps. An individual shall be considered adequately protected against mumps if such individual:

(1) was immunized at one (1) year of age or older with live mumps vaccine, or

(2) has protection against mumps confirmed in writing by a physician based on specific blood testing by a certified laboratory.

(f) Hemophilus influenzae Type b (Hib). An individual shall be considered adequately protected against Hib invasive disease if such individual:

(1) was immunized before age five (5) years with a single dose of Hib vaccine given at age twelve (12) months or older, or

(2) is currently age five (5) years or older, or

(3) had a natural laboratory confirmed infection with hemophilus influenzae type b at age twenty-four (24) months or older confirmed in writing by a physician.

(g) Hepatitis B (HBV)

(1) An individual born January 1, 1994, or later shall be considered adequately protected against Hepatitis B if that individual:

(A) was immunized with three (3) doses of Hepatitis B vaccine as follows: two (2) doses given at least four (4) weeks apart followed by a third dose at least sixteen (16) weeks after the first dose and at least eight (8) weeks after the second dose, and the third dose shall be given no earlier than twenty-four (24) weeks of age; or

(B) has had protection against Hepatitis B confirmed in writing by a physician based on specific blood testing conducted by a certified laboratory.

(2) An individual born before January 1, 1994, and enrolled in seventh (7th) grade in August 2000 or later, shall have begun vaccination against Hepatitis B to enter seventh (7th) grade. Such individual shall be considered to have begun vaccination against Hepatitis B if that individual:

(A) was immunized with at least one (1) dose of Hepatitis B vaccine at the time of seventh (7th) grade entry; or

(B) has had protection against Hepatitis B confirmed in writing by specific blood testing conducted by a certified laboratory.

(3) An individual born before January 1, 1994 and enrolled in eighth (8th) grade in August 2001 or later, shall be adequately protected against Hepatitis B to enter eighth (8th) grade. Such individual shall be considered adequately protected against Hepatitis B if that individual:

(A) was immunized with at least three (3) doses of Hepatitis B vaccine as follows: two (2) doses given at least four weeks apart followed by a third dose at least sixteen (16) weeks after the first dose and at least eight (8) weeks after the second dose, and the third dose shall be given no earlier than twenty-four (24) weeks of age; or

(B) has had protection against Hepatitis B confirmed in writing by specific blood testing conducted by a certified laboratory.

(h) **Varicella.** An individual shall be considered adequately protected against Varicella if that individual:

(1) was born January 1, 1997 or later and was immunized with one (1) dose of Varicella vaccine on or after that individual's first birthday and before that individual's thirteenth birthday or two (2) doses of Varicella vaccine given at least four weeks apart if the first dose was given on or after the individual's thirteenth birthday; or

(2) was born before January 1, 1997 and is enrolled in seventh (7th) grade in August 2000 or later and was immunized with one (1) dose of Varicella vaccine on or after that individual's first birthday and before that individual's thirteenth birthday or two (2) doses of Varicella vaccine given at least four weeks apart if the first dose was given on or after the individual's thirteenth birthday; or

(3) has a written statement signed and dated by a physician, physician assistant or advanced practice registered nurse indicating that the individual has already had Varicella based on family and/or medical history; or

(4) has had protection against Varicella confirmed in writing by specific blood testing conducted by a certified laboratory.

(i) **Religious exemption.** Any individual whose parents or guardian presents a statement that such immunization is contrary to the religious beliefs of such child is exempted from immunization requirements.

(Effective September 25, 1996; amended February 25, 2000, October 3, 2005)

Sec. 10-204a-3.

Repealed, July 26, 1993.

Sec. 10-204a-3a. Immunization in progress

(a) In those instances at school entry where a school-aged child is not adequately immunized school attendance shall be permitted only if that child:

(1) has received a dose of each required vaccine for which that child is behind in the month prior to first attendance; and

(2) continues on the following schedule until adequately immunized.

Primary Immunization for Individuals Not Immunized in Early Infancy

Individuals Enrolled in Preschool

First visit to physician or local health authority:	DtaP (or DTP), TOPV or IPV, Hib, MMR, HBV*
One (1) month after first visit:	DTaP (or DTP), HBV*, VAR

Two (2) months after first visit:	DtaP (or DTP), TOPV or IPV
Eight (8) months after first visit:	DtaP (or DTP),TOPV or IPV, HBV*

Individuals Enrolled in Kindergarten or Elementary School up to Seventy-one (71) Months of Age

First visit to physician or local health authority:	DtaP (or DTP), TOPV or IPV, MMR, HBV*
One (1) month after first visit:	DTaP (or DTP), HBV*, VAR
Two (2) months after first visit:	DtaP (or DTP), TOPV or IPV, MMR
Eight (8) months after first visit:	DtaP (or DTP), TOPV or IPV, HBV*

Individuals Six (6) Years up to Thirteen (13) Years of Age

First visit to physician or local health authority:	Td, TOPV or IPV, MMR, HBV*
Two (2) months after first visit:	Td, TOPV or IPV, HBV*, MMR, VAR
Eight (8) months after first visit:	Td, TOPV or IPV, HBV*

Individuals Thirteen Years of Age or Older

First visit to physician or local health authority:	Td, TOPV OR IPV, MMR, HBV*, VAR
Two (2) months after first visit:	Td, TOPV or IPV, HBV*, MMR, VAR
Eight (8) months after first visit:	Td, TOPV or IPV, HBV*

*The full three (3) dose schedule for HBV is required only for children born January 1, 1994, or later, or for children entering 8th grade August 2001 or later. In those instances at entry to seventh grade, or at entry to kindergarten August 2000 or later, where an individual has not received a second dose of measles containing vaccine, a second dose shall be given. If an individual has received no measles containing vaccines, the second dose shall be given no less than thirty (30) days after the first.

(b) Any individual who fails to comply with the immunization schedule provided in subsection (a) of this section shall present a written statement from a physician or local health authority stating that such individual has been rescheduled to a new date. Such statement shall specify the medical reason for rescheduling.

(c) An individual without a statement from a physician or local health authority explaining his or her failure to comply with an immunization schedule as provided by subsections (a) and (b) of this section shall be excluded from school pending compliance with subsection (a) or (b) of this section.

(d) An individual for whom a medical contraindication has been determined shall not be further reviewed if such individual's physical condition renders the exemption permanent.

(e) An individual for whom a medical contraindication has been determined to be of a temporary nature shall be reviewed by a physician, physician assistant,

certified nurse practitioner or local health authority at least annually in order to determine that the contraindication continues to exist. In the event that the contraindication is no longer valid the individual must be placed in compliance with subsection (a) or (b) of this section or excluded from school until compliance is established.

(Effective September 25, 1996; amended February 25, 2000)

Sec. 10-204a-4. Procedures for reporting immunization data

(a) Immunization data specific to the individual shall be recorded on a student's health assessment record according to Connecticut General Statutes, Section 10-206 (d).

(b) Annually, the department shall prepare and distribute to all public and non-public schools a school immunization survey summary form. Schools shall complete the survey form and return the completed form to the department at a place and time determined by the department.

(c) All immunization information collected by the department shall be confidential.
(Effective July 26, 1993)

TABLE OF CONTENTS

School Nurses and Nurse Practitioners

Definitions	10-212-1
Qualifications of a school nurse	10-212-2
Grandparent clause	10-212-3
Provisional qualifications	10-212-4
Continuing qualification as school nurse	10-212-5
Authority of a local or regional board of education to appoint a school nurse.	10-212-6
Compliance in a different manner	10-212-7

School Nurses and Nurse Practitioners

Sec. 10-212-1. Definitions

“School nurse” means a “nurse” or a “nurse practitioner” who meets the requirements set forth in these regulations.

(Effective September 1, 1982)

Sec. 10-212-2. Qualifications of a school nurse

Except as provided in Section 10-212-3, in order to qualify as a school nurse each nurse or nurse practitioner shall meet the following requirements:

(a) **Licensure**—Each nurse or nurse practitioner shall be a registered professional nurse, designated as R.N., as defined in Section 20-87a of the General Statutes, and currently licensed in the state of Connecticut.

(b) **Experience**—Each nurse or nurse practitioner shall have at least the equivalent of one year full time working experience as a registered nurse within five (5) years immediately prior to employment as a school nurse.

(c) **Education**—Each nurse or nurse practitioner shall have academic preparation to include twelve (12) academic credits at a licensed or accredited institution of higher learning or eighteen (18) continuing education units (CEUs) or one hundred eighty (180) workshop or inservice hours distributed as follows:

(1) Six (6) credits or nine (9) CEUs or ninety (90) workshop hours in at least two of the following subject areas:

- (A) Growth and Development
- (B) Health Assessment
- (C) Public or Community Health or School Health

(2) Six (6) credits or nine (9) CEUs or ninety (90) workshop hours in two or more of the following subject areas:

- (A) Administration or Organization of Health or School Services
- (B) Child or Adolescent Psychology
- (C) Crisis Intervention
- (D) Growth and Development
- (E) Handicapping Conditions
- (F) Health Assessment
- (G) Health Education
- (H) Mental Health
- (I) Public or Community Health or School Health
- (J) Sociology
- (K) Sports Medicine

(Effective September 1, 1982)

Sec. 10-212-3. Grandparent clause

A nurse or nurse practitioner who meets the licensure requirements of Subsection (a) of Section 10-212-2 of these regulations, who is employed as a nurse in public or nonpublic elementary or secondary schools on the effective date of these regulations, and who has been employed as a nurse in such schools for the equivalent of five years full time shall be considered to have met all the educational qualifications of a school nurse pursuant to Section 10-212-2.

(Effective September 1, 1982)

Sec. 10-212-4. Provisional qualifications

A nurse or nurse practitioner who (a) meets the requirements for licensure pursuant to Subsection (a) of Section 10-212-2 of these regulations and (b) who either has

(1) the experience required pursuant to Section 10-212-2 or (2) taken three academic credits or four and one-half CEUs or forty-five (45) workshop hours in any area enumerated in Subsection (c) of Section 10-212-2 within five (5) years immediately prior to employment as a school nurse shall be provisionally qualified to serve as a school nurse. Such provisional qualification shall be valid in Connecticut for no more than three (3) years. Upon completion of the requirements for qualification as school nurse, such nurse or nurse practitioner shall no longer be designated as provisionally qualified.

(Effective September 1, 1982)

Sec. 10-212-5. Continuing qualification as school nurse

A school nurse qualified pursuant to Sections 10-212-2 or 10-212-3 shall continue to be so qualified, provided that such nurse participates in at least ten hours of professional development programs or activities approved by the local or regional board of education in each two-year period commencing on the effective date of these regulations.

(Effective September 1, 1982)

Sec. 10-212-6. Authority of a local or regional board of education to appoint a school nurse

A local or regional board of education may require that each registered nurse providing school health services meets the qualifications as set forth in Section 10-212-2 of these regulations whether employed by the board of education or appointed under contract with a local health agency.

(Effective September 1, 1982)

Sec. 10-212-7. Compliance in a different manner

A local or regional board of education of any town having a population of less than ten thousand, which has appointed a legally qualified practitioner of medicine as school medical advisor, may submit a written proposal, for prior approval by the State Board of Education, to document compliance with any requirement of these regulations in a manner different from that specified in these regulations. Such proposal may be approved if it appears that it will substantially meet the goals of these regulations.

(Effective September 1, 1982)

TABLE OF CONTENTS

Administration of Medications by School Personnel

Definitions 10-212a- 1

Administration of medications 10-212a- 2

Training of school personnel 10-212a- 3

Self administration of medications 10-212a- 4

Handling, storage and disposal of medications 10-212a- 5

Documentation and record keeping 10-212a- 6

Supervision 10-212a- 7

Administration of Medications by School Personnel

Sec. 10-212a-1. Definitions

As used in Sections 10-212a-1 through 10-212a-7 of the Regulations of Connecticut State Agencies:

(1) “Administration of medication” means the direct application of a medication by inhalation, ingestion, or by any other means to the body of a person.

(2) “Advanced practice registered nurse” means an individual licensed in accordance with section 20-94a of the Connecticut General Statutes.

(3) “Authorized prescriber” means a physician, dentist, advanced practice registered nurse or physician assistant.

(4) “Board of education” means a local or regional board of education, a regional educational service center, a unified school district, the regional vocational-technical school system, an approved private special education facility, the Gilbert School, the Norwich Free Academy, Woodstock Academy or a non-public school whose students receive services pursuant to Section 10-217a of the Connecticut General Statutes.

(5) “Commissioner” means the Commissioner of Public Health or any duly authorized representative thereof.

(6) “Controlled drugs” means those drugs as defined in Section 21a-240, Connecticut General Statutes.

(7) “Cumulative health record” means the cumulative health record of a pupil mandated by Section 10-206, Connecticut General Statutes.

(8) “Dentist” means a doctor of dentistry licensed to practice dentistry in Connecticut in accordance with Chapter 379, Connecticut General Statutes, or licensed to practice dentistry in another state.

(9) “Department” means the Connecticut Department of Public Health or any duly authorized representative thereof.

(10) “Error” means:

(A) failure to do any of the following as ordered:

(i) administer a medication to a student;

(ii) administer medication within the time designated by the prescribing practitioner;

(iii) administer the specific medication prescribed for a student;

(iv) administer the correct dosage of medication;

(v) administer medication by the proper route; and/or

(vi) administer the medication according to generally accepted standards of practice; or,

(B) administration of a medication to a student which is not ordered, or which is not authorized in writing by the parent or guardian of such student.

(11) “Guardian” means one who has the authority and obligations of guardianship of the person of a minor, and includes:

(A) the obligation of care and control; and

(B) the authority to make major decisions affecting the minor’s welfare, including, but not limited to, consent determinations regarding marriage, enlistment in the armed forces and major medical, psychiatric or surgical treatment.

(12) “Investigational drug” means any medication with an approved investigational new drug (IND) application on file with the food and drug administration (FDA) which is being scientifically tested and clinically evaluated to determine its efficacy, safety and side effects and which has not yet received FDA approval.

(13) “Medication” means any medicinal preparation including controlled drugs, as defined in Section 21a-240, Connecticut General Statutes.

(14) “Medication emergency” means an untoward reaction of a student to a medication.

(15) “Medication order” means the authorization by an authorized prescriber for the administration of medication to a student during school hours for no longer than the current academic year.

(16) “Nurse” means an advanced practice registered nurse, a registered nurse or a practical nurse licensed in Connecticut in accordance with Chapter 378, Connecticut General Statutes.

(17) “Physician” means a doctor of medicine or osteopathy licensed to practice medicine in Connecticut in accordance with Chapters 370 and 371, Connecticut General Statutes, or licensed to practice medicine in another state.

(18) “Physician assistant” means an individual licensed to prescribe in accordance with section 20-12d of the Connecticut General Statutes.

(19) “Principal” means the administrator in the school.

(20) “School” means any educational program which is under the jurisdiction of a board of education as defined by this section.

(21) “School medical advisor” means a physician appointed in accordance with Section 10-205, Connecticut General Statutes.

(22) “School nurse” means a nurse appointed in accordance with Section 10-212, Connecticut General Statutes.

(23) “Self administration of medication” means that a student is able to identify and select the appropriate medication by size, color, amount, or other label identification; knows the frequency and time of day for which the medication is ordered; and consumes the medication appropriately.

(24) “Supervision” means the overseeing of the process of medication administration in a school.

(25) “Teacher” means a person employed full time by a board of education who has met the minimum standards as established by that board of education for performance as a teacher and has been approved by the school medical advisor and school nurse to be designated to administer medications pursuant to Sections 10-212a-1 through 10-212a-7 of the Regulations of Connecticut State Agencies.

(Effective August 8, 1995)

Sec. 10-212a-2. Administration of medications

(a) Administration of medications is not required in schools. The board of education shall determine:

(1) if medications may be administered in schools under its jurisdiction; and,

(2) if so, who shall give them—licensed personnel only or, in the absence of such licensed personnel, principals and teachers; and,

(3) whether to allow self medication by students.

(b) If a board of education chooses to allow the administration of medications in schools within its jurisdiction, the following shall apply:

(1) The board of education, with the advice and assistance of the school medical advisor and the school nurse supervisor, shall establish specific written policies and procedures concerning the administration of medications by a nurse, or in the absence of a nurse, by a principal or teacher to students within the school system. The board shall submit such policies and procedures to the department for review and approval.

(2) The board of education with the advice and assistance of the school medical advisor and the school nurse supervisor shall review and revise the policies and procedures concerning the administration of medications as needed, but at least biennially. Whenever revised, these shall be forwarded to the department for review and approval.

(c) No medication may be administered without:

- (1) the written order of an authorized prescriber; and
- (2) the written authorization of the student's parent or guardian.

(d) Prescribed medication shall be administered to and taken by only the person for whom the prescription has been written.

(e) In the absence of a licensed nurse, only principals and teachers who have been properly trained may administer medications to students. Principals and teachers may administer oral, topical, or inhalant medications. Injectable medications may be administered by a principal or teacher only to a student with a medically diagnosed allergic condition which may require prompt treatment to protect the student against serious harm or death. Investigational drugs may not be administered by principals or teachers.

(f) Each Board of Education which allows medications to be given shall:

(1) establish policies and procedures to be followed in the event of a medication emergency; and

(2) ensure that the following information is readily available in schools in its jurisdiction:

(A) the local poison information center telephone number; and

(B) the procedure to be followed in the event of a medication emergency and the individuals or facilities to be contacted in such event; and,

(C) the name of the person responsible for decision making in the absence of the school nurse.

(g) All controlled drugs currently listed in schedules II through V of the Regulations of Connecticut State Agencies, Section 21a-243-8 through 21a-243-11, may be administered in schools pursuant to board of education policy.

(Effective August 8, 1995)

Sec. 10-212a-3. Training of school personnel

(a) Each Board of Education which allows principals and teachers, in the absence of a school nurse, to give medications to students shall provide training to designated principals and teachers in the safe administration of medications.

(b) Only principals or teachers who have received such training from the school nurse or physician shall be allowed to administer medications to students. This training shall include, but not be limited to:

(1) The procedural aspects of medication administration, the safe handling and storage of medications, and recording; and,

(2) The medication needs of specific students, medication idiosyncracies, and desired effects, potential side effects or untoward reactions.

(c) The Board of Education shall maintain, and annually update, documentation that such training has been provided and successfully completed.

(d) The Board of Education shall maintain, and annually update, a list of principals and teachers who have been trained in the administration of medications.

(e) The Board of Education shall provide for a review and informational update to be done, at least annually, for principals and teachers trained in the administration of medications.

(f) Licensed practical nurses may administer medications to students under Board of Education policy if they can demonstrate evidence of one of the following:

- (1) Training in administration of medications as part of their basic nursing program;
- (2) Successful completion of a pharmacology course and subsequent supervised experience;
- (3) Supervised experience in medication administration while employed in a health care facility.

(Effective June 26, 1989)

Sec. 10-212a-4. Self administration of medications

If approved by the board of education, students who are able to self administer medication may do so provided:

- (a) An authorized prescriber provides a written order for self administration; and,
- (b) there is written authorization from the student's parent or guardian; and,
- (c) the school nurse has evaluated the situation and deemed it to be safe and appropriate; has documented this on the student's cumulative health record; and has developed a plan for general supervision; and,
- (d) the principal and appropriate teachers are informed that the student is self administering prescribed medication; and,

(e) such medication is transported to the school and maintained under the student's control in accordance with the board of education's policy on self medication by students.

(Effective August 8, 1995)

Sec. 10-212a-5. Handling, storage and disposal of medications

(a) All medications, except those approved for transporting by students for self medication, shall be delivered by the parent or other responsible adult and shall be received by the nurse assigned to the school. The nurse must examine on-site any new medication, medication order and permission form and develop a medication administration plan for the student before any medication is given by any school personnel.

(b) All medications, except those approved for keeping by students for self medication, shall be kept in a designated locked container, cabinet or closet used exclusively for the storage of medication. In the case of controlled substances, they shall be stored separately from other drugs and substances in a separate, secure, substantially constructed, locked metal or wood cabinet.

(c) Access to all stored medications shall be limited to persons authorized to administer medications. Each school shall maintain a current list of those persons authorized to administer medications.

(d) All medications, prescription and nonprescription, shall be stored in their original containers and in such a manner as to render them safe and effective.

(e) Medications requiring refrigeration shall be stored in a refrigerator at no less than 36°F and no more than 46°F.

(f) All unused, discontinued or obsolete medications shall be removed from storage areas and either returned to the parent or guardian or, with the permission of the parent or guardian, destroyed:

- (1) noncontrolled drugs shall be destroyed in presence of at least one (1) witness;
- (2) controlled drugs shall be destroyed in accordance with part 1307.21 of the Code of Federal Regulations or by surrender to the commissioner of the department of consumer protection.

(g) No more than a forty-five (45) school day supply of a medication for a student shall be stored at the school.

(h) No medication for a student shall be stored at a school without a current written order from an authorized prescriber.

(i) Repealed, March 31, 1992.

(Effective August 8, 1995)

Sec. 10-212a-6. Documentation and record keeping

In addition to those records required for controlled drugs, the following shall apply:

(a) Each school where medications are administered shall maintain a medication administration record for each student who receives medication during school hours.

(1) Such record shall include:

(A) the name of the student;

(B) the name of the medication;

(C) the dosage of the medication;

(D) the route of administration;

(E) the frequency of administration;

(F) the name of the authorized prescriber;

(G) the date the medication was ordered;

(H) the quantity received;

(I) the date the medication is to be reordered;

(J) any student allergies to food and/or medicine;

(K) the date and time of administration or omission including the reason for the omission;

(L) the dose or amount of drug administered;

(M) the full legal signature of the nurse, principal or teacher administering the medication.

(2) Transactions shall be recorded in ink and shall not be altered.

(3) The medication administration record shall be made available to the department upon request.

(b) The written order of the authorized prescriber, the written authorization of the parent or guardian, and the completed medication administration record for each student shall be filed in the student's cumulative health record.

(c) An authorized prescriber's verbal order, including a telephone order, for a change in any medication can be received only by a school nurse. Any such verbal order must be followed by a written order within three (3) school days.

(d) Errors in medication administration

(1) The local board of education shall have a policy regarding notification and documentation of such errors. Such policy shall state:

(A) the manner in which persons are notified of errors in medication administration;

(B) any such error shall be reported immediately to the school nurse and the authorized prescriber;

(C) the procedure to be followed in obtaining medical treatment when required as the result of such error.

(2) A report shall be completed using the accident/incident report form authorized by the board of education.

(3) Any error in the administration of a medication shall be documented in the student's cumulative health record.

(Effective August 8, 1995)

Sec. 10-212a-7. Supervision

The school nurse is responsible for general supervision of administration of medications in the schools to which that nurse is assigned. This shall include, but not be limited to:

(a) availability on a regularly scheduled basis to:

(1) review orders or changes in orders, and communicate these to the personnel designated to give medication for appropriate follow-up;

(2) set up a plan and schedule to ensure medications are given;

(3) provide training to principals, teachers and other licensed nursing personnel in the administration of medications;

(4) support and assist other licensed nursing personnel, principals, and teachers to prepare for and implement their responsibilities related to the administration of specific medications during school hours;

(5) provide consultation by telephone or other means of telecommunication. In the absence of the school nurse, a licensed physician or nurse may provide this consultation.

(b) implementation of policies and procedures regarding receipt, storage, and administration of medications;

(c) monthly review of all documentation pertaining to the administration of medications for students;

(d) work-site observation of medication administration by teachers and principals who have been newly trained;

(e) periodic review, as needed, with licensed nursing personnel, principals and teachers regarding the needs of any student receiving medication.

(Effective June 26, 1989)

TABLE OF CONTENTS

Vision, Audiometric and Postural Screenings

Definitions	10-214-1
General requirements	10-214-2
Audiometric screening.	10-214-3
Postural screening	10-214-4
Vision screening.	10-214-5

Vision, Audiometric and Postural Screenings

Sec. 10-214-1. Definitions

(a) "Audiometric screening" means the process for identification of individuals who are suspected of having hearing sensitivity which differs significantly from the standards as set forth in Section 10-214-3 of these regulations.

(b) "Defect in vision or disease of the eyes" means abnormality in visual acuity.

(c) "Equivalent screening" means use of a test for vision screening other than the Snellen Chart which tests the distance acuity of each eye.

(d) "Impairment or defect of hearing" means failure to respond appropriately to puretone stimuli at designated hearing levels on two successive screenings as set forth in Section 10-214-3 of these regulations.

(e) "Postural screening" means observation for the physical signs which have high correlation with postural problems as set forth in Section 10-214-4 of these regulations.

(f) "Postural problem" means scoliosis, an appreciable lateral deviation of the spine, or kyphosis, an abnormally increased convexity of the thoracic spine, as defined in Section 10-214-4 of these regulations.

(g) "School Nurse" means a registered nurse or nurse practitioner appointed and qualified pursuant to Section 10-212 of the Connecticut General Statutes and its regulations.

(h) "Screening" means the presumptive identification of disease or physical defects by the application of brief tests. The screening procedures described in these regulations shall also serve to meet like requirements of health assessments as mandated by Section 10-206.

(i) "Snellen Chart" means the standardized test using identification of letters or symbols to measure visual acuity.

(j) "Vision screening" means testing for visual distance acuity in each eye as set forth in Section 10-214-5 of these regulations.

(Effective July 1, 1981)

Sec. 10-214-2. General requirements

All screenings shall be subject to the following requirements:

(a) **Personnel:** Screenings shall be performed by trained personnel under supervision and in accordance with procedures approved by qualified medical or nursing personnel employed for such purpose by local or regional boards of education, such as a School Medical Advisor appointed pursuant to Section 10-205 of the Connecticut General Statutes or a School Nurse appointed pursuant to Section 10-212.

(b) **Environment:**

(1) Screenings shall be performed in an area which is clean, properly lighted and ventilated.

(2) A source of clean drinking water and a toilet shall be readily available on the premises.

(3) Facilities shall be available for washing of hands and cleaning of equipment.

(c) **Equipment:**

(1) Equipment shall be appropriate for the screening required.

(2) Equipment shall be in good working order.

(d) **Screening:**

(1) Screening shall be performed individually to minimize distraction and to ensure accuracy and privacy.

(2) Each pupil failing to meet the standards of a vision, postural or hearing screening test shall be rescreened. If the results of the second screening confirm the findings of the first, the parent or guardian shall be given written notice which shall include a brief statement describing such findings. If the findings of the second screening indicate a possible need to modify a child's educational program, appropriate school personnel shall be notified.

(3) Pupils in ungraded classes shall be screened on the basis of age equated to the grade level of the pupil's age peers.

(4) Written notice shall be given annually of all the screenings which will be conducted within the school district.

(5) Screenings shall be completed by June thirtieth of the school year in which mandated.

(Effective July 1, 1981)

Sec. 10-214-3. Audiometric screening

(a) **Personnel:** School nurses, registered nurses, speech pathologists, audiologists, trained aides to school nurses, licensed practical nurses, and trained volunteers may perform audiometric screening. All persons who conduct audiometric screening shall have completed six (6) hours of training in this area including practice supervised by a properly trained school nurse, speech pathologist or audiologist. Children under age six (6) or handicapped students shall be screened by persons with specific training and experience in screening children in these categories.

(b) **Environment:** Screening shall be performed in an acoustic environment sufficiently quiet for a subject with normal hearing sensitivity to hear the test stimuli at the screening levels.

(c) **Equipment:** (1) Audiometers used shall provide calibrated puretone stimuli at each of the following frequencies for each ear: 1,000, 2,000, 4,000 Hz, at a hearing level of 20 dB for 1,000 and 2,000 Hz and 25 dB at 4,000 Hz.

(2) Audiometers used shall meet the current American National Standards Institute specifications for audiometers and shall be assessed at least annually for adequate calibration. A statement showing the date and results of last calibration shall be kept with each audiometer.

(d) **Screening:** Each pupil examined shall receive calibrated puretone, air-conducted stimuli for each ear at the following frequencies and levels: 1,000 Hz, (20dB), 2,000 Hz, (20dB) and 4,000 Hz (25dB). In lieu of puretone audiometric screening, tympanometric procedures may be substituted where it can be shown that identification of conductive and sensori-neural impairments is not significantly affected.

(e) **Standard:** A pupil who fails to respond to one or more of the three required screening frequencies in either ear shall be suspected of having an impairment or defect of hearing pursuant to Section 10-214 of the Connecticut General Statutes and defined by Section 10-214-1(d) of these regulations.

(Effective July 1, 1981)

Sec. 10-214-4. Postural screening

(a) **Personnel:** Postural screening shall be performed by a school nurse, registered nurse, or physical education teacher trained in such screening methods.

(b) **Environment:** Each local and regional board of education shall adopt procedures for the conduct of postural screening to ensure privacy.

(c) **Screening:**

(1) The parent or guardian and the pupil shall receive information prior to the screening to acquaint them with said screening.

(2) Clothing or a gown shall be arranged so that the entire back including the waist line and the hip line shall be observed without covering.

(3) Observation for scoliosis and kyphosis shall consist of five key signs:

- (a) rib or flank fullness upon forward bend;
- (b) shoulder height difference;
- (c) shoulder blade prominence;
- (d) waist line or hip asymmetry; and
- (e) obvious curve or crease in back.

(d) **Standard:** A pupil observed to have rib or flank fullness upon the forward bend or any three of the other key signs shall be found to have a postural problem pursuant to Section 10-214 of the Connecticut General Statutes, and defined by Section 10-214-1(f) of these regulations.

(Effective July 1, 1981)

Sec. 10-214-5. Vision screening

(a) **Personnel:** Any individual trained in screening methods recommended by the Connecticut Society to Prevent Blindness or equivalent methods may conduct vision screening.

(b) **Environment:** The examining area shall be well lighted and screening charts shall be clean and free from glare.

(c) **Equipment:** The Snellen Chart in the form of wall charts, cards and projection slides with standard illumination or an equivalent screening device shall be used.

(d) **Screening:**

(1) When the Snellen Chart is used, the screening shall be administered at a twenty (20) foot distance from the chart.

(2) Pupils who wear glasses shall be screened with glasses.

(3) The pupil shall be asked to read the letters with each eye separately for visual acuity.

(e) **Standard:** A pupil who fails to read with either eye one more than half of the 20/30 line in kindergarten through grade three (3), or fails to read one more than half of the 20/20 line in grade four (4) and above or in any grade is found to have a one line discrepancy between the two eyes shall be found to have a defect in vision or disease of the eyes pursuant to Section 10-214 of the Connecticut General Statutes and defined by Section 10-214-1(b) of these regulations.

(Effective July 1, 1981)

TABLE OF CONTENTS

Use of Eye Protective Devices in Schools

Protective devices required	10-214a-1
Design and construction of device.	10-214a-2
Duty of school governing board.	10-214a-3

Use of Eye Protective Devices in Schools

Sec. 10-214a-1. Protective devices required

Any person who is working, teaching, observing, supervising, assisting in or engaging in any work, activity or study in a public or private elementary or secondary school laboratory or workshop where the process used tends to damage the eyes or where protective devices can reduce the risk of injury to the eyes concomitant with such activity shall wear an eye protective device of industrial quality in the manner in which such device was intended to be worn. For the purposes of sections 10-214a-1 to 10-214a-3, inclusive, "workshop" and "laboratory" shall include any room or area used to teach or practice industrial arts, vocational and technical education, science, arts and crafts, or any similar skill, activity or subject. The following list of sources of danger to the eyes and the type of protection required to be worn in each case is exemplary, not exclusive:

Source of Danger to the Eyes	Type of Protection Required
(a) Caustic or explosive chemicals	Clear goggles, splash proof
(b) Explosives, solids or gases	Clear goggles
(c) Dust producing operations	Clear goggles, splash proof
(d) Electric arc welding	Welding helmet
(e) Oxy-acetylene welding	Colored goggles or welding helmet
(f) Hot liquids and gases	Clear goggles, splash proof
(g) Hot solids	Clear or colored goggles, or spectacles
(h) Molten metals	Clear or colored goggles
(i) Heat treatment or tempering of metals	Clear or colored goggles
(j) Glare operations	Colored spectacles or goggles, or welding helmet
(k) Shaping of solid materials; Chipping, cutting, grinding, milling, sawing, stamping	Clear goggles or spectacles
(l) Repairing or servicing of vehicles when hazard is foreseeable	Clear goggles or spectacles
(m) Spraying and dusting	Clear goggles, splash proof
(n) Other similar activity being conducted in the instructional program which risks damage to the eyes	Proper eye protective device

(Effective January 9, 1968.)

Sec. 10-214a-2. Design and construction of device

Any eye protective device used in such school workshops or laboratories shall be designed and constructed to resist impact, provide protection against the particular hazard for which it is intended, fit snugly without interfering with the movements of the user and be durable, cleanable, and capable of frequent disinfection by the method prescribed for such device by the school medical adviser. All materials used in such eye protective devices shall be mechanically strong and lightweight, non-irritating to perspiring skin and capable of withstanding washing in detergents and warm water, rinsing to remove all traces of detergent and disinfection by methods prescribed by the school medical adviser without visible deterioration or discoloration. Metals used in such devices shall be inherently corrosion resistant. Plastics

so used shall be nonflammable and shall not absorb more than five per cent of their weight in water.

(Effective January 9, 1968.)

Sec. 10-214a-3. Duty of school governing board

The governing board or body of each public and private elementary and secondary school in the state shall require the use of appropriate eye protective devices in each laboratory and workshop by any person in such areas during any activity risking damage to the eyes. Such boards shall enforce such rules and the regulations in sections 10-214a-1 to 10-214a-3, inclusive, shall provide safety instructions in eye safety practices and the use of eye safety devices appropriate to the activity engaged in, and shall post warnings and instructions in laboratories and workshops which include the list of hazards and protection required set forth in section 10-214a-1. Such boards shall make and enforce rules for the maintenance of all eye protective devices in clean, safe condition and shall replace any such protector which becomes irritating to the skin.

(Effective January 9, 1968.)

TABLE OF CONTENTS

Child Feeding Programs

Competitive foods. 10-215b- 1
Repealed 10-215b-2—10-215b-22
Income from the sale of food items 10-215b-23

Child Feeding Programs

Sec. 10-215b-1. Competitive foods

(a) No school food authority shall permit the sale or dispensing to students of extra food items anywhere on the school premises from thirty minutes prior to the start of any state or federally subsidized milk or food service program until thirty minutes after any such program.

(b) "Extra food items" means tea, coffee, soft drinks and candy.

(c) "School food authority" means the governing body which has the legal authority to operate one or more school feeding programs and receive state or federal subsidies for the operation of any such program.

(d) The provisions of this section shall not apply to the department of corrections. (Effective August 25, 1992)

Secs. 10-215b-2—10-215b-22.

Repealed, July 1, 1983.

Sec. 10-215b-23. Income from the sale of food items

The income from the sale to students of food items, anywhere on the school premises from thirty minutes prior to the start of any state or federally subsidized milk or food service program until thirty minutes after any such program, shall accrue to the school food authority for the benefit of state or federally subsidized milk or food service programs.

(Effective August 25, 1992)

TABLE OF CONTENTS

Nutrition Standards for Breakfasts and Lunches

Nutrition standards for breakfasts and lunches 10-215d-1

Nutrition Standards for Breakfasts and Lunches

Sec. 10-215d-1. Nutrition standards for breakfasts and lunches

(a) Any local or regional board of education which serves breakfast or lunch to students shall offer students the meals described in subsections (b) and (c) of this section of these regulations. The composition of such meals, unless otherwise provided in these regulations, shall comply with the school breakfast provisions of the Child Nutrition Action of 1966 (42 U.S.C. 1773, 1779) and the National School Lunch Act (42 U.S.C. 1751, et. seq.) and any regulations promulgated thereunder, as from time to time amended. Foods available at schools during breakfast or lunch shall make a significant contribution to the development of healthy eating habits. Foods of minimal nutritional value, as defined under said federal laws governing school meal programs, shall not be sold during breakfast and lunch periods.

(b) A school breakfast shall be offered and priced as a unit and shall consist of the following:

(1) Eight ounces of one percent fluid lowfat or fluid skim milk;

(2) A one-half cup serving of fruit or vegetable of which at least one serving per week shall be a fresh fruit or vegetable; and,

(3) Two servings from one of the following subparagraphs or one serving from each such subparagraph:

(A) A twenty-five gram serving of bread or the minimum serving size of a bread alternate, of which at least three servings per week shall be whole grain or at a minimum thirty percent whole grain.

(B) One ounce of meat or the minimum serving size of a meat alternate.

(c) A school lunch shall be offered and priced as a unit and shall consist of the following:

(1) Eight ounces of one percent fluid lowfat or fluid skim milk;

(2) Two ounces of meat or the minimum serving size of a meat alternate;

(3) A three-quarter cup serving of two or more vegetables or fruits, or both, of which at least one one-half cup serving a week shall be a fresh fruit or vegetable; and,

(4) A twenty-five gram serving of bread or the minimum serving size of a bread alternate, provided there are eight such servings a week of bread or bread alternate, of which at least one serving a week shall be whole grain or at a minimum thirty percent whole grain.

(d) Local and regional boards of education shall comply with the offer versus serve provisions of said federal laws governing school breakfasts and school lunches. (Effective June 27, 1991)

TABLE OF CONTENTS

**Cooperating Teacher and Beginning Educator
Support and Assessment Programs**

Definitions 10-220a- 1

Responsibilities of employing agents 10-220a- 2

Formation and responsibilities of the district committee 10-220a- 3

Selection of cooperating teachers, mentors, and assessors 10-220a- 4

Training of cooperating teachers, mentors, and assessors 10-220a- 5

Responsibilities of cooperating teachers and mentors 10-220a- 6

Placement conditions for cooperating teachers and mentors 10-220a- 7

Exceptions to placement procedures for cooperating teachers and mentors 10-220a- 8

Participation in the assessment component of the beginning educator program 10-220a- 9

Assessment of beginning teachers 10-220a-10

Assessment results and reporting 10-220a-11

Eligibility for extension of assessment period 10-220a-12

Repealed 10-220a-13—10-220a-14

Responsibilities of assessors 10-220a-15

Special program for alternate route beginning teachers and holders of a durational shortage area permit 10-220a-16

Compensation for assessors and school districts 10-220a-17

Released time for mentors, beginning teachers, and assessors 10-220a-18

Exceptions to assessment procedures for beginning teachers 10-220a-19

Cooperating Teacher and Beginning Educator Support and Assessment Programs

Sec. 10-220a-1. Definitions

Definitions of and requirements for certificates referenced in Sections 10-220a-1 to 10-220a-19, inclusive, of these regulations are contained in Sections 10-145d-100 to 10-145d-306, inclusive, of the Regulations of Connecticut State Agencies.

As used in Sections 10-220a-1 to 10-220a-19, inclusive:

(a) “Alternate route beginning teacher” means an individual who initially holds a temporary 90-day certificate and who participates in an alternate route beginning educator program leading to the issuance of a provisional educator certificate.

(b) “Assessment instrument” means the instrument or instruments developed and validated by the Department and based on the Connecticut Teaching Competencies.

(c) “Assessor” means an individual who has successfully completed a Department approved training program for assessors.

(d) “Assessor candidate” means an individual who has been selected for assessor training but has not yet successfully completed such training.

(e) “Beginning educator program” means the support and assessment program, as made available by the Board, required of beginning teachers.

(f) “Beginning teacher” means an individual serving under an initial educator certificate, interim initial educator certificate, temporary 90-day certificate or durational shortage area permit.

(g) “Board” means the Connecticut State Board of Education.

(h) “Board of education” means a local or regional board of education, regional educational service center, unified school district, cooperative arrangement established pursuant to Section 10-158a of the General Statutes, approved private special education facility, the Gilbert School, Norwich Free Academy and Woodstock Academy. For the regional vocational-technical school system, “board of education” means the vocational-technical school committee of the Board. In addition, for the cooperating teacher program only, boards of education include the governing bodies of other prekindergarten, elementary and secondary institutions approved by the commissioner.

(i) “Classroom teacher” means an individual who holds a professional educator certificate or a provisional certificate with a minimum of three years of teaching experience and who provides direct instruction to students.

(j) “College supervisor” means the individual designated by a college or university to supervise student teachers.

(k) “Commissioner” means the Connecticut Commissioner of Education.

(l) “Connecticut Teaching Competencies” means those descriptors, as adopted by the Board, of skills and abilities which a teacher should possess.

(m) “Cooperating teacher” means an individual who has been selected and trained to provide support and instructional assistance to a student teacher.

(n) “Cooperating teacher candidate” means an individual who has been selected for training as a cooperating teacher but who has not yet successfully completed such training.

(o) “Cooperating teacher team” means a group of individuals, led by a cooperating teacher, which provides support and instructional assistance to a beginning teacher or group of student teachers.

(p) “Cooperating teacher program” means the program of training, as made available by the Board, which is designed to prepare classroom teachers to serve

as cooperating teachers in the student teaching component of a teacher preparation program.

(q) "Department" means the Connecticut State Department of Education.

(r) "District committee" means the committee formed by an employing agent to implement the cooperating teacher program and the support component of the beginning educator program.

(s) "District facilitator" means the professional employee employed in a position requiring a certificate issued by the Board who is appointed by the employing agent to serve as the liaison between the board of education and the Department for the beginning educator program and the cooperating teacher program.

(t) "Employing agent" means the chief executive officer or other official authorized by the chief executive officer or supervising authority of a board of education.

(u) "Mentor" means an individual who has successfully completed a Department approved training program to provide support and instructional assistance to a beginning teacher.

(v) "Mentor candidate" means an individual who has been selected for training as a mentor but has not yet successfully completed such training.

(w) "Mentor team" means a group of individuals, led by a mentor, which provides support and instructional assistance to a beginning teacher or group of beginning teachers.

(x) "School administrator" means a principal, director or other designated administrator of a school building.

(y) "Student teacher" means an individual enrolled in a teacher preparation program and placed in a cooperating teacher's classroom for instruction and practice in teaching.

(z) "Teacher assessor" means a classroom teacher who has successfully completed a department approved training program for assessors.

(aa) "Teacher preparation program" means a planned program of preparation provided by a regionally accredited institution or a Connecticut institution accredited by the Connecticut Board of Governors of Higher Education and which is approved by the Board or other appropriate governing body in the state in which the institution is located.

(Effective July 24, 1992)

Sec. 10-220a-2. Responsibilities of employing agents

Each employing agent shall:

- (1) appoint a district facilitator;
- (2) form a district committee;
- (3) ensure that the district facilitator orients district committee members to all facets of the cooperating teacher and beginning educator programs, to include, but not be limited to, the goals of the programs; the application and selection process for cooperating teachers, mentors, and teacher assessors; the responsibilities of cooperating teachers, mentors, and assessors; and the process for annually reviewing the work of the district committee;
- (4) ensure that the process for nominating and selecting individuals for training as cooperating teachers, mentors, and teacher assessors is implemented;
- (5) develop a process for nominating and selecting administrators to be trained as assessors;
- (6) notify, at such time and in such manner as the Commissioner shall prescribe, teachers and administrators about professional opportunities to serve as cooperating

teachers, mentors, and assessors, and about the selection criteria and the selection processes;

(7) ensure that each beginning teacher is placed with a mentor or mentor team;

(8) report to the Department no later than 10 days after the beginning teacher is assigned to a school building, in such manner as the Commissioner shall prescribe, data for each beginning teacher including, but not limited to, name of the beginning teacher, school assignment, date of hire, and teaching assignment;

(9) ensure that times and locations for pre-observation and post-observation interviews are arranged between beginning teachers and their assessors;

(10) ensure that, during the time when an assessor is observing the beginning teacher, neither the mentor of the beginning teacher, any board of education administrator, nor other adult whose presence is not required in the delivery of instruction or assistance of students is present, and that the classroom is not audio- or video-taped;

(11) provide released time for beginning teachers to observe and be observed by their mentors or members of the mentor team and assessors;

(12) provide released time for assessors to conduct assessments;

(13) submit to the Department local school calendars, at such time and in such manner as the Commissioner shall prescribe;

(14) develop and implement a special plan for supervision of alternate route beginning teachers and submit, upon Department request, documentation of such plan to the Department;

(15) develop and make available to college and university placement coordinators written procedures for placing student teachers with cooperating teachers;

(16) require, at such time and in such manner as the Commissioner shall prescribe, attestation by district committee members of service on the district committee;

(17) provide to the Department a list of names of cooperating teachers and mentors who have not successfully met their responsibilities pursuant to Section 10-220a-6 and who shall be removed from the list of individuals eligible for placement as cooperating teachers and mentors;

(18) annually review and, as necessary, revise procedures as specified in this section for the operation of the cooperating teacher program and support component of the beginning educator program;

(19) ensure conformance with applicable provisions of these regulations; and,

(20) secure the applications of teachers and administrators to participate as assessors in accordance with the department's assessor recruitment goals. In the event that the commissioner determines that a shortage of assessors exists, the commissioner shall require that districts make available during each school year a minimum number of trained assessors as follows:

(A) For boards of education with fewer than 50 certified professional employees, a minimum of one assessor;

(B) For boards of education with at least 50, but fewer than 100 certified professional employees, a minimum of two trained assessors;

(C) For boards of education with at least 100, but fewer than 200 certified professional employees, a minimum of three trained assessors;

(D) For boards of education with at least 200, but fewer than 400 certified professional employees, a minimum of five trained assessors;

(E) For boards of education with at least 400, but fewer than 700 certified professional employees, a minimum of seven trained assessors; or

(F) For boards of education with at least 700 certified professional employees, a minimum of ten trained assessors.

(21) support the commitment of mentors, cooperating teachers, and assessors to participate in those roles for a minimum of two years following successful completion of initial training. In the event that mentors, cooperating teachers, or assessors are unable to meet the two year participation commitment, the employing agent shall recruit additional teachers and administrators to serve in those roles.

(Effective July 24, 1992)

Sec. 10-220a-3. Formation and responsibilities of the district committee

(a) The district committee shall be composed of certified professional employees employed in positions requiring a certificate issued by the Board, including, but not limited to, a member from the teachers' and administrators' exclusive bargaining representatives, provided a majority of the members of the district committee shall be classroom teachers. The members of the district committee shall be representative of the elementary, middle, and secondary school levels, as applicable.

(b) The employing agent and the district facilitator shall determine the size of the district committee with consideration being given to the number of classroom teachers employed by the board of education and the anticipated numbers of student teachers and beginning teachers.

(c) A fair and equitable process for selecting district committee members shall be established by the board of education and the teachers' unit and administrators' unit exclusive bargaining representatives, as applicable, provided, however, that the provisions of Sections 10-153a through 10-153n, inclusive, of the General Statutes shall not be applicable to the establishment of such process.

(d) The district committee shall adopt written procedures which shall include, but not be limited to, rotation of district committee members, the application process and the selection process for cooperating teachers and mentors, criteria for selecting mentors, cooperating teachers, and teacher assessors, procedures for dissolving placements, and removal for good cause of teachers from the eligible pool.

(Effective July 24, 1992)

Sec. 10-220a-4. Selection of cooperating teachers, mentors, and assessors

(a) Individuals who are employed by a board of education and apply to become cooperating teachers, mentors, and teacher assessors shall present evidence to the district committee of meeting the following prerequisites:

(1) possession of a professional educator certificate or a provisional certificate and a minimum of three years of teaching experience;

(2) employment by the board of education for at least one school year if applying to become a cooperating teacher or mentor;

(3) demonstration of effective teaching practice as defined by the Connecticut Teaching Competencies or their equivalent;

(4) ability to work cooperatively as team members to aid the professional growth of student teachers and beginning teachers;

(5) professional commitment to improving the induction of student teachers and beginning teachers into the teaching profession;

(6) ability to relate effectively to adult learners;

(7) ability to be reflective and articulate about the craft of teaching; and,

(8) such other criteria as may be deemed necessary by the district committee.

(b) District committee members shall review all applications and recommend to the board of education through its employing agent those classroom teachers eligible to be cooperating teachers, mentors, and assessors.

(c) The board of education shall review and approve or disapprove the recommendations submitted to it by the district committee.

(d) Individuals who are employed by a board of education as administrators shall be selected to become assessors by the board of education.

(e) The district facilitator shall submit to the Department by March 30th of each year, in such form as the Commissioner shall prescribe, the names of cooperating teachers, mentors, and assessors who were selected to be trained.

(f) Individuals who are not employed by a board of education who apply to become assessors shall present evidence to the department of meeting prerequisites which shall include, but not be limited to:

- (1) demonstration of success as an educator;
- (2) possession of a variety of educational experience and training;
- (3) demonstration of effective communication skills;
- (4) ability to work well with adults; and,
- (5) ability to reflect and be articulate about effective teaching practices.

(g) The department shall select candidates for assessor training in order to meet assessor staffing needs.

(h) Teachers selected by their boards of education and prepared by the department to be cooperating teachers and mentors prior to July 1, 1988, may be included by the department on the list of individuals eligible for placement as either cooperating teachers or mentors.

(Effective July 24, 1992)

Sec. 10-220a-5. Training of cooperating teachers, mentors, and assessors

(a) The Department shall provide:

- (1) training programs for cooperating teachers, mentors, and assessors;
- (2) lists of district personnel eligible to serve as cooperating teachers, mentors, and assessors to district facilitators annually;
- (3) access to lists of cooperating teachers to the appropriate administrative officials of teacher preparation programs annually;
- (4) training for beginning teachers; and,
- (5) technical assistance to district facilitators.

(b) In order to serve as assessors, assessor candidates shall successfully demonstrate proficiency as determined by the department in the use of the assessment instrument.

(c) In order to serve as mentors or cooperating teachers, mentor candidates and cooperating teacher candidates shall successfully demonstrate a prescribed set of skills as determined by the department.

(d) Cooperating teachers, mentors, and teacher assessors who change employment from one board of education to another and who are approved through the selection process of the board of education in which they are newly employed shall not be required to repeat initial training as the result of the employment change.

(Effective July 24, 1992)

Sec. 10-220a-6. Responsibilities of cooperating teachers and mentors

(a) A teacher shall successfully complete a training program in order to serve in the role of cooperating teacher or mentor.

(b) Cooperating teachers and mentors are expected to be available to accept placements for a minimum of two years following successful completion or training.

(c) The cooperating teacher or cooperating teacher team's responsibilities shall include, but not be limited to, the following:

- (1) providing daily supervision of the student teacher;
 - (2) providing support for the development of the student teacher's knowledge and instructional skills, as defined by the Connecticut Teaching Competencies; and,
 - (3) assisting the college or university in its evaluation of the student teacher in meeting the requirements of the student teaching component of the teacher preparation program.
- (d) The mentor's or mentor team's responsibilities shall include, but not be limited to, the following:
- (1) meeting weekly with the beginning teacher during the school year and recording such activities;
 - (2) observing the beginning teacher and providing classroom demonstrations for the beginning teacher on at least eight occasions during the school year, except for mentors of alternate route beginning teachers who shall perform such activities on at least ten occasions during the school year;
 - (3) providing support for the development of the beginning teacher's skills, as defined by the Connecticut Teaching Competencies, including planning of instruction, classroom management, instruction and assessment of student learning; and,
 - (4) assisting the beginning teacher in preparing for the assessment process.
- (Effective July 24, 1992)

Sec. 10-220a-7. Placement conditions for cooperating teachers and mentors

- (a) Beginning teachers shall be placed with mentors under the following conditions:
- (1) each beginning teacher will be placed with a mentor or a mentor team;
 - (2) placement of a beginning teacher with a mentor or mentor team shall be made as soon as possible after a beginning teacher is assigned to a school building, but in no event, later than ten school days after the beginning teacher has been so assigned;
 - (3) beginning teachers shall not be placed with mentors who will evaluate such beginning teachers pursuant to Section 10-151b of the General Statutes;
 - (4) the district facilitator, at such time and in such manner as the Commissioner shall prescribe, shall provide lists of trained mentors to school administrators to enable such school administrators to match mentors with beginning teachers; and,
 - (5) a mentor and a beginning teacher, in collaboration with the school administrator, may discontinue a placement following a local review and approval under written procedures developed by the district committee.
- (b) The appropriate administrative official of the teacher preparation program, in collaboration with the district facilitator and school administrator, shall place student teachers with cooperating teachers under written procedures developed by the employing agent.
- (Effective July 24, 1992)

Sec. 10-220a-8. Exceptions to placement procedures for cooperating teachers and mentors

- The Commissioner, or the Commissioner's designee, may grant exceptions to Section 10-220a-7 upon timely petition by the employing agent and a showing of good cause.
- (Effective July 24, 1992)

Sec. 10-220a-9. Participation in the assessment component of the beginning educator program

(a) Beginning teachers shall participate in the beginning educator assessment program as made available by the Board.

(b) Beginning teachers are required to achieve a satisfactory evaluation on the assessment in order to be eligible for a provisional educator certificate.

(Effective April 24, 1991)

Sec. 10-220a-10. Assessment of beginning teachers

(a) The assessment of each beginning teacher shall be based upon, but not be limited to, data obtained from on-site observations conducted by assessors using the assessment instrument provided.

(b) Each beginning teacher shall be observed by assessors, at least one of whom shall be a certified teacher employed by a board of education.

(c) Assessors may include, but are not limited to:

(1) professional employees who are currently or have been previously employed in positions requiring a certificate issued by the Board; and,

(2) higher education faculty.

(d) Assessors shall not be employed by the same board of education as the beginning teachers they assess, except for assessors who are school administrators and assessors employed by the regional vocational-technical school system or a unified district who shall not assess beginning teachers who are assigned to the same building or facility as the assessor.

(e) Assessors who were but are not currently employed by a board of education shall not assess beginning teachers employed by the same board of education in which they were last employed, except for assessors who were but are not currently employed by the regional vocational-technical school system or a unified school district, who shall not assess beginning teachers who are assigned in the same building or facility as the one in which the assessor was last employed.

(f) Cooperating teachers and mentors shall not serve as assessors for beginning teachers with whom they are or have been placed.

(g) Upon approval of the employing agent of the cooperating teachers and mentors, cooperating teachers and mentors may concurrently serve as assessors of beginning teachers.

(Effective July 24, 1992)

Sec. 10-220a-11. Assessment results and reporting

(a) A formative report, which is a feedback report documenting the results of one or more assessments, shall be provided to each beginning teacher prior to the issuance of a composite report.

(b) A composite report, which includes the combined results of the assessments and the standard of performance, shall be provided by the Department to the beginning teacher and the employing agent.

(c) A beginning teacher's standard of performance, as determined by the Board, on the composite report shall be categorized as one of the following:

(1) a standard of acceptable performance evidencing that the beginning teacher has demonstrated teaching competency required for provisional educator certificate eligibility;

(2) a standard of conditional performance evidencing that the beginning teacher has demonstrated teaching competency sufficient for an extension of the assessment period, but not sufficient for provisional educator certificate eligibility; or,

(3) a standard of unacceptable performance evidencing that the beginning teacher has not demonstrated teaching competency requisite for provisional educator certificate eligibility or for an extension of the assessment period.

(Effective April 24, 1991)

Sec. 10-220a-12. Eligibility for extension of assessment period

(a) The Commissioner, or the Commissioner's designee, may grant a one-time extension of the assessment period for one year upon a showing of good cause. Good cause shall be established as follows:

(1) if the assessors determine on the basis of the composite report that the beginning teacher has met a standard of conditional performance, said determination shall constitute a request for such extension; or,

(2) if the assessors determine on the basis of the composite report that the beginning teacher has met a standard of unacceptable performance, and, within 30 days of receipt of the composite report, the employing agent requests in writing to the Commissioner such extension with supporting reasons and documentation.

(b) Within 20 days after receipt of the request for such an extension, the Commissioner, or his designee, shall send to the beginning teacher and the employing agent a determination either approving or disapproving such request.

(c) Within 30 days after receipt of the determination of the Commissioner or his designee, a beginning teacher or the employing agent may request a review of such determination by the Board. The request for review shall contain: the full name, address and telephone number of the person making the request or for whom the request is being made and a clear and concise statement of the reasons, including relevant evidence, upon which the request is made.

(d) The Board shall render a written decision within 30 days of the conclusion of the review.

(Effective July 24, 1992)

Secs. 10-220a-13—10-220a-14.

Repealed, July 24, 1992.

Sec. 10-220a-15. Responsibilities of assessors

Assessors' responsibilities shall include, but not be limited to, the following:

(1) using the assessment instrument to conduct assessments of beginning teachers;

(2) in the course of their duties, informing the Department about any potential conflicts of interest which would impair their ability to assess objectively the performance of a beginning teacher;

(3) except as required in the performance of their duties as assessors, maintaining strict confidentiality concerning their observations of beginning teachers;

(4) following each assessment observation, submitting documentation according to timelines determined by the Department; and,

(5) following successful completion of training, participating as an assessor for a minimum of two years.

(Effective July 24, 1992)

Sec. 10-220a-16. Special program for alternate route beginning teachers and holders of a durational shortage area permit

(a) Each alternate route beginning teacher and holder of a durational shortage area permit in order to be eligible for a provisional educator certificate shall successfully

complete a specially designed beginning educator program, as made available by the Department, which includes, but is not limited to:

(1) the assignment of a mentor or mentor team for not less than two years;

(2) a training program designed especially for alternate route beginning teachers and holders of a durational shortage area permit, as may be provided by the Department, which supplements the Institute for Effective Teaching program successfully completed by the alternate route beginning teacher of the planned program leading towards certification in the field for which the durational shortage area permit was issued.

(3) an assessment program for up to two years; and,

(4) a special plan of supervision for alternate route beginning teachers and holders of a durational shortage area permit provided and attested to by the employing agent.

(b) The special plan shall be in place prior to, and implemented during both the 90-day temporary certificate and initial educator certificate periods for alternate route beginning teachers or the period during which the durational shortage area permit is issued. The plan must include, but is not limited to:

(1) an orientation to the policies and procedures of the employing agent;

(2) classroom observations of the alternate route beginning teacher or holder of a durational shortage area permit and the provision of feedback by the employing agent or designee no less than once every three weeks during the 90-day temporary certificate period or during the first ninety days under a durational shortage area permit; and,

(3) arrangements for the mentor or mentor team to provide classroom demonstrations for the alternate route beginning teacher or holder of a durational shortage area permit and observations of the alternate route beginning teacher or holder of a durational shortage area permit on at least ten occasions during the school year.

(c) During the temporary 90-day certificate period or the first ninety days of the durational shortage area permit, assessors shall assess each alternate route beginning teacher or holder of a durational shortage area permit who shall receive a formative report. These assessments shall not become part of the composite report.

(d) During the initial educator certificate period or the period following the first ninety days of the durational shortage area permit, assessors shall assess each alternate route beginning teacher or holder of a durational shortage area permit who shall receive a formative report. These assessments shall become part of the composite report.

(e) Each alternate route beginning teacher or holder of a durational shortage area permit shall receive at least one composite report which includes the combined results of assessments conducted after the temporary 90-day certificate period or the first ninety days of the durational shortage area permit and the resulting standard of performance as described in subsection (c) of Section 10-220a-11. The alternate route beginning teacher or holder of a durational shortage area permit shall be eligible for an extension of the assessment period in accordance with Section 10-220a-12.

(Effective July 24, 1992)

Sec. 10-220a-17. Compensation for assessors and school districts

Compensation for assessors and school districts shall be paid by the Department within available program appropriations based on the following:

(1) for assessors employed by a board of education, a stipend, which shall not exceed actual assessment expense reimbursement;

(2) for assessors not employed by a board of education, a stipend which shall be a per diem rate as determined by the department; and,

(3) funds shall be paid directly to school districts for the provision of substitute teachers when cooperating teachers, teacher mentors, beginning teachers, and assessors are released from regular classroom responsibilities and for the provision of professional development activities for cooperating and student teachers, teacher mentors, assessors and beginning teachers.

(Effective July 24, 1992)

Sec. 10-220a-18. Released time for mentors, beginning teachers, and assessors

(a) From the date of placement, mentors or mentor teams and their beginning teachers shall receive annually not less than the equivalent of four school days of released time per beginning teacher consisting of no less than eight meetings for planning, demonstration, observation and feedback on teaching, except that a mentor or mentor team supporting an alternate route beginning teacher shall receive annually not less than the equivalent of five school days of released time consisting of no less than ten meetings.

(b) Assessor candidates and assessors shall be provided with released time for the purpose of attending initial and continuing assessor training and conducting assessments. Released time for conducting assessments shall not exceed six school days in each school year without the approval of the employing agent.

(c) The Department shall reimburse each board of education for the expense of substitutes who are needed as a result of assessors being released pursuant to these regulations at a rate which shall not exceed a daily rate to be set annually by the Department.

(Effective July 24, 1992)

Sec. 10-220a-19. Exceptions to assessment procedures for beginning teachers

The Commissioner or the Commissioner's designee may waive the requirements of subsection (b) of section 10-220a-9 for an individual upon a determination that such assessment is not valid for the individual's current teaching assignment.

(Effective July 24, 1992)

TABLE OF CONTENTS

Regulations to Implement the Racial Imbalance Law

Definitions	10-226e-1
School reports	10-226e-2
Determination of racial imbalance.	10-226e-3
Determination of impending racial imbalance	10-226e-4
Plans	10-226e-5
Approval of plans	10-226e-6
Review of plan implementation	10-226e-7
Review of the decision of the state board of education	10-226e-8
Unique schools requirements	10-226e-9

Regulations to Implement the Racial Imbalance Law

Sec. 10-226e-1. Definitions

As used in sections 10-226e-1 to 10-226e-8, inclusive, of the Regulations of Connecticut State Agencies:

(1) “Pupil” means an individual for whom instruction is provided in a public elementary and secondary school under the jurisdiction of a local or regional board of education.

(2) “School” means any public elementary or secondary school under the jurisdiction of a local or regional board of education, excluding a unique school.

(3) “Board of education” means the board of education of a local or regional school district.

(4) “Grade” means that portion of a school program which represents the work of one regular school term, identified either as kindergarten, grade one, grade two, etc., or in an ungraded school program, identified on the basis of educational need.

(5) “School district” means a school system under the jurisdiction of a local or regional board of education.

(6) “Jurisdiction” means the authority granted local and regional boards of education by statute to exercise control and supervision of pupils, schools and school districts.

(7) “Plan” means that document submitted by a board of education in compliance with Section 10-226c of the Connecticut General Statutes.

(8) “Racial minorities” means those groups listed under subsection (b) of Section 10-226a of the Connecticut General Statutes.

(9) “Diverse school” means a school, within a school district having a minority school population of fifty percent or more; which school has a minority population of at least twenty-five percent, *but less than seventy five percent*.

(10) “Unique school” means an interdistrict or intradistrict magnet, local or state charter, lighthouse, regional vocational agriculture, regional vocational-technical, alternative, or special education school or other school designated by the Commissioner which offers specialized programs or provides for the voluntary enrollment of students.

(Effective April 1, 1980; amended November 29, 1999)

Sec. 10-226e-2. School reports

Each board of education shall annually submit, in such manner and at such time as specified by the Commissioner of Education, information on the racial composition of each school by grade, the racial composition of the teaching staff of each school, and the number of pupils in each elementary school who are eligible to receive free or reduced price lunches pursuant to federal law and regulation.

(Effective April 1, 1980; amended November 29, 1999)

Sec. 10-226e-3. Determination of racial imbalance

(a) Reports submitted pursuant to Section 10-226e-2 of the Regulations of Connecticut State Agencies will be reviewed annually by the State Department of Education. The proportion of pupils of racial minorities in each school will be compared to the proportion of pupils of racial minorities in comparable grades in the school district as a whole, as follows:

(1) Proportion for the school. The total number of pupils of racial minorities in the school, as reported pursuant to Section 10-226e-2 of the Regulations of Connecticut State Agencies, shall be divided by the total number of pupils in the school. The resulting percentage shall be the Proportion for the School.

(2) Comparable proportion for the school district. For all grades of a given school, the total number of pupils of racial minorities enrolled in the same grades throughout the school district shall be divided by the district-wide total pupil enrollment in such grades. The resulting percentage shall be the Comparable Proportion for the School District for such school.

(b) Any school in which the Proportion for the School falls outside of a range from 25 percentage points less to 25 percentage points more than the Comparable Proportion for the School District, shall be determined to be racially imbalanced.

(c) If the State Board of Education determines that one or more schools in a school district is racially imbalanced, said board shall promptly notify the board of education having jurisdiction of such school or schools.

(Effective April 1, 1980; amended November 29, 1999)

Sec. 10-226e-4. Determination of impending racial imbalance

(a) Any school not previously cited for racial imbalance, in which the Proportion for the School falls outside a range of from 15 percentage points less to 15 percentage points more than the Comparable Proportion for the School District, shall be deemed to have impending racial imbalance.

(b) The State Board of Education shall notify, in writing, a board of education having jurisdiction of a school district which includes one or more schools with impending racial imbalance.

(c) Any board of education notified pursuant to subsection (b) of this section may be required to provide the Commissioner of Education with information concerning student building assignments, interdistrict educational activities and other evidence of addressing issues of racial, ethnic and economic isolation.

(Effective April 1, 1980; amended November 29, 1999)

Sec. 10-226e-5. Plans

(a) Any board of education which has received notification from the State Board of Education pursuant to Section 10-226e-3 of the Regulations of Connecticut State Agencies shall submit to the State Board of Education a plan to correct racial imbalance in the school which has been determined to be racially imbalanced. All plans shall be subject to the requirements of this section; provided, however, that any school district so notified, which has a minority student enrollment of fifty percent or more may, in lieu of filing a plan, demonstrate that such racially imbalanced school is a diverse school.

(b) Preparation of the plan.

(1) Upon notification of a determination of racial imbalance, the board of education shall prepare a policy statement addressing racial imbalance in the school district.

(2) The board of education may, in writing, request technical assistance from the Commissioner of Education for the development of a plan. The Commissioner shall, within the limits of available resources, provide such assistance.

(3) The board of education shall conduct a public hearing on its plan prior to submission to the State Board of Education. Adequate notice of the time and place of such hearing shall be published and a complete record of such hearing shall be kept.

(4) A plan shall be submitted to the State Board of Education within 120 days following receipt of notification of a determination of racial imbalance, except that a school district may request an extension of time, not to exceed ninety days, if the number of students causing said imbalance in any school is fewer than five.

(c) Content of the plan.

A plan shall include at least the following items:

- (1) The board of education policy statement addressing racial imbalance in the school district;
- (2) A description of the process the board of education undertook to prepare the plan;
- (3) Presentation and analysis of relevant data, including (A) projections of the racial composition of the public schools in the school district for the subsequent five-year period under the proposed plan, (B) analysis of conditions that have caused or are contributing to racial imbalance in the school district, and (C) analysis of student achievement in the cited school as compared to other schools in the district;
- (4) The proposed methods for eliminating racial imbalance and for preventing its recurrence in the school district. These methods may include voluntary interdistrict and intradistrict enrollment plans acceptable to the State Board of Education as an alternative to mandatory pupil reassignment, provided any such voluntary enrollment plan addresses methods which will be used to increase student achievement;
- (5) Identification of proposed school construction and school closings, if any, and an explanation of any impact on the plan;
- (6) Specific proposals for minimizing any disruptive effects of plan implementation;
- (7) Provisions for monitoring plan implementation and evaluating plan effectiveness, including procedures for revising and updating the plan, if necessary;
- (8) A timetable for completion of each step in the plan and for implementation of the plan as a whole;
- (9) Demonstration that school district resources have been equitably allocated among all schools within the district; and
- (10) Demonstration that any disparity in student achievement levels among schools is being addressed and a description of the methods being used to decrease the disparity.

(c) Other plan requirements.

- (1) Any inconvenience caused by implementation of the plan shall not be borne disproportionately by any single racial minority nor disproportionately by racial minorities as a whole within the school district.
- (2) Implementation of the plan shall not result in segregation within schools, or among or within programs. Any substantially disproportionate racial minority representation within school classes and programs shall (A) be justified solely on the basis of educational need and (B) occur less than a majority of the time during the school day with the exception of pupils enrolled in bilingual education.
- (3) A plan shall not include reassignment of pupils whose dominant language is other than English and whose proficiency in English is limited if such reassignment is a denial of existing participation in a program of bilingual education.
- (4) Upon submission of a plan, a board of education may request exceptions to one or more of the plan requirements pursuant to this section. The State Board of Education (A) may grant such exception when said board finds such exception shall otherwise contribute to the purposes of Sections 10-226a to 10-226e, inclusive, of the Connecticut General Statutes; and (B) shall grant such exception when the plan is in compliance with a final order of a court of competent jurisdiction or federal administrative agency order which addresses the requirements of Sections 10-226a to 10-226e, inclusive, of the Connecticut General Statutes and which addresses the current condition of racial imbalance found in accordance with Section 10-226e-3 of the Regulations of Connecticut State Agencies.

(Effective April 1, 1980; amended November 29, 1999)

Sec. 10-226e-6. Approval of plans

(a) Upon receipt of a plan pursuant to Section 10-226e-5 of the Regulations of Connecticut State Agencies, the State Board of Education shall determine whether the plan complies with the requirements of said section and shall (1) approve, (2) conditionally approve, or (3) disapprove such plan, within 60 days.

(b) If the State Board of Education approves the plan, said Board shall promptly notify the board of education submitting the plan, which board shall implement the plan in accordance with the timetable indicated in such plan.

(c) If the State Board of Education conditionally approves the plan, said board shall promptly give written notice to the board of education submitting the plan. Such notice shall specify the portions of the plan requiring revision and the date for submission of such revisions. Those portions of the plan which do not require revision shall be implemented by the board of education in accordance with the timetable indicated in such plan.

(d) If the State Board of Education disapproves the plan, said board shall promptly notify the board of education submitting the plan. Such notice shall specify the reasons for disapproval and the date for resubmission of the plan.

(e) Upon receipt of a revised plan or portion thereof, the State Board of Education shall (1) approve, (2) conditionally approve, or (3) disapprove such revised plan or portion thereof in accordance with the provisions of subsections (b), (c), and (d) of this Section within 30 days following receipt of such revised plan or portion thereof.

(f) If a board of education submits a plan or a revision to such a plan which is not approved by the State Board of Education within one year of notification to the board of education of the existence of racial imbalance pursuant to Section 10-226e-3 of the Regulations of Connecticut State Agencies or a board of education fails to submit a plan or revision within the required time limits, the State Board of Education may undertake such other actions as may be authorized by law to cause the board of education to be in compliance with the provisions of Sections 10-226a to 10-226e, inclusive, of the Connecticut General Statutes and Sections 10-226e-1 to 10-226e-8, inclusive, of the Regulations of Connecticut State Agencies.

(Effective April 1, 1980; amended November 29, 1999)

Sec. 10-226e-7. Review of plan implementation

(a) All approved and conditionally approved plans shall be subject to continuing review and evaluation by the State Board of Education. If the State Board of Education finds that the status of the plan is not in conformity with the timetable indicated in such plan, said board shall investigate the reasons for such discrepancy. If the State Board of Education finds that the board of education has failed to take substantial steps to implement the plan in accordance with the timetable therein, the State Board of Education shall notify the board of education of non-compliance with the provisions of Section 10-226a to 10-226e, inclusive, of the Connecticut General Statutes and Sections 10-226e-1 to 10-226e-8, inclusive, of the Regulations of Connecticut State Agencies and may undertake such other actions as may be authorized by law to cause the board of education to be in compliance.

(b) A board of education may submit proposed amendment to an approved or conditionally approved plan. Such proposed amendment shall not take effect until after review and approval by the State Board of Education. Such proposed amendment shall be accompanied by written materials documenting the reasons for the amendment.

(Effective April 1, 1980; amended November 29, 1999)

Sec. 10-226e-8. Review of the decision of the State Board of Education

(a) Upon notification of disapproval of a plan, a board of education may file written notice with the Commissioner of Education requesting a review of such disapproval. Such request shall be submitted within 30 days following receipt of notification by the State Board of Education of such disapproval.

(b) Within 30 days following receipt of a request for review, a hearing shall be held in accordance with the provisions of Chapter 54 of the General Statutes.

(Effective April 1, 1980; amended November 29, 1999)

Sec. 10-226e-9. Unique schools requirements

(a) Unique schools shall provide data in the same manner as required of all other schools pursuant to Section 10-226e-2 of the Regulations of Connecticut State Agencies.

(b) Unique schools shall report to the Commissioner on all activities undertaken to provide educational opportunities for students to interact with students and teachers from other racial, ethnic and economic backgrounds.

(c) The Commissioner may require the responsible authority of any unique school to appear before him to respond to inquiries concerning the racial, ethnic or economic diversity of students or teaching staff and the educational opportunities provided for students to interact with students and teachers from other racial, ethnic and economic backgrounds.

(Adopted effective November 29, 1999)

TABLE OF CONTENTS

**Records of Threats and Physical Assaults upon Teachers, School Personnel
and Students**

Repealed 10-233g-1—10-233g-2

**Records of Threats and Physical Assaults upon Teachers, School Personnel
and Students**

Secs. 10-233g-1—10-233g-2.

Repealed, November 28, 1995.

TABLE OF CONTENTS

**Penalties and the Waiver of Penalties for Failure to Comply
With Certain State Reporting Requirements**

Penalty forfeit	10-261b-1
Penalty waiver procedures	10-261b-2

Penalties and the Waiver of Penalties for Failure to Comply With Certain State Reporting Requirements

Sec. 10-261b-1. Penalty forfeit

In the event the Secretary of the Office of Policy and Management determines that a municipality is required to forfeit the amount specified as a penalty for failure to comply with the provisions of Section 10-261b of the General Statutes, he shall cause to be sent to the chief executive officer a notification of the penalty amount due and a request for its prompt payment. The forfeit shall be required to be in the form of a bank check, certified check or money order made payable to the Treasurer of the State of Connecticut and forwarded to the Secretary of the Office of Policy and Management.

(Effective April 28, 1989; amended March 30, 1999)

Sec. 10-261b-2. Penalty waiver procedures

(a) The penalty pursuant to Section 10-261b of the General Statutes, may be waived by the Secretary of the Office of Policy and Management provided he receives a written application for waiver within thirty business days of the filing date of the report for which the penalty waiver is sought. Such application, which shall set forth the reason for the waiver request, shall be signed by the officials responsible for filing the required data and co-signed by the chief executive officer of the municipality. It must be established to the Secretary's satisfaction that the failure to file in a timely manner and in the form required, was due to reasonable cause and was not intentional or due to neglect. Examples of reasonable cause shall include, but not be limited to, the following:

(1) An Act of God;

(2) A vacancy in the position of the official responsible for filing the required data. Such vacancy, which may be due to death, serious illness or resignation, must have occurred within sixty days of the filing date;

(3) Failure regarding delivery of the required data, provided it is established to the Secretary's satisfaction that a reasonable attempt to make timely delivery has been made;

(4) Administrative or technical problems encountered with regard to the filing of such data, including but not limited to:

(A) Adoption of a computer system, or conversion to an alternate computer system, wherein serious problems concerning retrieval of the data to be submitted were not resolved prior to the filing date. It must be established to the Secretary's satisfaction that attempts to resolve such problems were undertaken within a reasonable period of time prior to such date;

(B) Failure on the part of the municipality to receive from the Secretary at least thirty days prior to the filing date, the form(s) necessary for submitting the required data.

(b) The Secretary shall promptly consider any such written application for penalty waiver and shall notify the applicants of his decision to grant or deny such waiver within fifteen business days.

(Effective April 28, 1989; amended March 30, 1999)

TABLE OF CONTENTS

Calculation Net Current Expenditures

Repealed 10-261(c)-1—10-261(c)-4

Calculation Net Current Expenditures

Secs. 10-261(c)-1—10-261(c)-4.

Repealed, March 26, 1997.

TABLE OF CONTENTS

Administration of the Nonpublic School Secular Education Act

Repealed 10-281n-1—10-281n-12

Administration of the Nonpublic School Secular Education Act

Secs. 10-281n-1—10-281n-12.

Repealed, December 27, 1985.

TABLE OF CONTENTS

School Construction Grants

Repealed 10-283a-1—10-283a-7

School Construction Grants

Secs. 10-283a-1—10-283a-7.

Repealed, July 28, 1986.

TABLE OF CONTENTS

School Construction Grants

Definitions. 10-287c- 1

Repealed. 10-287c- 2

Commitments for grants 10-287c- 3

Commitment limitations 10-287c- 4

Payment of school construction grants. 10-287c- 5

Bond interest subsidy grants 10-287c- 6

Portable, relocatable or demountable buildings 10-287c- 7

Repealed 10-287c-8—10-287c-10

Application for grants. 10-287c-11

Legislative authorization for a grant commitment. 10-287c-12

Special projects 10-287c-13

Computation of grant estimates for projects submitted to the governor
and general assembly 10-287c-14

Standards 10-287c-15

Repealed. 10-287c-16

Approval of requests for state grants. 10-287c-17

Computation of grants-spectator seating in a gymnasium and seating
area in an auditorium 10-287c-18

Construction contracts subject to bid. 10-287c-19

Repealed. 10-287c-20

Approval of plans and site 10-287c-21

Replacement for a roof less than 25 years old. 10-287c-22

Miscellaneous 10-287c-23

School Construction Grants

Sec. 10-287c-1. Definitions

As used in Sections 10-287c-1 to 10-287c-21, inclusive:

(1) “Applicant” means any local or regional board of education, regional educational service center, or incorporated or endowed high school or academy eligible for a school construction grant commitment pursuant to section 10-285b of the Connecticut General Statutes;

(2) “Board” means the state board of education;

(3) “Commissioner” means the commissioner of the state department of education;

(4) “Department” means the state department of education;

(5) “Educational Specifications” means a description of the general nature and purpose of the proposed school building project, which may include the applicant’s long range educational plan and the relationship of the proposed project to such plan; enrollment data and proposed project capacity; the nature and organization of the educational program; support facilities; space needs; accommodation for educational technology; specialized equipment; and site needs, and any other supporting documents deemed necessary by the commissioner;

(6) “Filing” means receipt;

(7) “Final grant payment” means the grant payment for a school construction project after which no further amount, other than an interest subsidy grant, is due the applicant, and its date shall be the date on which the check for such payment is issued or electronic transfer of funds is made;

(8) “Interest grant” means a grant for the state’s share of interest costs on bonds or serial notes, or short term notes issued by a municipality to permanently finance the cost of a school building project;

(9) “Legislative body” means the board of education of a regional school district, the governing board of a regional educational service center or incorporated or endowed high school or academy eligible for a school construction grant commitment pursuant to said section 10-285b, or the governing body of any municipality;

(10) “Limited eligible projects” means those projects eligible for a reimbursement percentage other than the percentage described in Section 10-285a of the Connecticut General Statutes;

(11) “Permanently financed” means financed from the proceeds of serial notes or bonds, energy conservation lease purchase agreements, as defined in section 10-282 of the Connecticut General Statutes or other long-term debt instruments deemed acceptable or equivalent by the commissioner;

(12) “Project costs” means the aggregate of the costs properly chargeable to a project, as determined by the board, except interest on temporary borrowings;

(13) “Short term notes” means the method of funding of school construction projects as described in Section 10-289a of the Connecticut General Statutes;

(14) “Temporary borrowing” means amounts borrowed in anticipation of the receipt of the proceeds of serial notes or bonds.

(Effective October 3, 1995)

Sec. 10-287c-2.

Repealed, July 28, 1986.

Sec. 10-287c-3. Commitments for grants (Reference: Section 10-287a)

A commitment for a grant under section 10-287a will be made by the Commissioner, subject to the approval of the state bond commission, at such time or times

during the development of a project and in such manner as the Commissioner shall prescribe.

(Effective August 25, 1989)

Sec. 10-287c-4. Commitment limitations (Reference: Section 10-287a)

No commitment for a grant under section 10-287a shall be made until the Commissioner shall have received assurances from the applicant (1) that the application for the grant and the acceptance thereof have been duly authorized, (2) that all proceeds of the grant will be used to meet project costs, or, to the extent provided for such purpose, site acquisition costs, (3) that records will be maintained which will fully disclose all project and site acquisition costs and the amount, source and disposition of all funds received for the payment thereof and such other records as the Commissioner shall prescribe to facilitate an effective audit; such records to be maintained for a period of three years following final payment of the grant under section 10-287a or such other period as the Commissioner shall prescribe, and (4) that the Commissioner or any duly authorized representatives shall have access, for the purpose of audit and examination, to any books, documents, papers and records of the applicant that are pertinent to the grant and that the applicant shall submit to the Commissioner such documents and information as the Commissioner may require in connection with the project.

(Effective August 25, 1989)

Sec. 10-287c-5. Payment of school construction grants (Reference: Section 10-287a)

Grant payments pursuant to Section 10-287a shall be made as follows:

(a) With respect to a project which has been completed, it shall be made forthwith upon a determination by the Commissioner of the project costs, and, if the grant is made in part to meet site acquisition costs, of the site acquisition costs.

(b) Advances against a grant with respect to a project not completed may be made at such time or times as the Commissioner shall determine but in no event at earlier times or in greater amounts than as follows: (1) thirty percent of the estimated grant amount when thirty percent of the project construction has been completed; (2) thirty percent of the estimated grant amount when sixty percent of the project construction has been completed; and (3) thirty percent of the estimated grant amount when ninety percent of the project construction has been completed.

(c) The final installment of the grant shall be paid when the project has been completed and the Commissioner has determined the final project costs, and, if the grant is in part to meet site acquisition costs, the final site acquisition costs.

(d) All grant payments shall be applied promptly toward project costs or toward repayment of temporary notes as the same become due and payable.

(e) If an examination and audit discloses that an overpayment of a grant has been made to the applicant, the amount of such overpayment shall be repaid forthwith.

(Effective August 25, 1989)

Sec. 10-287c-6. Bond interest subsidy grants (Reference: Section 10-287g)

(a) The amount of a bond issue eligible for an interest subsidy grant pursuant to Section 10-287g shall be the total of eligible project costs, not including site acquisition costs, less those project costs permanently financed by means other than the sale of serial notes or bonds, less any state grants made under Chapter 173 to defray project costs.

(b) Bond interest subsidy grants under section 10-287g shall be equal to the difference between four percent per annum and the lower of six percent per annum or the net interest cost rate on the eligible amount of bonds issued for the project involved, provided such bonds are sold at public sale.

(c) Bond interest subsidy grants under section 10-287g shall be paid semiannually over the period of the maturity dates of the bond issue. Payments will be certified to the state comptroller on or before the first of the month immediately preceding the month in which the corresponding interest payment falls due, and will be proportioned to such payments according to the eligible amount of such bond issue.

(Effective July 28, 1986)

Sec. 10-287c-7. Portable, relocatable or demountable buildings

Where a town or district undertakes to acquire a school facility consisting of one or more portable, relocatable or demountable buildings for which a state grant application is to be made pursuant to chapter 173, all requirements of chapter 173 and these regulations shall be applicable.

(Effective July 28, 1986)

Secs. 10-287c-8—10-287c-10.

Repealed, February 13, 1973.

Sec. 10-287c-11. Application for grants (Reference: Section 10-283)

(a) **Proposed School Building Project.** An applicant for a school construction grant shall file an application for such grant with the department in such manner as the Commissioner may prescribe. The application shall include: (1) one copy of the educational specifications for the project as approved by the local or regional board of education or governing body of such other eligible grant recipient and (2) one certified copy of the resolution or resolutions adopted by the legislative body of the applicant establishing a building committee for the project and authorizing at least the preparation of schematic drawings and outline specifications for the proposed project and the filing of the notice of proposed school building project. In order to be eligible for inclusion on the list of projects submitted to the Governor and General Assembly by December 15 of any year for grant commitment authorization the application shall be filed no later than June 30 of such year.

(b) **Notice of Categories.** The Commissioner shall make an initial determination as to which category established under subsection (a) of section 10-283 of the Connecticut General Statutes should apply to each proposed project. On or before October 1, the Commissioner shall notify each applicant as to the assigned category of each project. Such initial determination shall not preclude the Commissioner from placing any proposed project in another category on the basis of additional information received or developed.

(c) **Design Conference.** Except for projects reviewed and approved by local officials pursuant to subsection (b) of section 10-292 of the Connecticut General Statutes, the applicant shall attend a design conference to be scheduled by the department. The conference shall be attended by appropriate department staff, the applicant's superintendent or chief executive officer or designee, one member of the applicant's building committee, one representative of the architectural firm designated to design the project, and such others as the Commissioner may require. The Commissioner may waive such conference, conduct such conference by telephone or in person, or otherwise determine the scope and nature of such conference.

(Effective October 3, 1995)

Sec. 10-287c-12. Legislative authorization for a grant commitment (Reference: Section 10-283)

(a) **Notice of Legislative Action.** The Commissioner shall notify each applicant whose project was included on the list submitted to the general assembly as to the action taken by the general assembly within 30 days of such action.

(b) **Authorization for Grant Commitment Denied.** Any applicant not receiving an authorization for a grant commitment for a project may file a written request with the Commissioner, prior to September 1 following the consideration of such project by the General Assembly, to include such project for consideration on the next list to be submitted by the Commissioner to the Governor and the General Assembly. Failure to submit such a request shall not prohibit an applicant from submitting a new application for any project not receiving an authorization for a grant commitment.

(c) **Lapse of General Assembly Authorization.** The commissioner may, unless good cause is shown, disapprove a grant application for any project if the applicant has not, by June 30th of the year following the year of legislative authorization, completed all necessary steps under its charter and the general statutes to appropriate sufficient funds to pay for the project and any site acquisition costs for the project or authorized bonding or other means of financing the appropriation.

(d) The Commissioner may disapprove a grant application for any project if the applicant has not begun construction, as defined in section 10-282 of the Connecticut General Statutes, within two years after the effective date of the act of the General Assembly authorizing the Commissioner to enter into grant commitments for such projects as provided in Sections 10-283 and 10-283a of the Connecticut General Statutes. However, for good cause, extensions may be granted by the Commissioner for up to two years from the anticipated date of lapse.

(Effective October 3, 1995)

Sec. 10-287c-13. Special projects (Reference: Section 10-283)

Purchase Projects. If a proposed project involves the purchase of an existing building, the applicant shall so notify the Commissioner when filing its application of proposed school building project. If any major alterations or renovations to the building are included in such project, all provisions pertaining to the filing of plans shall apply. A grant for the cost to purchase a building and site shall be calculated pursuant to subdivision (2) of subsection (a) of Section 10-286; however, if any alterations, extensions or renovations to the building are included in such project, all other provisions of Chapter 173, including space limitations, if applicable, shall apply to such portion of the project. The purchase price of a site or the purchase price of a building and site may be negotiated, but the eligible cost of the purchase of the site or the building and site may not exceed the higher of two independent appraisals of the site or the building and its site. The department shall inspect the site or the building and site prior to the review of final plans in accordance with section 10-292 of the Connecticut General Statutes to ensure compliance with standards as defined in Section 10-282 of the Connecticut General Statutes and as contained in these Regulations. The department shall send written notification to the applicant of its conclusions for the use of the site or building and site within 30 days of the completed inspection. The cost of the purchase of the site or the building and site shall not be eligible for reimbursement unless the department has inspected and authorized the use of the site or the building and site.

(Effective October 3, 1995)

Sec. 10-287c-14. Computation of grant estimates for projects submitted to the governor and general assembly (Reference: Section 10-283)

(a) Grant estimates for projects other than limited eligible projects submitted to the Governor and General Assembly shall be determined by multiplying together the percentage as defined in sections 10-285a and 10-285b of the Connecticut General Statutes, with the total estimated costs of a project submitted to the department on the application for a proposed school building project.

(b) In computing interest grant estimates the department shall assume a twenty year bond issue and apply an average estimated bond interest rate based on market conditions as of July 1st of each year.

(Effective October 3, 1995)

Sec. 10-287c-15. Standards (Reference: Section 10-283a)

(a) **State standard space specifications.** The standard space specifications identified in this section shall apply to all school building project grants except code and health violations, roof replacements, site acquisitions, site improvements, leasing projects, plant purchases, vocational agriculture equipment, and administrative facilities. For any building constructed prior to 1950, the standard space specifications identified in this section shall be increased by twenty-five per cent.

State Standard Space Specifications

Grades

Projected Enrollment	Allowable Square Footage per Pupil												
	Pre-K and K	1	2	3	4	5	6	7	8	9	10	11	12
0 - 350	124	124	124	124	124	156	156	180	180	180	194	194	194
351 - 750	120	120	120	120	120	152	152	176	176	176	190	190	190
751 - 1500	116	116	116	116	116	148	148	170	170	170	184	184	184
Over 1500	112	112	112	112	112	142	142	164	164	164	178	178	178

(1) These standards shall be used as maximums for grant computation purposes. The square footage per pupil allowances for all grades housed shall be summed and divided by the number of grades housed to determine a maximum square foot per pupil for the facility.

(2) Applicants for school building projects which exceed the state standard space specifications solely as a result of extraordinary programmatic needs may apply to the Commissioner, at such time and in such manner as the commissioner may prescribe, for a waiver of space limitations.

(b) **Standards for Site Eligibility.** To be eligible for a site acquisition grant, the site shall be used for a school building project, and shall be approved by the Commissioner in accordance with criteria which consider at least: (1) The location and size of the project in relation to existing school facilities; (2) the adequacy and availability of utility services, including water, sanitary sewers, electricity and fire services; (3) the engineering, size, and shape adequacy of the site to support the school facilities; (4) compliance with zoning, wetlands, environmental protection and other laws and regulations; (5) demographic factors and population trends; (6) accessibility to the site; (7) the cost of acquiring, developing, maintaining and transporting pupils to the site; and (8) the availability of other sites.

(c) **Eligible Costs.**

(1) **School Building Projects.** Eligible costs for school building projects shall include: reasonable costs of acquiring, constructing, altering or renovating buildings or structures; site preparation and development costs incurred on and for the school site; equipment and furnishings for such school buildings or school site; architectural, engineering, construction management and legal fees ordinarily and reasonably necessary to the above costs; and bond issue costs incidental to financing the above costs, including bond advertising, preparation and printing of official statements, and bond execution costs.

(2) **Site Acquisition Costs.** Site acquisition costs shall include the actual cost of acquiring a site for a school project plus legal fees and other reasonable incidental costs necessary to such acquisition. Eligible site acquisition costs shall not exceed the higher of two independent appraisals of such site and shall not include the costs of a site or portion of a site which causes the total site to exceed: (A) The number of acres equal to the highest projected enrollment for the eight year period from the date of application divided by one hundred plus (B) ten additional acres if the project is an elementary school, or fifteen additional acres if the project is a middle school, or twenty additional acres if the project is a secondary school.

(d) **Ineligible Costs.** Eligible costs do not include: feasibility studies; textbooks and supplies; computer software, except computer operating systems; lease of facilities (other than in accordance with subdivision (9) of subsection (a) of section 10-286 of the Connecticut General Statutes); service, equipment or maintenance contracts; salaries of "in-house" administration or educational staff employed by the local board of education or municipality; site regrading, ordinary resurfacing or reseeded; relocation of facilities within site; repair of site improvements; athletic facility lighting, athletic facility parking, artificial turf; off-site town improvements and utility extensions; moving of existing facilities on-site or to another site (except where necessary for a new school plant or extension); ordinary building and built-in equipment maintenance, repair, repainting, redecoration; repair to movable equipment and furniture; ordinary repairs to or replacements of boilers, combustion equipment, or fuel storage equipment; ordinary roof repairs or replacements not specifically eligible under subdivision (7) of subsection (a) of Section 10-286 of the Connecticut General Statutes; ordinary window or glass replacements; and other ordinary repairs and replacements.

(Effective October 3, 1995)

Sec. 10-287c-16.

Repealed, October 3, 1995.

Sec. 10-287c-17. Approval of requests for state grants (Reference: Section 10-284)

(a) **Grant Request upon Completion of Project.** In order to receive a grant the applicant shall file a request for a grant with the Commissioner, in such manner as the Commissioner may prescribe, after the project has been completed and officially accepted by the building committee or other approving body, and the applicant, and after all bills for the project have been paid or funds to pay such bills are deposited in accordance with section 7-401 of the Connecticut General Statutes, in a separate escrow account, and after all bonds or notes to permanently finance the project, if any, have been issued. If bonds or notes are issued to permanently finance the project, such application shall include a copy of the principal and interest schedule of payments in such manner as may be required by the Commissioner. Each applicant

may be required to file information concerning project costs at such time and in such manner as the Commissioner may prescribe.

(b) **Request for Estimated Grant.** Section 10-287h of the Connecticut General Statutes may entitle an applicant to estimated grant payments prior to the completion of a school building project if the applicant has issued bonds or serial notes, or has carried temporary financing into the third year. The request for an estimated grant shall be made in such manner as the Commissioner may prescribe. Upon completion of the project the Commissioner shall adjust and recertify the dates and amounts of subsequent grant payments based on the state's share of final eligible costs.

(c) **Grant Amount Agreement.** Upon approval of the grant request the Commissioner shall notify the applicant in writing as to the amount of the grant.

(d) **Notification of State Comptroller.** The Commissioner shall certify to the State Comptroller the dates and amounts of all project grant payments, interest grant payments and site acquisition grant payments, if any.

(e) **Grant Payments.** All grants shall be paid to the town, city or borough of the applicant, or if the applicant is other than a local board of education, to the governing body of such other eligible grant recipient.

(f) **Reimbursement Percentage.** The reimbursement percentage as determined in Sections 10-285a and 10-285b of the Connecticut General Statutes shall be assigned to specific school building projects as follows: (1) All projects except those pursuant to subsection (b) of section 10-283 of the Connecticut General Statutes shall be assigned the rate in effect for the fiscal year during which General Assembly authorization is obtained. (2) Projects pursuant to subsection (b) of section 10-283 of the Connecticut General Statutes shall be assigned the rate in effect for the fiscal year during which application, as defined in 10-282 of the Connecticut General Statutes, is made.

(g) **Applicability of Regulations.** Rules, guidelines or regulations in effect at the time of application, as defined in said Section 10-282, shall be applied when final grant calculations are made for school construction projects pursuant to Chapter 173 of the Connecticut General Statutes, unless otherwise provided by sections 10-287c-1 to 10-287c-23, inclusive, of the regulations of Connecticut state agencies or by statute.

(Effective October 3, 1995.)

Sec. 10-287c-18. Computation of grants-spectator seating in a gymnasium and seating area in an auditorium (Reference: Section 10-286)

(a) **Spectator Seating in a Gymnasium.** For the purpose of determining the limited eligibility of the area of spectator seating in a gymnasium, retractable bleachers will be construed to occupy no area. In such cases limited eligibility shall apply only to the cost of the seats including installation. In the case of non-retractable (permanent) seating, limited eligibility shall be determined as follows:

A = Square footage of area occupied by seating

B = Total square footage of gymnasium

C = Total cost of gymnasium construction excluding seats (bleachers)

D = Total cost of seats (bleachers) including installation

$$\left(\frac{A}{B \times C} \right) + D = \text{Limited eligible cost of gymnasium seating area.}$$

(b) **Seating Area in an Auditorium.** The limited eligibility of the cost of constructing the area of spectator seating in an auditorium shall be determined as follows:

A = Square footage of area occupied by seating

B = Total square footage of auditorium

C = Total cost of auditorium construction excluding seating

D = Total cost of seats (including installation)

E = ½ of highest projected 8-year enrollment (½ of capacity if construction or grant payments were started after June 30, 1975 and before July 31, 1983)

F = Capacity of auditorium

$$\left[\left(\frac{A}{B} \times C \right) + D \right] \times \frac{E}{F} = \text{Limited eligible cost of auditorium seating area.}$$

Whenever E divided by F equals or exceeds one, a factor of one shall be used. Multipurpose rooms which utilize folding chairs or other temporary seating for auditorium purposes shall not be subject to this section.

(Effective July 28, 1986)

Sec. 10-287c-19. Construction contracts subject to bid (Reference: Section 10-287)

(a) **Contract Award.** The applicant shall file with the Commissioner in such manner as the Commissioner may prescribe a notification of the date the first construction contract was executed for the project.

(b) An applicant shall certify to the department, in such a manner as may be prescribed by the Commissioner, that they have met all legislative and regulatory requirements in the award of contracts.

(c) **Changes in Construction Plans.** The applicant shall notify the Commissioner promptly, and submit copies, of any final plan changes, addenda, and all change orders.

(Effective October 3, 1995)

Sec. 10-287c-20.

Repealed, October 3, 1995.

Sec. 10-287c-21. Approval of plans and site (Reference: Section 10-291)

(a) **Final Plans.** The applicant shall file with the department in such manner as the Commissioner may prescribe final plans including: (1) one copy of the final plans and specifications for the project, or a phase of the project, as prepared for bidding and which specify the choice of site for the project; (2) a professional cost estimate of such project or phase and of any site acquisition; and (3) certification that the documents described in subdivisions (1) and (2) of this subsection have been approved by the applicant and building committee.

(b) **Review of Plans.** The Commissioner shall review final plans and specifications to ensure that such plans and specifications comply with applicable statutes, regulations, and codes for school construction, and with the educational specifications for the project.

(c) **Grant Commitment and Authorization to Seek Bids.** No phase of site development or construction or purchase order in connection with a school building project for which state assistance is sought shall go out to bid until the applicant has received written notification from the Commissioner that: (1) the Commissioner has approved the final plans and specifications for such phase of the project for conformity with the requirements of (A) the State Fire Marshal (B) the State Department of Health Services, (C) the life-cycle cost analysis approved by the commis-

sioner of public works, and (D) the standards adopted by the State Building Inspector for design and construction of public buildings to meet the needs of disabled persons; (2) the final plans and specifications for such phase of the project comply with the educational specifications for the project; and (3) the Commissioner has approved the site of the project.

(d) Cause for Withholding of Grant Payments and Repayment of Grants.

All school building projects may be subject to inspection by the Commissioner. Such inspection may determine that a project has not met the conditions of the original application if: (1) the project does not satisfy fire, safety, health or other applicable codes; (2) the project deviates materially from the final plans and specifications as approved by the applicant and the Commissioner; (3) the project is found to have violated any other provision of Chapter 173 of the Connecticut General Statutes. The Commissioner shall notify the applicant in writing within 60 days of the results of an inspection. Such notice shall specify those violations which may result in withholding of payments and shall specify how the applicant shall respond in order to meet the conditions of the original application. Failure of the applicant to respond adequately shall be cause for the Commissioner to withhold payments for such projects or order the repayment of grant amounts already paid for such project.

(Effective October 3, 1995)

Sec. 10-287c-22. Replacement for a roof less than 25 years old (Reference: Section 10-286 (a) (7))

(a) In the case of a grant application for total or partial replacement of a roof which has existed for fewer than twenty years, eligibility shall be conditioned upon the factors enumerated in Section 10-286 (a) (7). For the purposes of determining whether a town is prohibited from recovery of damages or has no other recourse at law or in equity, the following shall constitute satisfactory evidence of this requirement: (1) When suit or arbitration has been brought by a district for recovery of damages due to a faulty roof, and final judgment has been rendered against said district, whether or not on the merits; (2) Where the district or board attorney certifies to the Department that all applicable statutes of limitations have expired, and, in the best judgment of said counsel, it would be fruitless to institute litigation and/or arbitration.

(b) If suit has been brought against the architect, engineer, contractor or any other party on account of improper design and/or construction, a final judgment of a court of competent jurisdiction on said issue shall be binding on the department as to improper design or construction.

(Effective August 25, 1989)

Sec. 10-287c-23. Miscellaneous

Severability. If any provision of these regulations is found to be invalid under a final judgment of a court of competent jurisdiction, all the remaining provisions of those regulations shall remain in full force and effect.

(Effective July 28, 1986)

TABLE OF CONTENTS

School Asbestos Inspection and Abatement

Repealed 10-292a-1—10-292a-10

School Asbestos Inspection and Abatement

Secs. 10-292a-1—10-292a-10.

Repealed, November 28, 1995.

TABLE OF CONTENTS

Agency Organization, Practice and Procedure

PART I: Description and Organization

Description 10-293- 1
 Functions 10-293- 2
 Official address. 10-293- 3
 Board operations and signature of documents 10-293- 4
 Organization 10-293- 5

PART II: Rules of Practice

Definitions 10-293- 6
 Construction and amendment 10-293- 7
 Extensions of time 10-293- 8
 Rules of conduct 10-293- 9
 Ex parte communication 10-293-10
 Signatures. 10-293-11
 Service 10-293-12
 Participation by persons other than parties 10-293-13
 Representation of parties and intervenors 10-293-14
 Commencement of contested case. 10-293-15
 Notice of hearings 10-293-16
 Hearings, general provisions. 10-293-17
 Rules of evidence 10-293-18
 Uncontested disposition of complaint, application or petition 10-293-19
 Proposal for decision in a contested case 10-293-20
 Contents of the record in a contested case 10-293-21
 Requests for hearing general rule 10-293-22
 Procedure in response to complaint 10-293-23
 Final decision. 10-293-24
 Declaratory rulings. 10-293-25
 Reserved 10-293-26—10-293-34

Maintenance of Personal Data

Personal data 10-293-35

Personnel records 10-293-36

Special education records 10-293-37

Register of blind 10-293-38

Workshop program file 10-293-39

Vocational rehabilitation services 10-293-40

Vending facility program 10-293-41

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

Internal distribution policy 10-293-43

Protection of data 10-293-44

Incorporation into board contracts 10-293-45

Unnecessary duplication 10-293-46

Protecting records 10-293-47

Disclosure of personal data 10-293-48

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

Users of personal data 10-293-50

Other provisions 10-293-51

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;
- (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 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

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.

(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)

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 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 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)

Secs. 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;
- (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; 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)

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 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 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;

(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 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)

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 develop-

ment; 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;

(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)

TABLE OF CONTENTS

Program for Deaf-Blind Adults

Use of funds 10-295- 1
 Services to be provided 10-295- 2
 Review of persons provided with services 10-295- 3

Special Education Services

Description 10-295- 4
 Definitions 10-295- 5
 Expenditure for instruction. 10-295- 6
 Reimbursements to local or regional boards of education 10-295- 7
 Reimbursement to local or regional boards of education for personnel
 expenses 10-295- 8
 Reports by local or regional board of education 10-295- 9
 Provision of books, special supplies and equipment 10-295-10
 Payments for an educational placement of a visually handicapped child
 outside the local or regional board of education 10-295-11

Program for Deaf-Blind Adults

Sec. 10-295-1. Use of funds

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

(b) **Definitions:**

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

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

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

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

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

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

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

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

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

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

Official membership on the committee shall include: from the board of education and services for the blind—an administrator, a board member, and the agency coordinator; a representative of Oak Hill School; from the department of mental retardation—representatives from the central office, Southbury and Mansfield; a representative from the commission on the deaf and hearing impaired; a representative from the New England regional center; and one-third of the members shall be

parent representatives (including at least one Southbury and one Oak Hill parent). Appropriate consultants will be invited including the American Foundation for the Blind and the Helen Keller National Center for Deaf Blind Youths and Adults.

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

The ITP Team shall consist of:

The agency coordinator (chairperson).

The appropriate program coordinator.

The appropriate day program staff member.

The appropriate residential program staff member.

The student and/or guardian *shall* be invited.

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

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

(Effective March 23, 1982)

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

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

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

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

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

(Effective March 18, 1988)

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

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

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

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

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

There shall be annual written documentation.

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

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

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

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

(Effective March 23, 1982)

Special Education Services

Sec. 10-295-4. Description

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

(Effective October 25, 1989)

Sec. 10-295-5. Definitions

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

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

- (1) "Board" refers to the board of education and services for the blind.
- (2) "Director" refers to the executive director of the board.
- (3) "Special Supplies and Equipment" refers to educationally-related material necessary to compensate for or ameliorate the educational dysfunction of the visually handicapped.
- (4) "Support Personnel (aides, tutors, readers)" refers to individuals employed by or under contract to local or regional boards of education for the purpose of assisting classroom teachers in monitoring the activities of visually handicapped children or assisting visually handicapped children to derive maximum benefit from their educational experiences.

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

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

(Effective October 25, 1989)

Sec. 10-295-6. Expenditure for instruction

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

(Effective October 25, 1989)

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

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

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

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

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

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

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

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

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

(Effective October 25, 1989)

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

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

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

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

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

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

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

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

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

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

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

(Effective October 25, 1989)

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

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

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

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

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

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

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

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

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

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

(A) identification of the visually handicapped child;

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

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

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

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

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

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

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

(Effective October 25, 1989)

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

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

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

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

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

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

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

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

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

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

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

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

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

(Effective October 25, 1989; amended February 26, 2009)

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

When the determination is made by the planning and placement team that the special needs of a visually handicapped child could best be met by such a child's

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

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

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

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

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

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

(Effective October 25, 1989)

TABLE OF CONTENTS

Labeling of Goods Made by Blind Persons

Definitions	10-300a-1
Annual registration	10-300a-2
Application	10-300a-3
Suspension of registration	10-300a-4

Labeling of Goods Made by Blind Persons

Sec. 10-300a-1. Definitions

(a) "Blind." The word "blind" used herein shall have the same definition as set forth in Connecticut General Statutes, Sec. 10-294a (a).

(b) "Blind labor." The phrase "blind labor" used herein shall have the same definition as set forth in Connecticut General Statutes, Section 10-294a (c).

(Effective April 24, 1987)

Sec. 10-300a-2. Annual registration

Any person, institute, agency or nonprofit corporation which plans to label, designate or represent its goods, wares or merchandise as having been manufactured or produced in whole or in part by any blind person or by any public or private institute, agency or corporation serving the blind shall register annually, on July 1, with the board of education and services for the blind. No such goods, wares or merchandise may be labeled, designated or represented as products of blind persons unless the requirements in Section 10-300a-3 of these regulations are met and the application for registration is approved by the board of education and services for the blind.

(Effective April 24, 1987)

Sec. 10-300a-3. Application

(a) Initial application

The board of education and services for the blind shall furnish an application for registration on request. The properly completed application shall be notarized and returned to the board of education and services for the blind which shall review the application for compliance with the statutes and regulations and notify the applicant by letter within thirty (30) days of receipt of completed application information whether or not the registration is in compliance. If the registration is not in compliance, the applicant shall be advised in writing of the reasons for disapproval. In the event of disapproval, the applicant may request a review meeting with the agency. Such request shall be submitted to the agency chief, division of industries, within thirty (30) calendar days of receipt of disapproval, and a meeting will be scheduled within thirty (30) calendar days of receipt of such request.

(b) Renewal

By July 1 of each year, each person, institute, agency or nonprofit corporation which plans to continue activities covered by the initial registration shall submit a renewal application on the form available from the board of education and services for the blind, reporting any changes to the initial application information.

(c) Application information

The applicant for registration shall furnish, as required by the board of education and services for the blind, a listing and samples of products of blind persons to be sold, the names of current employees who are blind and producing these products along with their current wage rates, a copy of the most recent OSHA Form No. 102 (Annual Summary), and any other information pertinent to the application as determined by the board of education and services for the blind.

(Effective April 24, 1987)

Sec. 10-300a-4. Suspension of registration

If a question of non-compliance arises for an individual or organization with approved registration, the board of education and services for the blind may request

appropriate additional information which shall be furnished within 14 calendar days of receipt of the request.

If a compliance problem is identified, the registrant will be advised in writing and have twenty-one (21) calendar days from the time of notification to correct the problem and advise the board of education and services for the blind.

If a compliance problem is not corrected within the twenty-one (21) day period, a compliance hearing will be scheduled within twenty-one (21) calendar days thereafter as required by Connecticut General Statutes, Sections 4-177 and 4-182. The registrant will be advised of the hearing decision within twenty-one (21) calendar days after the hearing.

(Effective April 24, 1987)

TABLE OF CONTENTS

Vending Facilities in Public Buildings

Description	10-303- 1
Definitions	10-303- 2
Licensing	10-303- 3
Standards and procedures applying to establishment of a vending facility	10-303- 4
Income from vending machines on federal property	10-303- 5
Vending facility operating agreement	10-303- 6
Transfer promotion and selection, readmittance to program	10-303- 7
Training program.	10-303- 8
State committee of blind vendors	10-303- 9
Administrative review	10-303-10
Full evidentiary hearing	10-303-11
Operating expenses and insurance.	10-303-12
Minimum income base.	10-303-13
Explanation of rights and responsibilities	10-303-14
Supervision and management services	10-303-15
Access to program and financial information.	10-303-16
Establishment of new facilities and renovations	10-303-17
Permit to establish vending facilities on state property.	10-303-18

Vending Facilities in Public Buildings

Sec. 10-303-1. Description

These regulations shall apply to the board of education and services for the blind in its implementation of food service and vending facilities in public buildings as described in Section 10-303 of the General Statutes and the Randolph-Sheppard Act 20-USC as amended.

(Effective July 23, 1987)

Sec. 10-303-2. Definitions

(a) Except as otherwise required by context, the following definitions shall apply:

(1) "Abandonment" means:

(A) a vendor's voluntary leave from the vending facility without having given three days' prior notice to the board of his intent to take such leave; or

(B) a vendor's involuntary leave from the vending facility without having given reasonable notice to the board as soon as possible after learning of the necessity to take such leave.

(2) "Act" means the Randolph-Sheppard Vending Stand Act, 20 USC 107 as amended from time to time.

(3) "Active Participation" means to actively participate with the board in major administrative decisions, policies and program development decisions affecting the vending facility program.

(4) "Administrative Review" means an informal proceeding in which the legal rights, duties, or privileges of a licensed vendor are determined.

(5) "Blind Licensee" means a blind person licensed by the board of education and services for the blind to operate a food service facility or vending facility on federal or private property or property owned, operated or leased by the state or any municipality therein.

(6) "Blind Person" - the definition provided by Section 10-294a of the General Statutes shall apply.

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

(8) "Cafeteria" means a food dispensing facility capable of providing a broad variety of prepared foods and beverages, (including hot meals), primarily through the use of a line where the customer serves himself from displayed selections. A cafeteria may be fully automatic or some limited waiter or waitress service may be available and provided within a cafeteria and table or booth facilities are always provided.

(9) "Direct Competition" means the presence and operation of a vending machine or vending facility on the same premises as a vending facility operated by a blind vendor except that vending machines or facilities operated in areas serving employees, the majority of whom normally do not have access to the blind vending facility shall not be considered in direct competition with the blind vending facility.

(10) "Division of Industries" refers to the organizational unit of the board which has been designated to administer the vending facility program.

(11) "Dry/Wet Facility" means all facilities which are not included under the other three (3) types of facilities (cafeteria, snack bar, vending machine), normally merchandising for off-premises consumption of a variety of articles, refreshment items and services which are dispensed manually by the vendor and, in certain instances, by vending machines.

(12) "Equipment" means those occupational fixtures, furnishings, machinery, tools and accessories required in the operation of a small business. Equipment is

characterized as having a relatively long life and the capacity to be used repeatedly to furnish a service or services.

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

(14) "Federal Property" means any building, land or other real property owned, leased or occupied by any department, agency or instrumentality of the United States (including the department of defense and the United States postal service).

(15) "Full Evidentiary Hearing" means a proceeding in which the legal rights, duties and privileges of a licensed vendor are determined after an adverse decision based on an administrative review of the action with which the vendor is dissatisfied.

(16) "Hearing Officer" means an impartial qualified official who has had no involvement with the board's action which is at issue or with the administration or operation of the vending facility program.

(17) "Initial Stock and Supplies" means those merchantable items or supplies authorized by the permit and necessary to establish a vending facility program under the Randolph-Sheppard Act, including additional items necessary for the operation of a location, if the character or type of facility is changed substantially.

(18) "License" means a written instrument issued by the board to a blind person, authorizing such person to operate a vending facility on federal, state or other property.

(19) "Maintenance of Equipment" means all repairs necessary to keep equipment operational such as purchase of a new motor for refrigerator, replacement of glass in a showcase or finishing and painting counters, shelving or shelters.

(20) "Management Services" means supervision, inspection, quality control, consultation, accounting, regulating, in-service training and other related services provided on a systematic basis to support and improve vending facilities operated by blind vendors. "Management services" does not include those services or costs which pertain to the on-going operation of an individual facility after the initial establishment period.

(21) "Net Proceeds" means the amount remaining from the sale of articles or services of vending facilities and any vending machines or other income accruing to blind vendors after deducting the cost of such sale and other expenses, excluding expenses which may be required to be paid by such blind vendors.

(22) "Normal Working Hours" means an eight hour work period between the hours established in the operating agreement.

(23) "Permit" means the official approval given to the board as defined in Section 10-303 (a) of the General Statutes.

(24) "Program" means all the activities of the board related to vending facilities on federal, state, municipal and other property.

(25) "Promotional Subcommittee" means a body consisting of a minimum of three members of the state committee of blind vendors appointed by the elected chairperson.

(26) "Review Officer" means an impartial member of the board's administrative staff who has not participated in the action which is at issue and who has been designated by the executive director to conduct an administrative review.

(27) "Satisfactory Site" means an area fully accessible to vending facility patrons and having:

(A) a minimum of 250 square feet available for the vending and storage of articles necessary for the operation of a vending facility or smaller than the minimum size with approval of the division of industries; and

(B) sufficient electrical, plumbing, heating and ventilation outlets for the location and operation of a vending facility in accordance with applicable health laws and building codes.

(28) “Secretary” means the United States secretary of education.

(29) “Snack Bar Facility” means a facility engaged in selling limited lines of refreshment and prepared food items necessary for a light meal service including establishments which sell food and refreshment items prepared on or off the premises and usually wrapped in containers at the point of sale.

(30) “State Licensing Agency” means the board of education and services for the blind as the state agency designated by the state of Connecticut and by the United States secretary of education to issue licenses to blind persons for the operation of vending facilities in federal and other property.

(31) “State Property” means any building or property owned, operated or leased by the state.

(32) “Transportation” means necessary travel for the purpose of conducting business of the board or to participate in an administrative review.

(33) “Vending Facility” means automatic vending machines, cafeterias, snack bars, cart service, shelters, counters and such other appropriate auxiliary equipment which may be operated by blind licensees and which is necessary for the sale of newspapers, periodicals, confections, tobacco products, foods, beverages and other articles or services dispensed automatically or manually and prepared on or off the premises in accordance with all applicable health laws, and including the vending or exchange of chances for any lottery authorized by state law and conducted by an agency of the state.

(34) “Vending Facility Operating Agreement” means the formal written contract between the vendor and the board which sets forth the terms and conditions governing the issuance of a license and the operation of the vending facility.

(35) “Vending Machine” means a coin or currency operated machine which dispenses articles or services, except those machines operated by the United States postal service for the sale of postage stamps or other postal products and services located on postal service property.

(36) “Vendor” means a blind licensee who is operating a vending facility on federal, state, municipal or other property.

(37) “Vocational Rehabilitation Services” means those services as defined in Section 10-306-2 (53) of Connecticut regulations.

(Effective July 23, 1987)

Sec. 10-303-3. Licensing

(a) Licensing Vending Facility Operators

Licenses to operate vending facilities may be issued by the board only to persons who:

- (1) are blind, as defined by these regulations;
- (2) are citizens of the United States;
- (3) have been certified by the board’s division of industries as qualified to operate a vending facility; and
- (4) have executed a vending facility operating agreement.

(b) Unemployed Persons

An applicant for a license who is in need of employment shall be given preference in the issuance of a license.

(c) Religion, Race, Color, Ancestry, National Origin, Sex, Age, Disability or Political Affiliation

Selection of an applicant for licenses shall be made without regard to religion, race, color, ancestry, national origin, sex, physical or mental disability, age, or political affiliation of the applicant.

(d) Termination of License

All licenses shall be issued for an indefinite period of time but shall be subject to suspension or termination if, after affording the licensee (vendor) an opportunity for a full evidentiary hearing pursuant to these regulations, the board determines:

(1) that the vending facility is not being operated in accordance with federal, state or municipal laws, these regulations or the terms and conditions of the vending facility operating agreement; or

(2) that improvement of vision is such that the licensee (vendor) no longer meets the definition of blindness; or

(3) that extended illness exists with medically documented diagnosis of prolonged incapacity of the vendor to operate or manage the vending facility in a manner consistent with the needs of the location or other available locations in the vending facility program (cooperation of vendor in obtaining medical evaluation shall not be withheld). All such situations to be reviewed carefully by the agency and the committee; or

(4) withdrawal by the vendor from the program upon his written notification to the board; or

(5) failure of the vendor to sign the agreement for operation of a vending facility after he has accepted assignment to operate a facility; or

(6) inability of the vendor to operate the facility efficiently; or

(7) abandonment of the location by the vendor (failure to report without proper notification); or

(8) failure to obtain written approval of the board's division of industries prior to the purchase, construction or installation of any equipment, accessories or fixtures to be used in the vending facility program.

(Effective July 23, 1987)

Sec. 10-303-4. Standards and procedures applying to establishment of a vending facility

The following standards and procedures shall apply to the establishment of a vending facility:

(a) Vending Facility Equipment and Initial Stock

The board shall furnish each new vending facility with adequate, suitable equipment and initial stocks of merchandise necessary for its establishment, operation and maintenance except that any increase in initial stock required by promotion, using federal vocational rehabilitation funds, is permitted only when promotion or upgrading is from a dry facility to wet snack bar or cafeteria.

(b) Title and Interest in Fixtures and Equipment

The right, title and interest in all fixtures and equipment furnished to a vending facility by the board shall be vested in the board and shall be labeled with a numerical sticker and so marked as to clearly reflect ownership by the state of Connecticut. Should the vendor elect to purchase such fixtures and equipment from the board, he may do so under the following conditions:

(1) the sale and purchase price shall be acceptable to the board; or

(2) upon the transfer of the vendor to another facility, his discontinuance as a licensee or his death, title and interest in such fixtures and equipment shall become vested in the board subject to:

(A) a determination of the fair market value of such fixtures and equipment in accordance with state procedure and regulations;

(B) payment of such fair market value to the vendor/owner or his estate; and

(C) the provision of an opportunity to the vendor, his representative or estate for a full evidentiary hearing concerning the determination of the fair market value of such equipment.

(c) Purchase Construction or Installation of Equipment

(1) written approval of the board must be obtained by the vendor prior to purchase, construction or installation of any equipment, accessories or fixtures to be used in a business enterprise by him.

(2) no opportunity to become a vendor shall be denied an individual on the basis of his unwillingness or inability to purchase the vending facility equipment or the initial stock.

(d) Maintenance and Replacement of Equipment

The board shall furnish each vending facility with adequate suitable equipment and shall maintain, or cause to be maintained, all vending facility equipment in a workable condition and shall replace or cause to be replaced, worn-out or obsolete equipment as it deems necessary to assure the successful operation of the facility provided that:

(1) the board shall not assume responsibility or obligation for maintenance repair or replacement of equipment, present at a vending facility, in which it does not have full title;

(2) each vendor shall carry out routine day-to-day maintenance procedures;

(3) problems with equipment shall be reported by the vendor to the board as soon as they are identified; and

(4) the board will arrange for all necessary repairs or the replacement of vending facility equipment following an on-site evaluation and determination of need by a board supervisory staff member. Scheduling of expenditures for equipment, repair or renovations will be made in accordance with priorities developed annually by the board with the active participation of the state committee of blind vendors and based on the availability of funds.

(e) Routine License Fees and Preventative Maintenance

The board shall be responsible for payment of routine license fees and preventative maintenance of equipment with the following exceptions:

(1) if a vendor earns at least the average income, as shown on the federal Randolph-Sheppard report, completed by the board at the close of each fiscal year, he shall be responsible for payment of annual routine license fees;

(2) if a vendor's annual income exceeds a minimum of \$20,000, he will be responsible for payment of annual license fees and preventative maintenance of equipment; or

(3) if a vendor's annual income exceeds \$30,000, he will be responsible for payment of annual license fees, preventative maintenance of equipment and may be required by the board to employ another legally blind person as an assistant.

(f) Vendor Ownership of Equipment

When a vendor is responsible for maintenance of vending facility equipment as set forth in these regulations and is unable or fails to meet his obligations, the

board will arrange for such maintenance and its payment subject to subsequent reimbursement thereof by the vendor.

(g) Enforcement

The board shall be responsible for the enforcement of the provisions set forth in this section of the regulations.

(h) Initial Stock and Final Inventory

The following standards and procedures shall apply to the provision of and reimbursement for initial stock supplied to a vending facility:

(1) the board shall set forth in the operating agreement the specific types of merchandise to be sold;

(2) the board will retain ownership of the initial inventory supplied to a new vendor and on termination from the vending facility program the following adjustments will be made:

(A) the board will purchase from the vendor any inventory in excess of the saleable value of the initial inventory; or

(B) if the value of final inventory is less than that of the cost of the initial inventory, the vendor will repay the difference to the board.

(3) initial inventory supplied to a vendor as a vocational rehabilitation service between the period July 1, 1975 and March 20, 1985 shall be adjusted on termination of the vendor from the facility as follows:

(A) a vendor who remains in the program for a period of time in excess of one year shall be reimbursed for the value of the full inventory at the time of termination; or

(B) a vendor who remains in the program for a period of time less than one year shall adjust payment of final inventory in accordance with the provisions of the preceding subsection (h) (2) (A) or (B) of these regulations.

(4) a vendor who was provided with an initial inventory prior to July 1, 1975, or subsequent to March 20, 1985, may elect to reimburse the board for the cost of the initial inventory and on termination in the program he shall be reimbursed by the board for the full value of the final inventory. No interest shall accrue on any unpaid obligation due on the initial inventory;

(5) new inventory provided to a vendor as part of a promotional plan shall remain the property of the board and adjustment of obligations at termination of the vendor will be made in accordance with this section of the regulations.

(Effective July 23, 1987)

Sec. 10-303-5. Income from vending machines on federal property

The following standards and procedures shall apply to the distribution and use of income derived from vending machines on federal property and which has been disbursed to the board by a property managing department, agency or instrumentality of the United States under the vending machine income sharing provision of Section 395-32 of the federal regulations.

(a) such income shall accrue to each (blind) vendor operating a vending facility on such federal property with the following limitations:

(1) the accrual of such income to such vendor shall not exceed the average net income of the total number of blind vendors within Connecticut as determined in each fiscal year on the basis of each year's operation; and

(2) such vending machine income shall not accrue to any such vendor in an amount exceeding the average net income of the total number of blind vendors in the United States; and

(3) no such vendor shall receive less vending machine income than he was receiving during the calendar year prior to January 1, 1974 as a direct result of any limitation on such income under this section of the regulations.

(b) no limitation shall be imposed on accrual of income from vending machines which are combined to create a vending facility when such facility is maintained, serviced, or operated by a blind vendor.

(c) any vending machine income shall be disbursed to eligible vendors by the board on at least a quarterly basis.

(d) Vending Machine Income

Pursuant to Section 10-303 (b) of the General Statutes, vending machine income disbursed to the board by a property managing department agency or instrumentality of the United States, in excess of the amounts eligible to accrue to blind vendors as established by federal law and these regulations shall be retained by the board and shall be used in accordance with the Randolph-Sheppard Act as follows:

(1) to establish and maintain health and other insurance programs for blind vendors;

(2) to purchase and maintain vending facility equipment;

(3) to assist in developing and opening new vending facilities;

(4) to provide training opportunities;

(5) to meet the cost, in whole or in part, of the administration of the vending facility program; and

(6) to provide contributions to meet the cost in whole or in part, of vacation pay and/or retirement plans.

(e) Guidance of Vendors

In carrying out the provisions set forth in Section 10-303-5 (d) (1) and 10-303-5 (d) (6), the board will be guided by a majority vote of licensed vendors after each vendor has been furnished information on all matters relevant to the determination of the use of such vending machine income for insurance contributions, vacation pay or retirement contributions.

(Effective July 23, 1987)

Sec. 10-303-6. Vending facility operating agreement

This section of the regulations authorizes the board to enter into agreements with individual blind persons, setting forth the terms and conditions under which a vending facility is established and operated including the rights, duties and obligations of both parties as set forth in these regulations.

In addition to requirements imposed by state and federal law and other sections of these regulations, the vending facility operating agreement shall:

(a) identify the parties to the agreement as the licensed vendor and the board, acting through its division of industries;

(b) specify the site and type of vending facility to be operated including the kind of merchandise to be sold;

(c) establish the length of time of the agreement as indefinite or provide that the time period shall coincide with the termination date of the permit or any extension thereof;

(d) provide for termination of the agreement by:

(1) the vendor after adequate notice to the board, but no less than sixty (60) days;

(2) the death, incapacity or inability of the vendor to continue to operate the facility;

(3) the suspension or termination of the vendor's license by the division of industries as provided for by these regulations; or

(4) the division of industries for other valid reasons such as its inability to obtain extension of the permit or insufficient income from the vending facility to warrant its continued operation.

All such decisions shall be reviewed with the committee.

(e) provide that the vendor account to the division of industries for proceeds of the business by maintaining financial, personnel and payroll records adequate to permit the preparation of periodic tax or other reports required by the board or by state or federal law and shall, as a minimum, require the vendor to file the following reports with the division of industries:

(1) a weekly "vending facility business report" on a form provided by the board listing the financial activities of the facility.

(2) a duplicate copy of the vendor's annual profit or loss statement, Form 1040, Schedule "C", accompanied by the vendor's certification signed under penalty of perjury attesting that it is a true copy as filed with the internal revenue service, such duplicate copy to be filed no later than April 15th of each year.

(f) provide that any vendor who submits an incorrect financial statement concerning the facility operation or who fails to submit such reports or is delinquent in filing such reports is subject to revocation of his vending facility license;

(g) provide for compliance by the vendor with division of industries evaluation to verify and assure the correctness of all reports;

(h) provide for a periodic audit of the facility's financial affairs by the board as in its discretion it deems necessary and that the vendor will make available to the division of industries any books, records and accounts connected with the facility's operation for the following purposes:

(1) review of the adequacy of the books of account maintained for the facility;

(2) a general verification of the facility's accounts;

(3) a determination of the facility's financial condition, its operating results and adherence by the vendor to established fiscal principles; and

(4) a determination of the gross profit on direct sales percentage that the facility should yield.

(i) prohibit the vendor from dealing in games of chance except as permitted by state or federal laws;

(j) provide for the establishment and maintenance by the vendor of bank checking and savings accounts to be used for the sole purpose of:

(1) receipt and disbursement of funds pertinent to the facility's operation;

(2) separation and safe keeping of funds for payment of all sales, income or other taxes during interim periods of collection and payment; and

(3) that such bank accounts shall be used exclusively for the fiscal affairs of the facility without intermingling of personal or other funds.

(k) require the operation of the facility to be on a cash basis except for such credit accounts as may be established or authorized by the division of industries;

(l) provide that the value of a facility's stock and/or cash will be maintained at a level at least equal to the wholesale value of the initial stock and that assets will exceed liabilities during the term of the agreement;

(m) provide for accounting for and payment by the vendor at cost price for any merchandise taken by him for personal use;

(n) establish the level of potential income which the facility is expected to produce with efficient operation and provide:

an opportunity to the vendor to increase his reported income through improved methods of operation and control when such income is out of proportion to the potential anticipated income established in the agreement; and

(o) provide that the vendor:

(1) must keep the facility open during normal working hours;

(2) will make adequate advance plans to provide a relief or substitute operator for any planned or unforeseen absences of short duration;

(3) will furnish the division of industries with the name or names of such relief or substitute operator who may be hired in emergency situations;

(4) will immediately report his inability to locate a relief or substitute operator to the division of industries; and

(5) will pay the salaries of persons hired to relieve or substitute for him.

(p) provide that the vendor will employ sufficient staff to ensure the efficient operation of the facility and adequate service to the public and provide that:

(1) a normal employer-employee relationship exists between the vendor and his staff; and

(2) the division of industries may recommend the dismissal of any person employed by the vendor when the actions of such employee are considered contrary to the best interests of the facility operation or its location.

(q) provide that the vendor will deal with the public in a fair and responsible manner concerning pricing of merchandise, and:

subject to the approval of the division of industries, will adopt pricing policies that are competitive with the facility's immediate locale.

(r) provide that placement of signs on the premises of a facility will be made only with prior approval of the division of industries and in accordance with any conditions set forth in the board's agreement with the location owner or manager;

(s) provide that the vendor will report to the division of industries field representative any accident or injury which occurs at the vending facility location within one (1) working day of the occurrence of such accident or injury;

(t) set forth any terms or conditions the division of industries determines necessary to the efficient operation of said vending facility.

(Effective July 23, 1987)

Sec. 10-303-7. Transfer promotion and selection, readmittance to program

In addition to the requirements for licensing vending facility operators as set forth in Section 10-303-3 (a) through Section 10-303-3 (c) inclusive, of these regulations, this section establishes the standards and procedures to be used in the transfer, promotion and selection and readmittance of a vending facility operator to a specific vending facility.

(a) List of Applicants for Transfer or Promotion

During February of each year, the board shall compile a new list of all vendors who express the desire to be considered for transfer or promotion from one vending facility location to another location that may become available and who have been approved for placement on such list. Any vendor who desires to be placed on such list must complete and submit a written application form to the board requesting such transfer or promotion. The agency will send out a reminder in December of each year. Such application form is to be submitted annually during the month of January and shall include the following information:

(1) the type of facility requested, such as a dry facility, wet facility, snack bar or cafeteria;

- (2) the vendor's expected income range;
- (3) geographical preference; and
- (4) qualifying experience and training.

(b) Approval of Application for Transfer or Promotion

Approval of vendor's applications to be considered for transfer or promotion shall be based on the following standards and procedures:

(1) review of each application by the promotional subcommittee with its comment and recommendations concerning approval to be given to the full committee of blind vendors;

(2) review of each application and the recommendation of its promotional subcommittee by the full committee of blind vendors and its recommendation and comments concerning approval to be given to the executive director;

(3) review of such applications, comments, and recommendations by the executive director for a decision concerning approval by him, or his designee; and

(4) establishment by the executive director or his designee of an approved list of applicants for promotional or transfer consideration.

(5) procedures in parts (1), (2) and (3) to be implemented at a public session of the committee to which all applicants will be invited. Operator vending facility files may be reviewed with the signed release of the applicant.

(c) Criteria for Approval of Applications for Transfer or Promotion

The following factors shall be used by the committee of blind vendors and its promotional subcommittee in reviewing applications for promotion or transfer and by the executive director or his designee in approving or disapproving requests for transfer or promotion by vending facility operators:

(1) no vendor who has been situated in his current vending facility program for less than one year shall be considered for transfer or promotion except in cases of hardship;

(2) the vendor shall have demonstrated the ability to successfully operate a vending facility and must possess a good work record as demonstrated by having:

- (A) a satisfactory attendance record;
- (B) maintained the facility in a neat and orderly fashion;
- (C) timely and accurately completed reports;
- (D) shown initiative in the operation of the facility with sufficient stock levels permitting an efficient operation; and
- (E) having a proven record of financial stability.

(3) the vendor's past work experience and/or training has adequately prepared him to undertake the operation of the type of facility requested;

(4) the vendor's willingness to accept specialized or advanced training prior to or after transfer or promotion; and

(5) reassignment will be considered promotional when the vendor can realize a net gain in excess of \$2,000 per year.

(d) Notice to Vendor

Upon final decision the executive director or his designee shall notify each vendor who has applied for consideration for transfer or promotion of the disposition of his request.

(1) Any vendor who is dissatisfied with the decision denying him consideration for transfer or promotion shall be given the opportunity for an administrative review. Written request for such review must be made within ten (10) days of mailing of the decision. Such request for administrative review is to be filed in accordance with the provisions for administrative review set forth in these regulations.

(e) Selection of Vendor

The following procedures will be used to fill a vacancy in a vending facility location:

(1) the executive director or his designee shall automatically consider all vendors on the approved list of vendors for promotional or transfer consideration to achieve an appropriate vendor-job match. Such selection to be based on the seniority of the vending facility operator except in special cases of hardship or financial need as approved by the committee and the executive director;

(2) the selected vendor shall be contacted to determine whether or not placement would be accepted if offered and be allowed three days from the date of contact to accept or waive the offer of placement;

(3) if the offer is waived or if the selected vendor fails to notify the board of acceptance of the offer within the time allowed, the executive director or his designee shall follow the procedure set forth in this section of the regulations to select an alternate approved vendor from the list; and

(4) if appointment of a qualified vendor cannot be made from the approved list by promotion or transfer, a new vendor may be assigned to the vending facility.

(f) Readmittance to the Program

The request of an individual, who has been in the program previously and seeks readmittance, will be reviewed by the committee for their recommendation to the executive director based on conformance with these regulations and prior performance as an operator. Seniority will be based from the date of the most recent reentry to the program.

(Effective July 23, 1987)

Sec. 10-303-8. Training program

In accordance with requirements of Section 395.3 (a) (8) of federal regulations adopted to implement the Randolph-Sheppard Act the board, with the active participation of the committee of blind vendors, shall develop and maintain a training program for blind persons, covering each aspect of vending facility operation and where appropriate, upward mobility training or retraining for all blind licensees. The division and the committee shall establish and maintain standards to be met by trainees for satisfactory completion of the training program, and the division shall certify as qualified to operate a vending facility all trainees who have met these standards. The vending facility training program shall include the following basic components:

(a) pertinent laws and regulations including the Randolph-Sheppard Act, and these regulations;

(b) customer relations;

(c) business math and use of the cash register;

(d) accounting and money changing;

(e) financial reporting and analysis;

(f) taxes;

(g) merchandising, inventory control;

(h) housekeeping;

(i) food sanitation;

(j) food preparation and menu planning;

(k) safety;

(l) vending machine operation;

(m) personnel management and employee relations;

- (n) other specialized training as requested by the vendor/trainee;
- (o) after successful completion of formal training, trainees shall be provided on-the-job training in accordance with procedures established in the training program developed in these regulations.

(Effective July 23, 1987)

Sec. 10-303-9. State committee of blind vendors

The board shall establish a committee of blind vendors in accordance with the requirements of the Randolph-Sheppard Act, as amended at Chapter 6A of Title 20 of the United States Code for the purposes set forth herein.

(a) Composition of Committee

The state committee of blind vendors shall consist of seven (7) members and two (2) alternate members.

(b) Election of Members and Eligibility

The board shall conduct among the licensed vendors in the Connecticut program an annual election to select state committee members who must be licensed vendors. To the extent possible the state committee shall be representative of all such vendors on the basis of such factors as:

- (1) geographical location;
- (2) vending facility type; and
- (3) proportional representation of blind vendors on federal, state or private property.

(c) Nominations, Elections and Term of Office

Nominations and elections to the state committee of blind vendors shall be held each year during the annual meeting of all licensed vendors in accordance with the following:

- (1) the chairman shall call for nominations from the floor;
- (2) four regular committee members and two (2) alternate members shall be elected during even numbered years and three regular committee members and two alternative members shall be elected in odd numbered years;
- (3) election shall take place by ballot;
- (4) successful election to office shall be determined by a majority vote of licensed vendors present;

(5) each of the seven regular committee members shall serve a term of two consecutive years except that any committee member who fills the remainder of a term may thereafter be elected to a full two year term;

(6) no regular member may be elected to serve more than two consecutive terms; and

(7) an alternate shall be elected to serve a one year term.

(d) Committee Meetings

(1) the committee shall hold a minimum of four meetings annually;

(2) a meeting of all vendors licensed by the board to operate a vending facility shall be held annually;

(3) unless otherwise specified by the committee, the parliamentary procedure to be utilized in the conduct of meetings will be Robert's Rules of Order, latest revision.

(4) all meetings of vendors and the committee shall be held at the board's central office unless otherwise determined by the committee; and

(5) between regular meetings of the committee, its functions will be carried on through subcommittees to be designated by it.

(e) Functions of the Committee

- (1) to actively participate with the board in major administrative decisions, policies and program development decisions affecting the vending facility program;
- (2) to receive and transmit to the board grievances at the request of blind vendors and to act as advocates for such vendors in connection with such grievances;
- (3) to actively participate with the board in the development and administration of a system for the transfer and promotion of blind vendors; and
- (4) to sponsor, with the assistance of the board, meetings and instructional conferences for blind vendors within the state.

(f) Committee Participation

In fulfilling its ultimate responsibility for administration of the state's vending facility program, the board shall assure that opportunity is presented for effective constructive and active participation by the committee in the decision making process by:

- (1) establishing a communications procedure under which the committee will automatically receive advance written notice of matters within its purview that are being considered for decision;
- (2) providing written notice to appropriate subcommittee members or state committee members and extending an invitation to attend important discussions and decision making meetings in areas of the subcommittee's interest;
- (3) providing an opportunity to the committee at each of its meetings to initiate matters for consideration by the board;
- (4) giving careful and serious consideration to the committee's views, positions and recommendations; and
- (5) providing written notice to the committee of the board's decision or action taken and the reason for such decision or action if it is not in accordance with the views, positions or recommendations of the committee.

(Effective July 23, 1987)

Sec. 10-303-10. Administrative review

(a) An administrative review is an informal procedure through which the board affords a blind vendor or his representative an opportunity to express and seek remedy for his dissatisfactions with any board action arising from the operation or administration of the vending facility program. Administrative review is not a "contested case" within the meaning of Section 4-166 (2) of CGS. The administrative review is not open to the public.

(b) **Review Officer:** An administrative review shall be conducted by the board's executive director or a member of its supervisory staff, to be designated by the executive director, who did not participate in the agency action in question.

(c) Prior Notification of Actions Affecting Vendors and Right to Review or Fair Hearing

At least ten (10) days prior to instituting any action by the board which substantially affects a vendor's rights, duties and privileges in the operation of a facility, except as may otherwise be provided for in the vendor operating agreement, the chief of the division of industries shall notify the vendor in writing of the action to be taken. The notice shall be dated and shall include a statement informing the vendor of the reasons for the action to be taken; that if he wishes to challenge or oppose the intended action, he must request an administrative review within fifteen (15) working days of receipt of notice.

(d) Opportunity for an Administrative Review

(1) The board shall afford an opportunity for an administrative review to every licensed vendor who so requests.

(2) Every licensed vendor shall be informed in writing at the time his license is issued and at the time of any action affecting him:

(A) of his right to an administrative review as described in these regulations;

(B) of the method by which he may obtain an administrative review; and

(C) that he may be represented by an authorized representative such as legal counsel, member of state committee of blind vendors, lay advocate, relative or other spokes-person. If fees are charged by legal counsel, the vendor is responsible for payment.

(3) A vendor or his designated representative must file a written request for a review within fifteen (15) days of the occurrence of the action arising out of the operations or administration of the state vending facility program with which the blind vendor is dissatisfied.

(e) Scheduling and Location of Administrative Review

An administrative review shall be:

(1) scheduled within fifteen (15) working days of receipt of the written request for review but may be postponed by mutual consent of the vendor and the executive director;

(2) held during board working hours; and

(3) conducted at the board's central office location or at a location mutually satisfactory to the parties.

(f) Reader Services and Transportation

(1) the board shall provide reader services at the review if needed and requested by the vendor at least seven (7) days prior to the review date;

(2) should transportation be required, reimbursement will be paid to the vendor for a round trip from the vendor's home to the board's office in accordance with the transportation rate established by Section 10-306-13 (c) of the Connecticut regulations.

(g) Use of Vendor Records

Review by the vendor of his vocational rehabilitation record, if any, shall be permitted in accordance with the provisions set forth in Section 10-308-2 (f) of the Connecticut regulations. Other relevant agency and/or vendor records may be reviewed by either party.

(h) Request for Administrative Review

A vendor has a right to request an administrative review in any of the following situations:

(1) matters concerning abandonment;

(2) termination of a vending license;

(3) matters concerning transfer or promotion;

(4) matters concerning value of equipment or inventory;

(5) matters concerning maintenance of equipment;

(6) matters concerning purchase and/or payment for new equipment and the need for new equipment;

(7) matters concerning pricing of merchandise;

(8) coercive or otherwise improper conduct on the part of any board employee involved with the vendor, including unwarranted or illegal conditions imposed on the operation of the facility.

(i) Notice

Seven (7) calendar days prior to the administrative review, the review officer shall provide written notice to all parties as to the date, time and place of the review, including notice of the vendor's right to representation.

(j) Request for Rescheduling

Prior to the day on which an administrative review is scheduled, the review officer may reschedule the review upon written notice to the vendor or his authorized representative or by agreement between the parties.

(k) Default

Failure to appear at a scheduled review shall be deemed a waiver of a right to a review. Upon such failure, the review officer may issue an order disposing of the matter or may, if requested by the defaulted party within ten (10) days of the default, reschedule the review.

(l) Adjustment of Matters Related to an Administrative Review

The fact that an administrative review has been filed does not prohibit the parties from making an adjustment in the matters at issue prior to administrative review. If, as a result of an adjustment, the vendor is satisfied and wishes to withdraw all or part of his petition for an administrative review, the vendor or his authorized representative shall transmit to the review officer his signed written withdrawal. However, the review officer may not delay nor cancel the administrative review because of a possible adjustment that is under consideration unless the vendor requests a delay or cancellation.

(m) Rights of the Vendor

The vendor shall have the right and be given the opportunity to present and establish all relevant facts by oral written statement, the introduction of pertinent portions of his records or board documents, advance pertinent arguments and to present witnesses in his behalf.

(n) Duties and Authority of Review Officer

(1) the review officer shall have the duty to conduct a fair review to assure equitable treatment to all parties, to define the issues, to receive and consider all relevant evidence, to exclude irrelevant evidence and to reach a fair decision in accordance with the law and good professional practices.

(2) the review officer's duties shall include the following:

(A) to assist all present to make a full and free statement of facts necessary to determine the issues involved;

(B) to ensure that all parties are given full opportunity to present their claims;

(C) to receive and to rule on relevancy of evidence presented;

(D) to rule on issues involving inspection of records;

(E) to introduce any regulations, statutes, or other materials he believes relevant to the issues at the proceeding; and

(F) to attempt to resolve the issues by agreement among the parties.

(o) Basis of Decision

The review officer's decision shall be based upon the applicable law and evidence presented at the review unless the evidence is in the nature of additional reports requested by the review officer at the review.

(p) Kinds of Decisions

(1) The review officer may accept a settlement of the issues as agreed to by the parties or may decide in favor of the vendor or of the board.

(2) The review officer may accept a withdrawal or default any party who fails to appear.

(q) Form of Decision

The decision shall be a statement of the issues involved in the review, a finding of fact and a statement of the conclusions including the basis for the conclusions.

(r) Notice of Decision

The review officer shall render a decision within fifteen (15) working days from the date the review is concluded and shall mail a written copy of the decision to the vendor within such fifteen (15) day time period, informing the vendor of the following:

(1) if the decision is favorable to the vendor, the review officer shall notify him of his right to prompt implementation; or

(2) if the decision is adverse to the vendor, the review officer shall include in the notice of decision, the effective date of the decision and a statement informing the vendor of his right to a full evidentiary hearing as set forth in Section 10-303-11 of these regulations.

(s) Effective Date of Decision

The effective date of the decision shall be fifteen (15) days from the date of mailing. (Effective July 23, 1987)

Sec. 10-303-11. Full evidentiary hearing

A full evidentiary hearing shall be granted only after an administrative review which has resulted in a decision adverse to the vendor and upon timely request for a full evidentiary hearing by the vendor or his duly authorized representative.

(a) Notice of Right to a Full Evidentiary Hearing

Notice of his right to a full evidentiary hearing shall be provided to the vendor by the board;

(1) at the time the operating agreement is signed and vendor's operating license issued; and

(2) following an administrative review when the decision is adverse to the vendor, the executive director shall notify the vendor of his right to a full evidentiary hearing, such notice to include:

(A) name and address to which the request for a full evidentiary hearing is to be forwarded;

(B) notice that the full evidentiary hearing will be conducted under the Uniform Administrative Procedure Act as set forth in Sections 4-177 through 4-181 of the General Statutes and Regulations adopted by the board; and

(C) notice that the request for a full evidentiary hearing must be received by the executive director within fifteen (15) working days after the adverse decision resulting from the administrative review either

(i) by delivering such notice to the executive director personally;

(ii) by forwarding such notice to the executive director by certified mail; or

(iii) by transmitting such notice to the executive director through the committee of blind vendors.

(b) Scheduling and Notice

(1) within fifteen (15) working days of receipt of the request for a hearing, a full evidentiary hearing shall be scheduled.

(2) notice of the full evidentiary hearing shall be given to all parties thirty (30) calendar days prior to the date of hearing.

(3) notice shall contain all information required in such notice by Section 4-177 (b) of the General Statutes.

(4) notice shall inform the vendor that he may be represented by a legal counsel or other authorized representative at the hearing.

(c) **Time/Location**

Full evidentiary hearings shall be conducted during board working hours and at the board's central office.

(d) **Reader Services/Transportation**

Reader services and transportation shall be provided in accordance with Section 10-303-10 (f) of these regulations.

(e) **Meal Costs**

A meal allowance shall be paid during the pendency of the hearing if requested by the vendor and shall be reimbursable at the rate established for "in state" meal allowance paid to state employees.

(f) **Presiding Official**

The presiding officer at the hearing shall be the executive director or his designee, who shall be an impartial qualified official and who has no involvement with the board action which is at issue in the hearing or with the administration or operation of the vending facility program. He may be a staff member or official of another state agency, or a state agency hearing officer.

(g) **Evidence in Full Evidentiary Hearing**

Evidence in full evidentiary hearing cases shall be received in compliance with Section 4-178 of the General Statutes:

(1) all papers and documents introduced into evidence at the hearing shall be filed with the presiding officer and provided to the other party.

(2) a transcript of the oral evidence shall be made and shall be made available to the parties. The board shall pay all transcript costs and shall provide the vendor with at least one (1) copy.

(h) **Exclusive Record**

The transcript of testimony, exhibits and all papers and documents filed in the hearing shall constitute the exclusive record for the decision.

(i) **Proposal for Decision**

(1) a proposal for decision shall be prepared by the presiding officer pursuant to Section 4-179 of the General Statutes and shall be made within fifteen (15) working days after the receipt of the official transcript.

(2) the proposed decision shall be mailed promptly to the blind vendor and the board.

(j) **Opportunity to Present Briefs/Oral Arguments**

A vendor adversely affected by a proposed decision shall be given twenty (20) calendar days from the date of mailing of the proposed decision within which to file briefs or present oral arguments to the board. The parties by written stipulation may waive compliance with this provision.

(k) **Final Decision**

The board shall make the final decision in evidentiary hearing cases.

(1) In evidentiary hearing cases, the decision shall be rendered:

(A) within fifteen (15) working days after receipt of the proposed decision if the opportunity to file briefs or present oral arguments has been waived, or the final decision does not adversely affect the vendor; or

(B) within fifteen (15) working days after the filing of briefs or presentation of oral arguments.

(2) the board shall make the final decision in writing. It may, within its discretion, accept, reject, or modify the recommended decision of the presiding officer.

(l) Kinds of Decisions

In rendering his proposed decision, the presiding officer may, and in making its final decision, the board may, take one of several courses of action which include, but are not limited to the following:

- (1) find in favor of the vendor;
- (2) uphold the action or inaction of the board;
- (3) accept a written withdrawal of the appeal which is signed by the vendor or his authorized representative;
- (4) accept a settlement of the issues agreed to by the parties; or
- (5) default any party who fails to appear and does not request a rescheduling of the appeal.

(m) Form of Decisions

Both the recommended and final decisions shall be comprehensive statements by the presiding officer and the board respectively, containing the following elements:

- (1) a statement of the issue or issues involved in the hearing;
- (2) clear and complete findings of fact on all relevant factual matters, which are supported by evidence in the record;
- (3) reference to all laws, regulations and other legal bases for the decision;
- (4) a concise statement of the conclusion drawn from the findings of fact and law, including the reasoning used in reaching the conclusions; and
- (5) any remedial action necessary to resolve the issues in dispute.

(n) Appeal

(1) If a vendor is dissatisfied with the decision rendered after a full evidentiary hearing, he may file a complaint with the Secretary of the United States Department of Education as authorized by Sections 5 (a) and 6 of the Randolph-Sheppard Act and Sections 395.13 of the regulations at 34CFR; or

(2) If a vendor is aggrieved by the decision rendered after a full evidentiary hearing, he may exercise his right of appeal under Section 4-183 of CGS.

(Effective July 23, 1987)

Sec. 10-303-12. Operating expenses and insurance

The vendor may contract only for those expenses necessary to the safe and efficient operation of the facility. Allowable operating expenses include wages, utilities, fees for services directly related to the operation of the facility, insurance and taxes.

(a) Method of Payment

Payment of expenses by the vendor shall be on a cash or check basis except as allowed by express prior written approval of the executive director or his designee.

(b) Rent and Utilities

Payment of charges for utilities and any charge for rent of facility space will be made by the board either directly or by reimbursement of the vendor.

(c) Telephone

Payment of charges for initial telephone installation will be made by the board. The vendor will be responsible for payment of all telephone costs thereafter.

(d) Insurance

(1) vendors at scheduled locations, may be included as an additional named insured for liability coverage to the limit of \$1,000,000 each occurrence/\$1,000,000 aggregate for bodily injury liability and \$100,000 each occurrence/\$100,000 aggregate for property damage liability on the state insurance policy, which is purchased through the state insurance purchasing board.

(2) the vendor shall be responsible for the purchase of any other insurance coverage for his protection.

(3) each vendor shall be responsible for payment of unemployment compensation taxes, workers compensation insurance or other insurance coverage for persons in his employ.

(4) medical insurance coverage may be purchased and provided by the board to a vendor at no cost to the vendor. At the option of the vendor medical insurance coverage may be provided to the vendor's family members and/or his employees. A vendor who elects medical insurance coverage for his family members and/or his employees shall reimburse the board for the cost of such medical insurance.

(5) the board may purchase and provide life insurance coverage with a disability provision to vendors.

(Effective July 23, 1987)

Sec. 10-303-13. Minimum income base

The minimum base net annual income for each facility shall be recommended by the operators committee and approved by the executive director and the agency board. When a facility's net income for the preceding year, as reported by the vendor on the internal revenue service form 1040, schedule C is below such minimum base, the vendor may request that:

(a) the board pay the difference between the preceding year's net income and the minimum base net annual income, divided into biweekly or other periodic payments, until such time as the annual net income equals or exceeds such minimum base income; or

(b) at the option of the vendor and with approval of the executive director or his designee,

(1) the vendor will operate the facility, paying all expenses out of income received and remitting to the board any weekly excess difference between income and expenses paid; and

(2) the board will issue a biweekly payment to the vendor equal to one-twenty-sixth (1/26) of the annual minimum base net income.

(c) payment by the board under either of the two preceding subsections shall be contingent upon:

(1) compliance by the vendor with all terms and conditions of the vending facility operating agreement;

(2) provision by the division of industries and acceptance by the vendor of management services and supervisory assistance to improve operation of the facility;

(3) the efficient operation of the facility by the vendor.

(Effective July 23, 1987)

Sec. 10-303-14. Explanation of rights and responsibilities

(a) Documents

The division of industries shall furnish each vendor with copies of documents relevant to the operation of an assigned vending facility including the following:

(1) the regulations of the vending facility program;

(2) a written description of the arrangements for providing services;

(3) the vending facility operating agreement;

(4) the license to operate a vending facility in Connecticut.

(b) Procedures for Explanation

Each vendor to be licensed in the future shall receive as part of his vending facility training, full information as to the provisions contained in these regulations.

(Effective July 23, 1987)

Sec. 10-303-15. Supervision and management services

The board, through its supervisory staff, shall provide each vendor with management services, including assistance, advice and supervision necessary for the efficient operation of the facility.

(Effective July 23, 1987)

Sec. 10-303-16. Access to program and financial information

Each vendor shall be provided with access to all program and financial data of the board relative to the operation of the vending facility program, including quarterly and annual reports, except when such disclosure will be in violation of applicable federal or state laws pertaining to the disclosure of confidential information.

(a) insofar as is practicable such data shall be made available in braille or recorded type; and

(b) at the request of the vendor the board will arrange for a review of such program and financial information by the vendor.

(Effective July 23, 1987)

Sec. 10-303-17. Establishment of new facilities and renovations

Planning for renovations and new facilities shall be conducted with the active participation of the operators committee and its designated subcommittee.

(Effective July 23, 1987)

Sec. 10-303-18. Permit to establish vending facilities on state property

This section of the regulations establishes the standards and procedures to be followed in developing and maintaining food service and vending facilities on state property:

(a) **Permit**

(1) At the request of the executive director or his designee, the authority in charge of any state property shall issue a permit to the board authorizing the board to establish and maintain a vending facility or vending machines on such property pursuant to Section 10-303 of CGS.

(2) Any such authority desiring to establish a vending facility or install a vending machine on state property shall give written notice to the executive director of such desire.

(A) Within thirty (30) calendar days of the receipt of such notice, the executive director or his designee, will check the location of the proposed vending facility for its potential value as a vending facility to be operated by a blind vendor and either:

(i) request such authority to issue a permit; or

(ii) send written notice to such authority of the decision not to request the issuance of a permit.

(B) In the event that the executive director or his designee fails to respond within thirty (30) calendar days or responds by notice to such authority of his decision not to request a permit, such authority may contract for other vending facility services provided that:

(i) upon termination of any such contract, no extension thereof nor new contract will be negotiated by such authority prior to its again complying with subsection 2 of this section of the regulations.

(b) **Agreement**

Upon issuance of such permit, a written agreement between the board and such authority will be prepared setting forth the terms and conditions governing the relationship between the parties including:

- (1) the identification of the parties as the board and the authority in charge of such state property;
 - (2) a determination that the area is a satisfactory site as defined in these regulations and identifying the exact location of the vending facility, including:
 - (A) the agreed upon total square footage of the facility; and
 - (B) a working drawing of the floor plan.
 - (3) the type of facility to be operated;
 - (4) the type of articles to be sold and services to be provided by the vending facility;
 - (5) a listing of the fixtures and equipment for the facility, responsibility for the provision thereof and ownership;
 - (6) the location, type and number of vending machines which constitute all or part of the facility;
 - (7) issuance of the permit for an indefinite period of time subject to:
 - (A) suspension or termination of the permit on the basis of noncompliance with the agreed upon terms; or
 - (B) in the case of property leased by the state, by expiration or termination of the term of the lease or any extension thereof.
 - (8) a provision in the permit which specifies that:
 - (A) no charge will be made to the board for normal cleaning, maintenance, and repair of the building structure in and adjacent to the vending facility area;
 - (B) any cleaning that is necessary for the sanitation, and the maintenance of vending facilities and vending machines in an orderly condition at all times and the installation, maintenance, repair, replacement, servicing, and removal of any vending facility equipment are to be without cost to the department or agency responsible for the maintenance of the state property; and
 - (C) the party responsible for preparation and readiness of the site to accept installation of the vending facility.
 - (9) provision that articles sold at vending facilities in addition to those articles authorized by Section 10-303 of CGS, may include such articles or services as are determined by the division of industries, the vendor and authority in charge of the property, to be suitable for the particular location. Such articles or services may be:
 - (A) dispensed automatically or manually; and
 - (B) prepared on or off the premises in accordance with health, sanitation and building codes and ordinances.
 - (10) the installation, modification, relocation, removal and renovation of the vending facility will be subject to:
 - (A) the prior approval and supervision of the on-site official responsible for the state property;
 - (B) the prior approval of the division of industries; and
 - (C) payment of costs of relocation of the vending facility to be made by the initiator of the request.
- (Effective July 23, 1987)

Maintenance of Personal Data

Correlated Table

<i>Current Section Number</i>	<i>New Section Number</i>
10-303-18	10-293-35
10-303-19	10-293-36
10-303-20	10-293-37
10-303-21	10-293-38
10-303-22	10-293-39
10-303-23	10-293-40
10-303-24	10-293-41
10-303-25	10-293-42
10-303-26	10-293-43
10-303-27	10-293-44
10-303-28	10-293-45
10-303-29	10-293-46
10-303-30	10-293-47
10-303-31	10-293-48
10-303-32	10-293-49
10-303-33	10-293-50
10-303-34	10-293-51

(Effective July 28, 1988)

TABLE OF CONTENTS

Vocational Rehabilitation Services

Repealed 10-306-1—10-306-14

Description 10-306- 1a

Definitions. 10-306- 2a

Processing referrals and applications. 10-306- 3a

Order of selection. 10-306- 4a

Assessment for determining eligibility and priority for services . . . 10-306- 5a

Procedures for ineligibility determination 10-306- 6a

Closure without eligibility determination 10-306- 7a

Development of the individualized written rehabilitation program
(IWRP) 10-306- 8a

Content of the individualized written rehabilitation program 10-306- 9a

Record of services 10-306-10a

Scope of vocational rehabilitation services for individuals with disabili-
ties 10-306-11a

Training in institutions of higher education 10-306-12a

Opportunity to make informed choices 10-306-13a

Availability of comparable services and benefits 10-306-14a

Participation of individuals in cost of services based on financial need 10-306-15a

Individuals determined to have achieved an employment outcome. . 10-306-16a

Vocational Rehabilitation Services

Secs. 10-306-1—10-306-14.

Repealed, November 6, 1998.

Sec. 10-306-1a. Description

(a) These regulations shall apply to the Board of Education and Services for the Blind in its implementation of vocational rehabilitation services as described in Section 10-306 of the Connecticut General Statutes. For the purposes of administering the Rehabilitation Act of 1973 as amended, the Board of Education and Services for the Blind shall be the sole state agency designated to provide rehabilitative services to persons who are legally blind or have lessened visual acuity. The Agency shall maintain a Vocational Rehabilitation Division as the state unit that is primarily concerned with vocational rehabilitation for the purposes of placing and maintaining individuals who are legally blind or have lessened visual acuity in remunerative employment.

(Adopted effective November 6, 1998)

Sec. 10-306-2a. Definitions

(a) The definitions provided by Sections 10-294a and 10-306 of the Connecticut General Statutes shall govern the interpretation and application of these regulations.

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

(1) “Act” refers to the Rehabilitation Act of 1973, as amended (29 USC Section 701 et seq.).

(2) “Administrative Review” means an informal review process which may be used if it is likely to result in a timely resolution of disagreements in which the applicant or client is dissatisfied with the action or inaction in the provision or denial of vocational rehabilitation services.

(3) “Agency” refers to the State of Connecticut Board of Education and Services for the Blind.

(4) “Applicant” refers to a person who has applied for vocational rehabilitation services from the Board of Education and Services for the Blind in accordance with Section 10-306-3a (b)(1) of the Regulations of Connecticut State Agencies.

(5) “Appropriate Modes of Communication” means specialized aids and supports that enable an individual with a disability to comprehend and respond to information that is being communicated. Appropriate modes of communication include, but are not limited to, the use of interpreters, open and closed captioned videos, specialized telecommunications services and audio recordings, braille and large print materials, materials in electronic formats, augmentative communication devices, graphic presentations, and simple language materials.

(6) “Assessment for Determining Eligibility and Priority for Services” refers to the initial examinations to determine whether an individual is eligible for vocational rehabilitation services or is eligible for extended evaluation services to determine eligibility, and the individual’s priority under an order of selection.

(7) “Assistive Technology Device” means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of an individual with a visual disability of legal blindness as specified in Section 10-294a of the Connecticut General Statutes.

(8) “Assistive Technology Service” means any service that directly assists an individual with a disability of legal blindness in the selection, acquisition, or use of an assistive technology device.

(9) “Attendant” refers to a person who attends to an individual for purposes of assisting the individual with personal care.

(10) “Blindness.” The definition provided by Section 10-294a of the Connecticut General Statutes shall apply.

(11) “Board of Directors” means a body of individuals, appointed by the governor, which adopts regulations for determining what persons shall receive benefits under the provisions of Chapter 174 of the Connecticut General Statutes.

(12) “Case Closure” refers to the formal conclusion of active participation by an individual in vocational rehabilitation services.

(13) “Clear and Convincing Evidence” means that the agency has a high degree of certainty before it can conclude that an individual is incapable of being employed as a result of vocational rehabilitation services.

(14) “Client” refers to a person who is receiving vocational rehabilitation services from the Vocational Rehabilitation Services Division or who has been determined to be eligible for such services.

(15) “Client Assistance Program.” A client assistance program (CAP) was established by the Rehabilitation Act Amendments of 1984. Persons eligible for client assistance program advocacy assistance are those who are receiving or seeking services under the Rehabilitation Act of 1973, as amended. CAP is free of charge and available to all persons applying for or receiving vocational rehabilitation services.

(16) “Community Rehabilitation Program” means:

(A) a program that provides directly or facilitates the provision of one or more of the following vocational rehabilitation services to persons who are legally blind to enable those individuals to maximize their opportunities for employment, including career advancement:

(i) Medical, psychiatric, psychological, social, and vocational services that are provided under one management.

(ii) Testing, fitting, or training in the use of prosthetic and orthotic devices.

(iii) Recreational therapy.

(iv) Physical and occupational therapy.

(v) Speech, language, and hearing therapy.

(vi) Psychiatric, psychological, and social services, including positive behavior management.

(vii) Assessment for determining eligibility and vocational rehabilitation needs.

(viii) Rehabilitation technology.

(ix) Job development, placement, and retention services.

(x) Evaluation or control of specific disabilities.

(xi) Orientation and mobility services for individuals who are legally blind.

(xii) Extended employment.

(xiii) Psychosocial rehabilitation services.

(xiv) Supported employment services and extended services.

(xv) Services to family members if necessary to enable the applicant or eligible individual to achieve an employment outcome.

(xvi) Personal assistance services.

(xvii) Services similar to the services described in subclauses (i) through (xvi) of subparagraph (A) of subdivision (1) of this subsection.

(B) For the purposes of this definition, the word “program” means an agency, organization, or institution, or unit of an agency, organization, or institution, that provides directly or facilitates the provision of vocational rehabilitation services as one of its major functions.

(17) “Comparable Services and Benefits” means services and benefits that are:

(A) provided or paid for, in whole or in part, by other federal, state, or local public agencies, by health insurance, or by employee benefits;

(B) available to the individual at the time needed to achieve the intermediate rehabilitation objectives in the individual’s individualized written rehabilitation program (IWRP) in accordance with Section 10-306-14a of the Regulations of Connecticut State Agencies; and

(C) commensurate to the services that the individual would otherwise receive from the Vocational Rehabilitation Services Division.

(18) “Competitive Employment” means work:

(A) in the competitive labor market that is performed on a full-time or part-time basis in an integrated setting; and

(B) for which an individual is compensated at or above the minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar work in the local community performed by individuals who are not legally blind.

(19) “Comprehensive Assessment” means an analysis, when necessary, of information concerning the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and needs, including the need for supported employment services, of an eligible individual, in the most integrated setting possible, consistent with the informed choice of the individual. The comprehensive assessment shall be limited to information that is necessary to identify the vocational rehabilitation needs of the individual and develop the IWRP.

(20) “Consultant” refers to a physician, psychologist, or other individual retained by the agency to provide counselors with medical, psychiatric, psychological, or other information and recommendations relative to the disabilities of applicants.

(21) “Counseling and Guidance” refers to a service involving the provision of professional advice and guidance to an individual using methods such as collection and analysis of medical, personal, social, and vocational data; aptitude and interest testing; and personal interviews.

(22) “Diagnostic and Evaluative Services” refers to any medical, psychological, social, or vocational procedures that are necessary at any stage of the vocational rehabilitation process for a more thorough understanding of the individual’s capacities and limitations.

(23) “Disability” refers to blindness, lessened visual acuity, or either blindness or lessened visual acuity together with other mental or physical impairments, as determined by medical examination or records, which materially limits, contributes to limiting or, if not corrected, shall probably result in limiting an individual’s employment activities or vocational functioning.

(24) “Eligible” or “Eligibility” when used in relation to an individual’s qualification for vocational rehabilitation services refers to a certification that:

(A) The applicant has a physical or mental impairment, including a determination of legal blindness or lessened visual acuity, as determined by qualified personnel licensed or certified in accordance with state law or regulation.

(B) The applicant’s physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant.

(C) The applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

(D) The applicant requires vocational rehabilitation services to prepare for, enter into, engage in, or retain gainful employment consistent with the applicant's strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.

(25) "Eligible Individual" means an applicant for vocational rehabilitation services who meets the eligibility requirements.

(26) "Employment Outcome" means, with respect to an individual, entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market to the greatest extent practicable; supported employment; or any other type of employment that is consistent with an individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(27) "Employability" refers to a determination that the provision of vocational rehabilitation services is likely to enable an individual to enter or retain employment, consistent with his strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.

(28) "Escort" refers to an individual whose assistance is required to enable a client or applicant to be transported for the purpose of obtaining vocational rehabilitation services. An escort may not serve a purely social function.

(29) "Executive Director" refers to the appointed executive director of the agency.

(30) "Extended Evaluation Services" refers to those vocational rehabilitation services provided to an individual with a severe disability for a period not in excess of eighteen (18) months for the purpose of determining whether such individual can benefit in terms of an employment outcome as a result of the provision of vocational rehabilitation services.

(31) "Extended Employment" means work in a non-integrated or sheltered setting for a public or private non-profit agency or organization that provides compensation in accordance with the Fair Labor Standards Act and any needed support services to an individual with a disability to enable the individual to continue to train or otherwise prepare for competitive employment, unless the individual through informed choice chooses to remain in extended employment.

(32) "Extended Services," as used in the definition of "Supported Employment", means ongoing support services and other appropriate services that are needed to support and maintain an individual with a most severe disability in supported employment and that are provided by a state agency, a private non-profit organization, employer, or any other appropriate resource, from funds other than funds received under the act, after an individual with a most severe disability has made the transition from support provided by the agency.

(33) "Extreme Medical Risk" means a probability of substantially increasing functional impairment or death if medical services, including mental health services, are not provided expeditiously.

(34) "Fair Hearing" refers to a formal hearing proceeding in which the legal rights, duties, or privileges of clients or applicants are determined.

(35) "Family Member," for purposes of receiving vocational rehabilitation services in accordance with Section 10-306-11a of the Regulations of Connecticut State Agencies, means an individual:

(A) who either:

- (i) Is a relative or guardian of an applicant or eligible individual; or
- (ii) Lives in the same household as an applicant or eligible individual;

(B) who has a substantial interest in the well-being of that individual; and

(C) whose receipt of vocational rehabilitation services is necessary to enable the applicant or eligible individual to achieve an employment outcome.

(36) “Hearing Officer” refers to an impartial person as defined in Section 10-306-2a (b)(38) of the Regulations of Connecticut State Agencies who is identified jointly by the Vocational Rehabilitation Services Division and the State Rehabilitation Advisory Council, or by agreement between the Vocational Rehabilitation Services Division Director and the individual or, if appropriate, the individual’s representative to conduct fair hearings and recommend decisions.

(37) “His or Him” includes the feminine gender.

(38) “Impartial Hearing Officer”:

(A) Impartial hearing officer means an individual who:

(i) is not an employee of a public agency (other than an administrative law judge, hearing examiner, or employee of an institution of higher education);

(ii) is not a member of the agency’s State Rehabilitation Advisory Council;

(iii) has not been involved in previous decisions regarding the vocational rehabilitation of the applicant or eligible individual;

(iv) has knowledge of the delivery of vocational rehabilitation services, the state plan, and the federal and state regulations governing the provision of services;

(v) has received training with respect to the performance of official duties; and

(vi) has no personal, professional, or financial interest that would be in conflict with the objectivity of the individual.

(B) An individual shall not be considered to be an employee of a public agency for the purposes of this definition solely because the individual is paid by the agency to serve as a hearing officer.

(39) “Individual Education Plan (IEP)” means a written statement which includes educational goals, instructional objectives, specific educational and transitional services, and provision for an annual progress review for a student with a disability. The IEP is developed by a team which includes a representative of the local educational agency who is qualified to provide or supervise the provision of specially designated instruction to meet the needs of students with disabilities, the teacher, the parents or student’s representative, and, whenever appropriate, the student.

(40) “Individual Who Is Blind” means a person who is blind within the meaning of the definition provided by Section 10-294a of the Connecticut General Statutes.

(41) “Individual Who Is Visually Impaired” means a person who has lessened visual acuity within the meaning of the definition provided by Section 10-294a of the Connecticut General Statutes.

(42) “Individual with a Disability” means an individual

(A) who has a physical or mental impairment;

(B) whose impairment constitutes or results in a substantial impediment to employment; and

(C) who can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

(43) “Individual with a Most Severe Disability” means an individual with a severe disability who meets the Vocational Rehabilitation Services Division’s criteria for an individual with a most severe disability as determined by the Vocational Rehabilitation Services Division Director after consideration of recommendations from the Executive Director, the State Rehabilitation Advisory Council and the Board of Directors.

(44) “Individual with a Severe Disability” means an individual with a disability:

(A) who has a severe physical or mental impairment that seriously limits one or more functional capacities (such as mobility, communication, self-care, self-direction, interpersonal skills, work tolerance, or work skills) in terms of an employment outcome;

(B) whose vocational rehabilitation can be expected to require multiple vocational rehabilitation services over an extended period of time; and

(C) who has one or more physical or mental disabilities or combination of disabilities determined on the basis of an assessment for determining eligibility and vocational rehabilitation needs to cause comparable substantial functional limitation.

(45) “Individual’s Representative” means any representative chosen by an applicant or eligible individual, including a parent, guardian, other family member, or advocate, unless a representative has been appointed by a court to represent the individual, in which case the court-appointed representative is the individual’s representative.

(46) “Individualized Written Rehabilitation Program (IWRP)”, “Individualized plan for employment (IPE)” or “Rehabilitation Plan” refers to a plan developed jointly by the appropriate agency staff and the client or, as appropriate, the client’s representative, for each eligible individual and as necessary, for individuals being provided services under an extended evaluation to determine vocational rehabilitation potential, which includes, but is not limited to, a definition of a client’s long-term vocational goal, specific and measurable intermediate objectives related to the achievement of that goal, an outline of the responsibilities of the client and the agency, and a description of the vocational rehabilitation services which shall be provided, vendors to be used, estimated costs, projected time frames, and the process to be followed in order to achieve that goal.

(47) “Informed Choice” means choosing among options of vocational goals and objectives, choices of services and service providers, and jobs based upon an understanding of such options.

(48) “Institution of Higher Education” refers to a university, college, junior college, community college, vocational school, technical institute, or hospital school of nursing.

(49) “Integrated Setting”,

(A) with respect to the provision of services, means a setting typically found in the community in which applicants or eligible individuals interact with non-disabled individuals other than non-disabled individuals who are providing services to those applicants or eligible individuals;

(B) with respect to an employment outcome, means an employment outcome in which applicants or eligible individuals interact with non-disabled individuals other than non-disabled individuals who are providing services to those applicants or eligible individuals, to the same extent that non-disabled individuals in comparable positions interact with other persons.

(50) “Intercurrent Illness” refers to an acute medical condition which occurs in the midst of the vocational rehabilitation process and which is unrelated to the individual’s original impairment. An example would be illness resulting from an accident while the individual is participating in vocational rehabilitation services.

(51) “Lessened Visual Acuity” means acuity greater than 20/200, but less than 20/70, best correction in the better eye.

(52) “Maintenance” means monetary support provided to an eligible individual or an individual receiving extended evaluation services for those expenses, such as food, shelter, and clothing, that are in excess of the normal living expenses of the

individual and that are necessitated by the individual's participation in a program of vocational rehabilitation services.

(53) "Occupational License" refers to any license, permit or other written authority required by a state, city, or other governmental unit to be obtained in order to enter an occupation or enter a small business.

(54) "Occupational Objective or Goal" (See Vocational Goal or Vocational Objective).

(55) "Ongoing Support Services," as used in the definition of "Supported Employment" means services that are:

(A) needed to support and maintain an individual with a most severe disability in supported employment;

(B) identified based on a determination by the Vocational Rehabilitation Services Division of the individual's needs as specified in an individualized written rehabilitation program; and

(C) furnished by the Vocational Rehabilitation Services Division from the time of job placement until transition to extended services, unless post-employment services are provided following transition, and thereafter by one or more extended services providers throughout the individual's term of employment in a particular job placement or multiple placements if those placements are being provided under a program of transitional employment.

(56) "Order of Selection" means that in the event that vocational rehabilitation services cannot be provided to all eligible individuals who apply for such services, the Vocational Rehabilitation Services Division shall establish an order to be followed for selecting eligible individuals to whom vocational rehabilitation services shall be provided. This order shall be determined by the Vocational Rehabilitation Services Division Director in consultation with the Executive Director, the State Rehabilitation Advisory Council and the Board of Directors. It shall be based on severity of disability. Persons with the most severe disabilities shall receive the highest priority for services.

(57) "Personal Adjustment Training" refers to any training given for one, or a combination, of the following reasons:

(A) to assist an individual to acquire personal habits, attitudes, and skills which shall enable the individual to function effectively in spite of a disability;

(B) to develop or increase work tolerance prior to engaging in pre-vocational or vocational training or in employment;

(C) to develop work habits and to orient the individual to employment; or

(D) to develop skills or techniques for the specific purpose of enabling the individual to compensate for the loss of a member of the body or the loss of a sensory function.

(58) "Personal Assistance Services" means a range of services provided by one or more persons designed to assist an individual with a disability to perform daily living activities on or off the job that the individual would typically perform without assistance if the individual did not have a disability. The services shall be designed to increase the individual's control in life and ability to perform everyday activities on or off the job. The services shall be necessary to the achievement of an employment outcome and may be provided only while the individual is receiving other vocational rehabilitation services. The services may include training in managing, supervising, and directing personal assistance services.

(59) "Physical and Mental Restoration Services" means, with respect to the provision of services covered within the Individualized Written Rehabilitation Program:

(A) corrective surgery or therapeutic treatment that is likely, within a reasonable period of time, to correct or modify substantially a stable or slowly progressive physical or mental impairment that constitutes a substantial impediment to employment;

(B) diagnosis of and treatment for mental or emotional disorders by qualified personnel in accordance with State licensure laws;

(C) dentistry;

(D) nursing services;

(E) necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services;

(F) drugs and supplies;

(G) prosthetic, orthotic, or other assistive devices, including hearing aids;

(H) eyeglasses and visual services, including visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids prescribed by personnel that are qualified in accordance with State licensure laws;

(I) podiatry;

(J) physical therapy;

(K) occupational therapy;

(L) speech or hearing therapy;

(M) mental health services;

(N) treatment of either acute or chronic medical complications and emergencies that are associated with or arise out of the provision of physical and mental restoration services, or that are inherent in the condition under treatment;

(O) special services for the treatment of individuals with end-stage renal disease, including transplantation, dialysis, artificial kidneys, and supplies; and

(P) other medical or medically-related rehabilitation services.

(60) "Physical or Mental Impairment" means an injury, disease, or other condition that materially limits, or if not treated is expected to materially limit, mental or physical functioning.

(61) "Post-employment Services" means one or more of the services identified in Section 10-306-11a of the Regulations of Connecticut State Agencies that are provided subsequent to the achievement of an employment outcome and that are necessary for an individual to maintain, regain, or advance in employment, consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, and interests. These services are available to meet vocational rehabilitation needs that do not require a complex and comprehensive provision of services and should be limited in scope and duration. Post-employment services are not intended to advance clients into new careers if the client has already achieved an employment outcome that is consistent with his individual strengths, resources, priorities, concerns, abilities, capabilities, and interests. Post-employment services are not intended to replace the process of determining eligibility if new circumstances arise which require comprehensive coordination of services in order to obtain or retain employment.

(62) "PreVocational Training" refers to instruction which is necessary to prepare an individual to effectively participate in vocational training.

(63) "Psychiatrist" refers to a physician who is licensed to practice medicine and has applied for and been accepted to take a qualifying examination administered by the American Board of Psychiatry.

(64) “Record of Services” refers to an organized file of the documentation and records relating to the vocational rehabilitation of an individual in accordance with Section 10-306-10a of the Regulations of Connecticut State Agencies.

(65) “Rehabilitated Client” refers to an individual who is determined to have achieved an employment outcome by meeting the requirements in Section 10-306-16a of the Regulations of Connecticut State Agencies.

(66) “Rehabilitation Counselor” refers to the Vocational Rehabilitation Services Division employee who is responsible for obtaining, analyzing, and evaluating pertinent applicant and client information; determining an individual’s eligibility for vocational rehabilitation services; assisting individual clients assigned to him in the development and implementation of Individualized Vocational Rehabilitation Programs (IWRP); providing counseling, guidance, and placement services; and recommending case closure where appropriate.

(67) “Rehabilitation Counselor Determination” means decisions by a rehabilitation counselor concerning furnishing or denial of vocational rehabilitation services.

(68) “Rehabilitation Potential” or “Vocational Rehabilitation Potential” means the probability that the individual may be expected to benefit from vocational rehabilitation services in terms of achieving an employment outcome.

(69) “Rehabilitation Technology” means the systematic application of technologies, engineering methodologies, or scientific principles to meet the needs of, and address the barriers confronted by, individuals with disabilities in areas that include education, rehabilitation, employment, transportation, independent living, and recreation. The term includes rehabilitation engineering, assistive technology devices, and assistive technology services.

(70) “Review Officer” refers to a person designated by the director of the Vocational Rehabilitation Services Division to conduct informal administrative reviews in an effort to achieve timely resolution of disagreements.

(71) “Sheltered Workshop” refers to a community rehabilitation program, or the part of a community rehabilitation program, engaged in a production or service operation and which is operated for the primary purpose of providing gainful employment or professional services to individuals with disabilities as an interim or final step in the vocational rehabilitation process for those individuals during such times as employment opportunities for them in the competitive labor market do not exist, or for those individuals who choose to work in such settings.

(72) “State Agency” or “Designated State Agency” means the sole state agency designated to administer the state plan and refers to the State of Connecticut Board of Education and Services for the Blind.

(73) “State Plan for Vocational Rehabilitation Services” or “State Plan” means a plan that contains a description of the agency’s vocational rehabilitation services program and the plans and policies to be followed in carrying out the program.

(74) “State Rehabilitation Advisory Council” means a body of individuals, appointed by the governor, which provides recommendations to the Vocational Rehabilitation Services Division Director concerning the provision of vocational rehabilitation services in the state.

(75) “State Unit” or “Designated State Unit” means the agency’s Vocational Rehabilitation Services Division which is primarily concerned with vocational rehabilitation of individuals with disabilities and is responsible for the administration of the vocational rehabilitation program of the state agency as described in the state plan and required by Section 10-306 of the Connecticut General Statutes.

(76) “Substantial Impediment to Employment” means that a physical or mental impairment (in light of attendant medical, psychological, vocational, educational, and other related factors) hinders an individual from preparing for, entering into, engaging in, or retaining employment consistent with the individual’s abilities and capabilities.

(77) “Supported Employment” means:

(A) competitive employment in an integrated setting with ongoing support services for individuals with the most severe disabilities:

(i) for whom competitive employment has not traditionally occurred or for whom competitive employment has been interrupted or intermittent as a result of a severe disability; and

(ii) who, because of the nature and severity of their disabilities, need intensive supported employment services from the Vocational Rehabilitation Services Division and extended services after transition in order to perform this work; or

(B) transitional employment for individuals with the most severe disabilities due to mental illness.

(78) “Supported Employment Services” means ongoing support services and other appropriate services needed to support and maintain an individual with a most severe disability in supported employment that are provided by the Vocational Rehabilitation Services Division:

(A) for a period of time not to exceed 18 months, unless under special circumstances the eligible individual and the rehabilitation counselor or coordinator jointly agree to extend the time in order to achieve the rehabilitation objectives identified in the individualized written rehabilitation program; and

(B) following transition, as post-employment services that are unavailable from an extended-services provider and that are necessary to maintain or regain the job placement or advance in employment.

(79) “Supportive Vocational Rehabilitation Service” refers to a vocational rehabilitation service which may only be provided when necessary to derive the full benefit of other vocational rehabilitation services provided, and which is provided to help insure that the client reaches the vocational goal. Transportation, maintenance, and attendant care services are examples of supportive vocational rehabilitation services.

(80) “Telecommunications” refers to any transmission, emission, or reception of signs, signals, written images, and sounds of intelligence of any nature by wire, radio, visual, or other electromagnetic systems including any intervening processing and storage.

(81) “Transition Services” means a coordinated set of activities for a student, designed within an outcome-oriented process that promotes movement from school to post-school activities, including post-secondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student’s needs, taking into account the student’s preferences and interests, and shall include instruction, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills and functional vocational evaluation. Transition services shall promote or facilitate the accomplishment of long-term rehabilitation goals and intermediate rehabilitation objectives identified in the student’s individualized written rehabilitation program (IWRP).

(82) “Transitional Employment,” as used in the definition of “Supported employment,” means a series of temporary job placements in competitive work in integrated settings with ongoing support services for individuals with the most severe disabilities due to mental illness. In transitional employment, the provision of ongoing support services shall include continuing sequential job placements until job permanency is achieved.

(83) “Transitioning Student” means a student who is an eligible individual and who is receiving transition services as defined in subsection (b)(81) of this section.

(84) “Transportation” means travel and related expenses that are necessary to enable an applicant or eligible individual to participate in any vocational rehabilitation service.

(85) “Visual Services” include visual training and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids, as prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select.

(86) “Vocational Goal” or “Vocational Objective” refers to the employment objective established by a client and his counselor to enter or retain full-time or, if appropriate, part-time competitive employment in the integrated labor market to the greatest extent practicable; supported employment; or any other type of employment that is consistent with an individual’s strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice. The terms “employment objective” and “occupational objective” are used synonymously.

(87) “Vocational Rehabilitation Services Division” means the designated state unit of the agency that is primarily concerned with vocational rehabilitation of individuals with disabilities, consistent with the requirements of the state plan and Section 10-306 of the Connecticut General Statutes.

(88) “Vocational Rehabilitation Services Division Director” means the individual who, under the direction and supervision of the executive director, is responsible for the administration of the vocational rehabilitation program of the agency.

(89) “Vocational Rehabilitation Services,” if provided to an individual, means those services described in Section 10-306-11a of the Regulations of Connecticut State Agencies.

(Adopted effective November 6, 1998; amended February 26, 2009)

Sec. 10-306-3a. Processing referrals and applications

(a) Referrals.

The Vocational Rehabilitation Services Division shall establish and implement standards and procedures for the prompt and equitable handling of referrals of individuals for vocational rehabilitation services. The standards shall include time lines for making good faith efforts to inform these individuals of application requirements and to gather information necessary to initiate an assessment for determining eligibility and priority for services.

(b) Applications.

(1) An individual is considered to have submitted an application when the individual or the individual’s representative, as appropriate:

(A) has completed and signed an agency application form or has otherwise requested services through a signed, dated letter;

(B) has provided information necessary to initiate an assessment to determine eligibility and priority for services; and

(C) is available to complete the assessment process.

(2) The Vocational Rehabilitation Services Division, once an individual has submitted an application for vocational rehabilitation services, shall make an eligibility determination within sixty (60) days, unless:

(A) exceptional and unforeseen circumstances beyond the control of the agency preclude a determination within sixty (60) days and the agency and the individual agree to a specific extension of time; or

(B) an extended evaluation is necessary, in accordance with Section 10-306-5a of the Regulations of Connecticut State Agencies.

(Adopted effective November 6, 1998)

Sec. 10-306-4a. Order of selection

(a) If vocational rehabilitation services cannot be provided to all eligible individuals who apply for such services due to insufficient funding, the agency shall establish an order to be followed for selecting eligible individuals to whom vocational rehabilitation services shall be provided on the basis of serving first, individuals with the most severe disabilities. The Vocational Rehabilitation Services Division Director, after consulting with and considering the recommendations from the Executive Director, the State Rehabilitation Advisory Council and the Board of Directors, shall determine the definition of an individual with a most severe disability and shall determine the order of selection to be followed in the provision of vocational rehabilitation services to eligible individuals, and how that order of selection shall be administered.

(Adopted effective November 6, 1998)

Sec. 10-306-5a. Assessment for determining eligibility and priority for services

(a) The Vocational Rehabilitation Services Division shall conduct an assessment to determine whether an individual is eligible for vocational rehabilitation services and the individual's priority under an order of selection for services (if the Vocational Rehabilitation Services Division is operating under an order of selection). The assessment shall be conducted in the most integrated setting possible, consistent with the individual's needs and informed choice, and in accordance with the following provisions:

(1) Eligibility Requirements.

(A) Basic Requirements. The Vocational Rehabilitation Services Division's determination of an applicant's eligibility for vocational rehabilitation services shall be based only on the following requirements:

(i) A determination that the applicant has a physical or mental impairment, including a determination of legal blindness or lessened visual acuity, as determined by qualified personnel licensed or certified in accordance with state law or regulation.

(ii) A determination that the applicant's physical or mental impairment constitutes or results in a substantial impediment to employment for the applicant.

(iii) A presumption, in accordance with subparagraph (B) of this section, that the applicant can benefit in terms of an employment outcome from the provision of vocational rehabilitation services.

(iv) A determination that the applicant requires vocational rehabilitation services to prepare for, enter into, engage in, or retain gainful employment consistent with the applicant's strengths, resources, priorities, concerns, abilities, capabilities, and informed choice.

(B) Presumption of Benefit. The Vocational Rehabilitation Services Division shall presume that an applicant who meets the eligibility requirements in subsections

(a)(1)(A)(i) and (ii) of this section can benefit in terms of an employment outcome unless it demonstrates, based on clear and convincing evidence, except as provided in subsection (d) of this section, that the applicant is incapable of benefiting in terms of an employment outcome from vocational rehabilitation services.

(C) **Limited Presumption for Social Security Beneficiaries.** The Vocational Rehabilitation Services Division shall assure that, if an applicant has appropriate evidence, such as an award letter, that establishes the applicant's eligibility for Social Security benefits under Title II or Title XVI of the Social Security Act, it shall presume that the applicant:

(i) meets the eligibility requirements in subsections (a)(1) (A)(i) and (ii) of this section; and

(ii) has a severe physical or mental impairment that seriously limits one or more functional capacities in terms of an employment outcome.

(b) **The Vocational Rehabilitation Services Division Shall Assure That:**

(1) no duration of residence requirement is imposed that excludes from services any applicant who is present in the state;

(2) no applicant or group of applicants is excluded or found ineligible solely on the basis of the type of disability;

(3) the eligibility requirements are applied without regard to the age, gender, race, color, creed, religion, sexual preference or national origin of the applicant; and

(4) the eligibility requirements are applied without regard to the particular service needs or anticipated cost of services required by an applicant or the income level of an applicant or applicant's family.

(c) **Review and Assessment of Data for Eligibility Determination.**

Except as provided in subsection (d) of this section, the Vocational Rehabilitation Services Division shall base its determination of each of the basic eligibility requirements in subsection (a) of this section on:

(1) a review and assessment of existing data, including counselor observations, education records, information provided by the individual or the individual's family, information used by the Social Security Administration, and determinations made by officials of other agencies; and

(2) to the extent existing data do not describe the current functioning of the individual or are unavailable, insufficient, or inappropriate to make an eligibility determination, an assessment of additional data resulting from the provision of vocational rehabilitation services, including assistive technology devices and services and work site assessments, that are necessary to determine whether an individual is eligible.

(d) **Extended Evaluation for Individuals with Severe Disabilities.**

(1) Prior to any determination that an individual with a severe disability is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome because of the severity of that individual's disability, the Vocational Rehabilitation Services Division shall conduct an extended evaluation to determine whether or not there is clear and convincing evidence to support such a determination.

(2) During the extended evaluation period, which may not exceed 18 months, vocational rehabilitation services shall be provided in the most integrated setting possible, consistent with the informed choice of the individual.

(3) During the extended evaluation period, the Vocational Rehabilitation Services Division shall develop a written plan for determining eligibility and for determining the nature and scope of services required to achieve an employment outcome. The

Vocational Rehabilitation Services Division may provide during this period only those services that are necessary to make these two determinations.

(4) The Vocational Rehabilitation Services Division shall assess the individual's progress as frequently as necessary, but at least once every 90 days, during the extended evaluation period.

(5) The Vocational Rehabilitation Services Division shall terminate extended evaluation services at any point during the 18-month extended evaluation period if it determines that:

(A) there is sufficient evidence to conclude that the individual can benefit from the provision of vocational rehabilitation services in terms of an employment outcome; or

(B) there is clear and convincing evidence that the individual is incapable of benefiting from vocational rehabilitation services in terms of an employment outcome.

(e) **Data for Determination of Priority for Services under an Order of Selection.** If the Vocational Rehabilitation Services Division is operating under an order of selection for services, as provided in Section 10-306-4a of the Regulations of Connecticut State Agencies, it shall base its priority assignments on:

(1) a review of the data that was developed under subsections (c) and (d) of this section to make the eligibility determination; and

(2) an assessment of additional data, to the extent necessary.

(Adopted effective November 6, 1998)

Sec. 10-306-6a. Procedures for ineligibility determination

(a) When the Vocational Rehabilitation Services Division determines that an applicant is ineligible for vocational rehabilitation services or determines that an individual receiving services under an individualized written rehabilitation program is no longer eligible for services, it shall:

(1) make the determination only after providing an opportunity for full consultation with the individual or, as appropriate, with the individual's representative;

(2) inform the individual in writing, supplemented as necessary by other appropriate modes of communication consistent with the informed choice of the individual, of the ineligibility determination, including the reasons for that determination, the requirements under this section, and the means by which the individual may express and seek remedy for any dissatisfaction, including the procedures for review of a determination by the rehabilitation counselor in accordance with Section 10-308-1a of the Regulations of Connecticut State Agencies;

(3) provide the individual with a description of services available from a client assistance program and information on how to contact that program; and

(4) review within twelve (12) months and annually thereafter if requested by the individual or, if appropriate, by the individual's representative any ineligibility determination that is based on a finding that the individual is incapable of achieving an employment outcome. This review need not be conducted in situations in which the individual has refused it, the individual is no longer present in the state, the individual's whereabouts are unknown, or the individual's medical condition is rapidly progressive or terminal.

(Adopted effective November 6, 1998)

Sec. 10-306-7a. Closure without eligibility determination

(a) The Vocational Rehabilitation Services Division shall not close an applicant's case prior to making an eligibility determination unless the applicant declines to participate in or is unavailable to complete an assessment for determining eligibility

and priority for services, and the Vocational Rehabilitation Services Division has made a reasonable number of attempts to contact the applicant or, if appropriate, the applicant's representative to encourage the applicant's participation.

(Adopted effective November 6, 1998)

Sec. 10-306-8a. Development of the individualized written rehabilitation program (IWRP)

(a) **Purpose.** The Vocational Rehabilitation Services Division shall conduct an assessment to determine the vocational rehabilitation needs for each eligible individual or, if the agency is operating under an order of selection, for each eligible individual to whom the agency is able to provide services. The purpose of this assessment is to determine the long-term vocational goal, intermediate rehabilitation objectives, and the nature and scope of vocational rehabilitation services to be included in the IWRP, which shall be designed to achieve an employment outcome that is consistent with the individual's unique strengths, priorities, concerns, abilities, capabilities, career interests and informed choice.

(b) **Procedural Requirements.**

(1) The IWRP shall be developed jointly, agreed to, and signed by the vocational rehabilitation counselor and the individual or, as appropriate, the individual's representative within the framework of a counseling and guidance relationship.

(2) The Vocational Rehabilitation Services Division shall establish and implement standards for the prompt development of IWRPs for individuals identified under subsection (a) of this section, including time lines that take into consideration the needs of the individual.

(3) The Vocational Rehabilitation Services Division shall advise each individual or, as appropriate, the individual's representative of all procedures and requirements affecting the development and review of an IWRP, including the availability of appropriate modes of communication.

(4) In the development of an IWRP for a student with a disability who is receiving special education services, the Vocational Rehabilitation Services Division shall consider a student's individualized education program.

(5) The Vocational Rehabilitation Services Division shall review the IWRP with the individual or, as appropriate, the individual's representative as often as necessary, but at least once each year to assess the individual's progress in meeting the objectives identified in the IWRP.

(6) The Vocational Rehabilitation Services Division shall incorporate into the IWRP any revisions that are necessary to reflect changes in the individual's vocational goal, intermediate objectives, or vocational rehabilitation services, and obtain the agreement and signature of the individual or, as appropriate, the agreement and signature of the individual's representative to the revisions.

(7) The Vocational Rehabilitation Services Division shall promptly provide each individual or, as appropriate, the individual's representative, a copy of the IWRP and its amendments in the native language, or appropriate mode of communication, of the individual or, as appropriate, of the individual's representative.

(c) **Data for Preparing the IWRP.**

(1) Preparation without a Comprehensive Assessment. To the extent possible, the vocational goal, intermediate objectives, and the nature and scope of rehabilitation services to be included in the individual's IWRP shall be determined based on the data used for the assessment of eligibility and priority for services under Section 10-306-5a of the Regulations of Connecticut State Agencies.

(2) Preparation Based on Comprehensive Assessment.

(A) If additional data are necessary to prepare the IWRP, the Vocational Rehabilitation Services Division shall conduct a comprehensive assessment of the unique strengths, resources, priorities, concerns, abilities, capabilities, interests, and needs, including the need for supported employment services of an eligible individual, in the most integrated setting possible, consistent with the informed choice of the individual.

(B) The comprehensive assessment shall be limited to information that is necessary to identify the rehabilitation needs of the individual and develop the IWRP and may, to the extent needed, include:

(i) an analysis of pertinent medical, psychiatric, psychological, neuropsychological, and other pertinent vocational, educational, cultural, social, recreational, and environmental factors, and related functional limitations, that affect the employment and rehabilitation needs of the individual;

(ii) an analysis of the individual's personality, career interests, interpersonal skills, intelligence and related functional capacities, educational achievements, work experience, vocational aptitudes, personal and social adjustments, and employment opportunities;

(iii) an appraisal of the individual's patterns of work behavior and services needed to acquire occupational skills and to develop work attitudes, work habits, work tolerance, and social and behavior patterns suitable for successful job performance; and

(iv) an assessment, through provision of rehabilitation technology services, of the individual's capacities to perform in a work environment, including in an integrated setting, to the maximum extent feasible and consistent with the individual's informed choice.

(C) In the preparation of a comprehensive assessment, the Vocational Rehabilitation Services Division shall use, to the maximum extent possible and appropriate and in accordance with confidentiality requirements, existing information, including information that is provided by the individual, the family of the individual, and education agencies.

(Adopted effective November 6, 1998)

Sec. 10-306-9a. Content of the individualized written rehabilitation program

(a) **General Requirements.** Each IWRP shall include, as appropriate, statements concerning:

(1) the specific long-term vocational goal, which shall be based on the assessment for determining vocational rehabilitation needs, including the individual's career interests, and shall be, to the extent appropriate and consistent with the informed choice of the individual, in an integrated setting;

(2) the specific intermediate rehabilitation objectives related to the attainment of the long-term vocational goal, based on the assessment for determining vocational rehabilitation needs and consistent with the informed choice of the individual;

(3) the specific vocational rehabilitation services under Section 10-306-11a of the Regulations of Connecticut State Agencies to be provided to achieve the established intermediate vocational rehabilitation objectives, including, if appropriate, rehabilitation technology services and on-the-job and related personal assistance services;

(4) the projected dates for the initiation of each vocational rehabilitation service, the anticipated duration of each service, and the projected time frame for the achievement of the individual's vocational goal;

(5) a procedure and schedule for periodic review and evaluation of progress toward achieving intermediate rehabilitation objectives based upon objective criteria;

(6) how, in the words of the individual or, as appropriate, in the words of the individual's representative, the individual was informed about and involved in choosing among alternative goals, objectives, services, providers, and methods used to procure or provide services;

(7) the terms and conditions for the provision of vocational rehabilitation services, including:

(A) the responsibilities of the individual in implementing the IWRP;

(B) the extent of the individual's participation in the cost of services;

(C) the extent to which goods and services shall be provided in the most integrated settings possible, consistent with the informed choices of the individual;

(D) the extent to which comparable services and benefits are available to the individual under any other program; and

(E) the entity or entities that shall provide the services and the process used to provide or procure the services;

(8) the rights of the individual under this part and the means by which the individual may express and seek remedy for any dissatisfaction, including the opportunity for a review of rehabilitation counselor determinations under Section 10-308-1a of the Regulations of Connecticut State Agencies;

(9) the availability of a client assistance program; and

(10) the basis on which the individual has been determined to have achieved an employment outcome in accordance with Section 10-306-16a of the Regulations of Connecticut State Agencies.

(b) **Supported Employment Requirements.** The IWRP for individuals with the most severe disabilities for whom a vocational goal in a supported employment setting has been determined to be appropriate shall also contain:

(1) a description of the supported employment services to be provided by the Vocational Rehabilitation Services Division; and

(2) a description of the extended services needed and identification of the source of extended services or, in the event that identification of the source is not possible at the time the IWRP is developed, a statement explaining the basis for concluding that there is a reasonable expectation that services shall become available.

(c) **Post-employment Services.** The IWRP for each individual shall contain statements concerning:

(1) the expected need for post-employment services, based on an assessment during the development of the IWRP;

(2) a reassessment of the need for post-employment services prior to the determination that the individual has achieved an employment outcome;

(3) a description of the terms and conditions for the provision of any post-employment services, including the anticipated duration of those services, subsequent to the achievement of an employment outcome by the individual; and

(4) if appropriate, a statement of how post-employment services shall be provided or arranged through cooperative agreements with other service providers.

(d) **Coordination of Services for Students with Disabilities Who are Receiving Special Education Services.** The IWRP for a student with a disability who is receiving special education services shall be coordinated with the individualized education program (IEP) for that individual in terms of the goals, objectives, and services identified in the IEP.

(e) **Ineligibility.** The decision that an individual is not capable of achieving an employment outcome and is no longer eligible to receive services under an IWRP shall be made in accordance with the requirements in Section 10-306-6a of the Regulations of Connecticut State Agencies. The decision, and the reasons on which the decision was based, shall be included as an amendment to the IWRP.

(Adopted effective November 6, 1998)

Sec. 10-306-10a. Record of services

(a) The Vocational Rehabilitation Services Division shall maintain for each applicant or eligible individual a record of services that includes, to the extent pertinent, the following documentation:

(1) If an applicant has been determined to be an eligible individual, documentation supporting that determination in accordance with the requirements in Section 10-306-5a of the Regulations of Connecticut State Agencies.

(2) If an applicant has been determined to be ineligible, documentation supporting that determination in accordance with the requirements in Section 10-306-6a of the Regulations of Connecticut State Agencies.

(3) Documentation supporting the determination that an individual has a severe disability or a most severe disability.

(4) If an individual with a severe disability requires an extended evaluation in order to determine whether the individual is an eligible individual, documentation supporting the need for an extended evaluation, documentation supporting the periodic assessments conducted during the extended evaluation, and the written plan developed during the extended evaluation in accordance with the requirements in Section 10-306-5a (d) of the Regulations of Connecticut State Agencies.

(5) The IWRP, and any amendments to the IWRP containing the information required under Section 10-306-9a of the Regulations of Connecticut State Agencies.

(6) In accordance with the requirements in Section 10-306-8a (a) of the Regulations of Connecticut State Agencies, documentation supporting the development of the long-term vocational goal, intermediate rehabilitation objectives, and nature and scope of services included in the individual's IWRP and, for students with disabilities who are receiving special education services, in the student's IEP.

(7) In the event that an individual's IWRP provides for services or a job placement in a non-integrated setting, a justification for that non-integrated setting.

(8) Documentation of the periodic reviews and evaluations of progress toward achieving intermediate rehabilitation objectives conducted under Section 10-306-9a (a)(5) of the Regulations of Connecticut State Agencies.

(9) In the event that an individual obtains competitive employment, verification that the individual is compensated at or above the minimum wage and that the individual's wages and level of benefits are not less than that customarily paid by the employer for the same or similar work performed by non-disabled individuals in accordance with Section 10-306-2a (b)(18)(B) of the Regulations of Connecticut State Agencies.

(10) Documentation concerning any action and decision resulting from a request by an individual for review of a rehabilitation counselor determination under Section 10-308-1a of the Regulations of State Agencies.

(Adopted effective November 6, 1998)

Sec. 10-306-11a. Scope of vocational rehabilitation services for individuals with disabilities

(a) As appropriate to the vocational rehabilitation needs of each individual and consistent with each individual's informed choice, the following vocational rehabilitation services shall be available:

- (1) Assessment for determining eligibility and priority for services in accordance with Section 10-306-5a of the Regulations of Connecticut State Agencies.
- (2) Assessment for determining vocational rehabilitation needs in accordance with Section 10-306-8a of the Regulations of Connecticut State Agencies.
- (3) Vocational counseling and guidance.
- (4) Referral and other services necessary to help applicants and eligible individuals secure needed services from other agencies and to advise those individuals about the client assistance program.
- (5) Physical and mental restoration services as defined in Section 10-306-2a (b)(59) of the Regulations of Connecticut State Agencies.
- (6) Vocational and other training services, including personal and vocational adjustment training, books, tools, and other training materials, except that no training or training services in an institution of higher education may be paid for with funds under this part unless maximum efforts have been made by the Vocational Rehabilitation Services Division to secure grant assistance in whole or in part from other sources to pay for that training. Training may be provided at accredited schools, colleges, universities, community rehabilitation programs, by tutor or correspondence, apprenticeship, an organized on-the-job training situation, agency staff and consultants, or some other organized training program that is approved by the Vocational Rehabilitation Services Division to provide such training. The Vocational Rehabilitation Services Division may use existing fee schedules established by other agencies, such as, but not limited to, the Department of Social Services, or the Vocational Rehabilitation Services Division Director may request the Executive Director to establish individual rates with providers of services to purchase such training.
- (7) Maintenance as defined in Section 10-306-2a (b)(52) of the Regulations of Connecticut State Agencies.
- (8) Transportation in connection with the rendering of any vocational rehabilitation service in accordance with the definition in Section 10-306-2a (b)(84) of the Regulations of Connecticut State Agencies.
- (9) Vocational rehabilitation services to family members of an applicant or eligible individual if necessary to enable the applicant or eligible individual to achieve an employment outcome.
- (10) Interpreter services for individuals who are deaf and tactile interpreting services for individuals who are deaf-blind.
- (11) Reader services, rehabilitation teaching services, and orientation and mobility services for individuals who are blind.
- (12) Recruitment and training services to provide new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other appropriate public service employment.
- (13) Job search and placement assistance and job-retention services.
- (14) Supported employment services as defined in Section 10-306-2a (b)(78) of the Regulations of Connecticut State Agencies.
- (15) Personal assistance services as defined in Section 10-306-2a (b)(58) of the Regulations of Connecticut State Agencies.
- (16) Post-employment services as defined in Section 10-306-2a (b)(61) of the Regulations of Connecticut State Agencies.
- (17) Occupational licenses, tools, equipment, initial stocks and supplies consistent with Vocational Rehabilitation Services Division policy. For persons entering into self-employment ventures, the Vocational Rehabilitation Services Division may pay

such costs as are reasonable for the client to enter self-employment, with a client participation requirement of ten (10) percent in funds or in-kind services toward the operation of the business. Examples of in-kind services include rent and utility costs for a business that is operated outside of a client's private residence. Prior to the development of an individualized plan for employment or Individualized Written Rehabilitation Program that has a goal of self-employment, a business plan shall be developed by the client and submitted to a Vocational Rehabilitation Services Division committee for review and approval. In situations where the business plans do not receive approval, the client shall be given written instructions for action to be taken to make the plan acceptable and it may be resubmitted for approval. All licenses, tools, equipment, stock and supplies necessary to operate the business must be included in the business plan in order to receive agency funding in these categories. Upon obtaining approval from the committee, the vocational rehabilitation services division shall purchase licenses, tools, equipment, stock and supplies on behalf of the client consistent with the approved business plan and state of connecticut purchasing requirements. Any licenses, tools, equipment, stock and supplies from the agency that are currently held by a client or any licenses, tools, equipment, stock and supplies 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.

(18) Rehabilitation technology as defined in Section 10-306-2a (b)(69), including vehicular modifications, telecommunications, sensory, and other technological aids and devices. The provision of adaptive equipment will be made after consultation with a rehabilitation technologist or other provider skilled in the assessment of such products. Reports from vendors who sell specific adaptive products will not be acceptable for evaluation purposes, but may be reviewed along with other data. Technology provided to clients will be chosen based on informed choice of the most effective, least expensive products available. For clients who are employed, the Vocational Rehabilitation Services Division will not use its funds until maximum effort has been made to obtain employer participation in the provision of standard business equipment that is afforded to all employees regardless of disability. The Vocational Rehabilitation Services Division will further seek to obtain reasonable accommodations from employers, consistent with applicable state and federal laws, before committing agency funds for necessary adaptive products. In the provision of closed-circuit television sets (CCTV), the Vocational Rehabilitation Services Division will provide basic 14" black and white units unless other requirements are certified as necessary by a rehabilitation technologist, low vision specialist or low vision center. Only one CCTV will be purchased for each client. When magnification is required at multiple locations, a portable unit will be provided to the client except that two stationary CCTVs shall be provided when they are less expensive than one portable unit or when a physician certifies that a medical condition prevents a client from transporting a portable CCTV. Any equipment from the agency that is currently held by a client or any 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.

(19) Transition services as defined in Section 10-306-2a (b)(81) of the Regulations of Connecticut State Agencies.

(20) Other goods and services determined necessary for the individual with a disability to achieve an employment outcome.

(Adopted effective November 6, 1998; amended February 26, 2009)

Sec. 10-306-12a. Training in institutions of higher education

(a) Financial participation by the Vocational Rehabilitation Services Division in providing training and training services in institutions of higher education shall be made in accordance with an appropriately completed Individualized Written Rehabilitation Program (IWRP) and under the following conditions:

(1) No training in institutions of higher education shall be paid for by the Vocational Rehabilitation Services Division unless maximum efforts have been made to secure comparable benefits or grant assistance, in whole or in part, from other sources to pay for such training. Grant assistance, for purposes of this policy, refers to basic grant entitlement under student financial aid programs.

(2) In pursuing a determination of available comparable benefits, the client shall make application to the training institution's financial aid office (FAO) and shall cooperate in the provision of all information required by the FAO in its calculation of the client's eligibility for financial assistance.

(3) The client shall give written authorization to the Vocational Rehabilitation Services Division and the FAO to exchange information relevant to the determination of eligibility for financial assistance in accordance with the State Personal Data Act and regulations thereunder.

(4) Application by the client to the FAO shall be made in sufficient time to permit a decision to be rendered by the FAO prior to the starting date of training.

(5) A client shall not be required to apply for funds available to him through student loans to meet the costs of training.

(6) Financial participation by the Vocational Rehabilitation Services Division in the provision of such training shall be limited to the amount of the client's unmet need as determined by the FAO. Client work study or summer earnings shall be included as part of the calculation of client financial need only when the client is realistically able to participate in a work study program or has summer earnings.

(7) The Vocational Rehabilitation Services Division shall not substitute its vocational rehabilitation funds for the family contribution portion as determined by the FAO. If the Vocational Rehabilitation Services Division determines that computation by the FAO is clearly erroneous and time or other circumstances make it impossible or impractical for the client to have the computation by the FAO corrected, Vocational Rehabilitation Services Division Director may substitute funds from vocational rehabilitation for the family contribution in an amount not to exceed the amount by which the computation by the FAO is determined to be in error. This policy shall not apply to expenses that shall be incurred by a client which result from his disability.

(8) For all students with Individualized Written Rehabilitation Programs (IWRP) or Amendments that are developed after February 1, 1996, which initiate training services in institutions of higher education (such as colleges, universities and post-secondary vocational or technical training programs), the cost of tuition, room and board, training materials or supplies, and any other costs attributable to the course

of study shall be based upon such costs at Central Connecticut State University. The costs of such services for students who had an IWRP or Amendment in effect for services provided by institutions of higher education prior to February 1, 1996, may be based on costs for these training services at the University of Connecticut. The level of funding from these services shall be considered for each category, such as tuition, room and board, etc., and the cost for each category shall not exceed the cost for each category at Central Connecticut State University or the University of Connecticut, as applicable. For programs of study that are not available at Central Connecticut State University, the University of Connecticut costs shall apply. If the program of study is not available at either school, then the Vocational Rehabilitation Services Division may pay such costs as are reasonable for the client to attend the program. Special support services, provided to enable a client to participate in training, shall be paid above and beyond the cost of attending the college or university. All clients who participate in training at institutions of higher education shall be required to maintain an overall grade point average of 2.0 or higher. Any client who falls below this level for two consecutive semesters shall be subject to withholding of Vocational Rehabilitation Services Division funds for subsequent semesters until such time as the client can achieve the minimum grade point standard. All clients shall submit grades to their rehabilitation counselors at the end of each semester. Funding for all subsequent semesters shall be contingent upon submittal of satisfactory grades.

(Adopted effective November 6, 1998)

Sec. 10-306-13a. Opportunity to make informed choices

(a) The Vocational Rehabilitation Services Division shall provide each applicant, including individuals who are receiving services during an extended evaluation, and each eligible individual the opportunity to make informed choices throughout the vocational rehabilitation process in accordance with the following requirements:

(1) The Vocational Rehabilitation Services Division, in consultation with its State Rehabilitation Advisory Council, shall develop and implement policies and procedures that enable each individual to make an informed choice with regard to the selection of a long-term vocational goal, intermediate rehabilitation objectives, vocational rehabilitation services, including assessment services, and service providers. These policies and procedures shall ensure that each individual receives, through appropriate modes of communication, information concerning the availability and scope of informed choice, the manner in which informed choice may be exercised, and the availability of support services for individuals with cognitive or other disabilities who require assistance in exercising informed choice.

(2) In developing an individual's IWRP, the Vocational Rehabilitation Services Division shall provide the individual, or assist the individual in acquiring, information necessary to make an informed choice about the specific services, including the providers of those services, that are needed to achieve the individual's vocational goal. This information shall include, at a minimum, information relating to the cost, accessibility, and duration of potential services, the consumer satisfaction with those services to the extent that information relating to consumer satisfaction is available, the qualifications of potential service providers, the types of services offered by those providers, and the degree to which services are provided in integrated settings.

(Adopted effective November 6, 1998)

Sec. 10-306-14a. Availability of comparable services and benefits

(a) The Vocational Rehabilitation Services Division:

(1) prior to providing any vocational rehabilitation services to an eligible individual, or to members of the individual's family, except those services listed in subsec-

tion (b) of this section, shall determine whether comparable services and benefits exist under any other program and whether those services and benefits are available to the individual;

(2) if comparable services or benefits exist under any other program and are available to the eligible individual at the time needed to achieve the rehabilitation objectives of the individual's IWRP, shall use those comparable services or benefits to meet, in whole or in part, the cost of vocational rehabilitation services; and

(3) if comparable services or benefits exist under any other program, but are not available to the individual at the time needed to satisfy the rehabilitation objectives in the individual's IWRP, shall provide vocational rehabilitation services until those comparable services and benefits become available.

(b) A prior determination of the availability of comparable services and benefits under subsection (a) of this section shall not be required in connection with the provision of any of the following services:

(1) Assessment for determining eligibility and priority for services.

(2) Assessment for determining vocational rehabilitation needs.

(3) Vocational rehabilitation counseling, guidance, and referral services.

(4) Vocational and other training services, such as personal and vocational adjustment training, books (including alternative format books accessible by computer and taped books), tools, and other training materials in accordance with Section 10-306-11a (6) of the Regulations of Connecticut State Agencies.

(5) Placement services.

(6) Rehabilitation technology.

(7) Post-employment services consisting of the services listed under subsections (b)(1) through (6) of this section.

(c) The requirements of subsection (a) of this section also do not apply if:

(1) the determination of the availability of comparable services and benefits under any other program would delay the provision of vocational rehabilitation services to any individual who is determined to be at extreme medical risk, based on medical evidence provided by an appropriate qualified medical professional; or

(2) an immediate job placement would be lost due to a delay in the provision of comparable services and benefits.

(Adopted effective November 6, 1998)

Sec. 10-306-15a. Participation of individuals in cost of services based on financial need

(a) The Vocational Rehabilitation Services Division may choose to consider the financial need of eligible individuals or individuals who are receiving services during an extended evaluation for purposes of determining the extent of their participation in the costs of vocational rehabilitation services, other than those services identified in subsection (c) of this section.

(b) If the Vocational Rehabilitation Services Division chooses to consider financial need:

(1) it shall maintain written policies covering the determination of financial need;

(2) it shall specify the types of vocational rehabilitation services for which the unit has established a financial needs test;

(3) it shall prescribe the policies and procedures to be used when payment is made by individuals required to contribute to the cost of their vocational rehabilitation services;

(4) the policies shall be applied uniformly to all individuals in similar circumstances;

(5) the policies shall be applied uniformly to all individuals within each geographic region; and

(6) the policies shall ensure that the level of an individual's participation in the cost of vocational rehabilitation services is:

(A) reasonable;

(B) based on the individual's financial need, including consideration of any disability related expenses paid by the individual; and

(C) not so high as to effectively deny the individual a necessary service.

(c) No financial needs test shall be applied and no financial participation shall be required as a condition for furnishing the following vocational rehabilitation services:

(1) Assessment for determining eligibility and priority for services, except those non-assessment services that are provided during an extended evaluation for an individual with a severe disability under Section 10-306-5a (d) of the Regulations of Connecticut State Agencies.

(2) Assessment for determining vocational rehabilitation needs.

(3) Vocational rehabilitation counseling, guidance, and referral services.

(4) Placement services.

(d) Any funds received by the agency from individuals or third parties for the provision of vocational rehabilitation services shall be used by the Vocational Rehabilitation Services Division for such services for vocational rehabilitation clients.

(Adopted effective November 6, 1998)

Sec. 10-306-16a. Individuals determined to have achieved an employment outcome

(a) An individual is determined to have achieved an employment outcome only if the following requirements are met:

(1) The provision of services under the individual's IWRP has contributed to the achievement of the employment outcome.

(2) The employment outcome is consistent with the individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice.

(3) The employment outcome is in the most integrated setting possible, consistent with the individual's informed choice.

(4) The individual has maintained the employment outcome for a period of at least ninety (90) days.

(5) At the end of the appropriate period under subdivision (4) of this section, the individual and the rehabilitation counselor consider the employment outcome to be satisfactory and agree that the individual is performing well on the job.

(Adopted effective November 6, 1998)

TABLE OF CONTENTS

Vocational Rehabilitation Services

Repealed 10-308-1—10-308-4
Review of rehabilitation counselor determinations 10-308-1a

Vocational Rehabilitation Services

Sec. 10-308-1.

Repealed, November 6, 1998.

Secs. 10-308-2—10-308-3.

Repealed, March 1, 1993.

Sec. 10-308-4.

Repealed, November 6, 1998.

Sec. 10-308-1a. Review of rehabilitation counselor determinations

(a) Any applicant or eligible individual who is dissatisfied with any determinations made by a rehabilitation counselor concerning the furnishing or denial of services may request, or if appropriate, may request through the individual's representative, a timely review of those determinations. The procedures established by the Vocational Rehabilitation Services Division shall be in accordance with the following provisions:

(1) Informal Resolution. The Vocational Rehabilitation Services Division may establish an informal process to resolve a request for review without conducting a formal hearing. However, the informal process shall be conducted and concluded within the time period established under subdivision (2)(A) of this section for holding a formal hearing. If informal resolution is not successful, a formal hearing shall be conducted by the end of this same period, unless the parties jointly agree to a specific extension of time.

(2) Formal Hearing Procedures. The Vocational Rehabilitation Services Division shall establish formal review procedures which provide that:

(A) a hearing by an impartial hearing officer, selected in accordance with subsection (b) of this section, shall be held within forty-five (45) days of an individual's request for review, unless informal resolution was achieved prior to the forty-fifth (45th) day or the parties jointly agreed to a specific extension time;

(B) the Vocational Rehabilitation Services Division may not institute a suspension, reduction, or termination of services being provided under an IWRP pending a final determination of the formal hearing under subdivision (2) of this section or informal resolution under subdivision (1) of this section, unless the individual or, in an appropriate case, the individual's representative so requests or the Vocational Rehabilitation Services Division has evidence that the services have been obtained through misrepresentation, fraud, collusion, or criminal conduct on the part of the individual;

(C) the individual or, if appropriate, the individual's representative shall be afforded an opportunity to present additional evidence, information, and witnesses to the impartial hearing officer, to be represented by counsel or other appropriate advocate, and to examine all witnesses and other relevant sources of information and evidence;

(D) the impartial hearing officer shall make a decision based on the provisions of the approved state plan, the Act, federal vocational rehabilitation regulations, and state regulations and policies that are consistent with federal requirements and shall provide to the individual or, if appropriate, the individual's representative and to the Vocational Rehabilitation Services Division Director a full written report of the findings and grounds for the decision within thirty (30) days of the completion of the hearing;

(E) if the Vocational Rehabilitation Services Division Director decides to review the decision of the impartial hearing officer, the director shall notify in writing the

individual or, if appropriate, the individual's representative of that intent within twenty (20) days of the mailing of the impartial hearing officer's decision;

(F) if the Vocational Rehabilitation Services Division Director fails to provide the notice required by subdivision (2)(E) of this section, the impartial hearing officer's decision becomes a final decision;

(G) the decision of the Vocational Rehabilitation Services Division Director to review any impartial hearing officer's decision shall be based on standards of review contained in written Vocational Rehabilitation Services Division policy;

(H) if the Vocational Rehabilitation Services Division Director decides to review the decision of the impartial hearing officer, the director shall provide the individual or, if appropriate, the individual's representative an opportunity to submit additional evidence and information relevant to the final decision;

(I) the Vocational Rehabilitation Services Division Director may not overturn or modify a decision, or part of a decision, of an impartial hearing officer that supports the position of the individual unless the director concludes, based on clear and convincing evidence, that the decision of the impartial hearing officer is clearly erroneous because it is contrary to the approved state plan, the Act, federal vocational rehabilitation regulations, or state regulations or policies that are consistent with federal requirements;

(J) within thirty (30) days of providing notice of intent to review the impartial hearing officer's decision, the Vocational Rehabilitation Services Division Director shall make a final decision and provide a full report in writing of the decision, including the findings and the statutory, regulatory, or policy grounds for the decision, to the individual or, if appropriate, the individual's representative;

(K) the Vocational Rehabilitation Services Division Director may not delegate responsibility to make any final decision to any other officer or employee of the Vocational Rehabilitation Services Division; and

(L) except for the time limitations established in subdivisions (2)(A) and (2)(E) of this section, the Vocational Rehabilitation Services Division's review procedures may provide for reasonable time extensions for good cause shown at the request of a party or at the request of both parties.

(b) **Selection of Impartial Hearing Officers.** The impartial hearing officer for a particular case shall be selected:

(1) From among the pool of persons qualified to be an impartial hearing officer, as defined in Section 10-306-2a (b)(38) of the Regulations of Connecticut State Agencies, who are identified jointly by the Vocational Rehabilitation Services Division and the State Rehabilitation Advisory Council; and

(2) (A) on a random basis; or

(B) by agreement between the Vocational Rehabilitation Services Division Director and the individual or, if appropriate, the individual's representative.

(c) **Informing Affected Individuals.** The Vocational Rehabilitation Services Division shall inform, through appropriate modes of communication, all applicants and eligible individuals of:

(1) their right to review under this section, including the names and addresses of individuals with whom appeals may be filed; and

(2) the manner in which an impartial hearing officer shall be selected consistent with requirements of subsection (b) of this section.

(d) **Appeal:** Section 4-183 of the Connecticut General Statutes shall apply to appeals of the final decision of a fair hearing.

(Adopted effective November 6, 1998)

TABLE OF CONTENTS

Historic Homes Rehabilitation Tax Credit

Definitions 10-320j-1

Determinations of historic property status 10-320j-2

Criteria for evaluating historic character within registered districts . . 10-320j-3

Standards for rehabilitation. 10-320j-4

Certifications of proposed rehabilitation work. 10-320j-5

Reservation of tax credits 10-320j-6

Amending an approved part 2 application 10-320j-7

Certification of completed rehabilitation work 10-320j-8

Issuance of tax credit vouchers. 10-320j-9

Historic Homes Rehabilitation Tax Credit

Sec. 10-320j-1. Definitions

As used in sections 10-320j-1 to 10-320j-9, inclusive, of these regulations, the following terms have the following meanings:

(1) “Owner” means owner as defined in public act 99-173 section 34, with purchase agreement or option to purchase referenced in said section including an agreement with a municipality to transfer title of an historic home to such owner upon completion of a property tax foreclosure or similar action that the municipality has filed in court;

(2) “Officer” means the Director of the Connecticut Historical Commission appointed under section 10-321g of the Connecticut General Statutes or the officer’s designee;

(3) “Historic property” means a building defined as an historic home in public act 99-173 section 34 and any associated outbuilding within the same legal boundaries as the historic home that the officer determines contributing to the historical significance of the historic home;

(4) “Registered historic district” means a district listed on either the National Register of Historic Places or the State Register of Historic Places;

(5) “Rehabilitation standards” means the Standards for Rehabilitation as specified under section 10-320j-4;

(6) “Part 1 application” means a form prescribed by the officer to determine historic property status;

(7) “Part 2 application” means a form prescribed by the officer to certify proposed rehabilitation work to an historic property;

(8) “Part 3 application” means a form prescribed by the officer to certify completed rehabilitation work to an historic property; and

(9) “Qualified rehabilitation expenditures” means costs as defined in public act 99-173 section 34.

(Adopted effective February 7, 2000)

Sec. 10-320j-2. Determinations of historic property status

Before the officer may certify the proposed rehabilitation work under section 10-320j-5, a building and any associated outbuilding shall be determined to be an historic property through the following processes:

(a) The owner shall submit a Part 1 application for a written determination by the officer of historic property status. The owner shall provide interior and exterior photographs as required to enable the officer to evaluate whether the building and any associated outbuilding qualify as an historic property.

(b) The officer shall review a complete Part 1 application not more than thirty calendar days after receipt. If the application is incomplete, the officer shall notify the owner in writing not more than thirty calendar days after receipt and indicate what information is needed to make the application complete. The owner shall have thirty calendar days after the date of notification by the officer to respond in writing. Upon written request by the owner on or before the original deadline, the officer shall grant an extension to the owner.

(c) Prior to any determination action, the officer may inspect the historic property to evaluate the historic character and significance of the historic property.

(d) If a building is individually listed on either the National Register of Historic Places or the State Register of Historic Places, and meets the definition of historic

home under public act 99-173 sections 34(2)(A) and (B), the officer shall approve the Part 1 application.

(e) If a building is located in a registered historic district, the officer shall certify that the building contributes to the historic character of the district if it meets the criteria under section 10-320j-3. If the building meets the criteria under section 10-320j-3 and meets the definition of historic home under public act 99-173 sections 34(2)(A) and (B), the officer shall approve the Part 1 application.

(f) If the officer determines that the building (1) is not listed in a registered district, or (2) does not meet the criteria under 10-320j-3, or (3) does not meet the definition of historic home under public act 99-173 sections 34(2)(A) and (B), the building shall not qualify as an historic property. The officer shall deny approval of the Part 1 application.

(g) The officer shall determine any associated outbuilding is contributing if by its location, design, materials, workmanship, and historical function it adds to the historical significance of the historic home.

(Adopted effective February 7, 2000)

Sec. 10-320j-3. Criteria for evaluating historic character within registered districts

A building shall be considered contributing to the historic character of the district if by location, design, setting, materials, workmanship, feeling and association it adds to the district's sense of time and place and historical development.

(Adopted effective February 7, 2000)

Sec. 10-320j-4. Standards for rehabilitation

The following standards shall be used by the officer in certifying proposed or completed rehabilitation work to an historic property:

(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

(2) The historic character of a property shall be retained and preserved. The removal or alteration of features and spaces that characterize a property shall be avoided.

(3) Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(4) Changes that have acquired historic significance in their own right shall be retained and preserved.

(5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

(6) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(7) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used.

(8) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

(10) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(Adopted effective February 7, 2000)

Sec. 10-320j-5. Certifications of proposed rehabilitation work

(a) Certification Application Requirements

(1) The owner shall submit a Part 2 application for a written certification by the officer of proposed rehabilitation work to an historic property. The owner shall provide (A) interior and exterior photographs of the historic property as required to document existing building conditions; (B) architectural drawings, specifications, or other technical information necessary to evaluate the proposed rehabilitation work; and (C) a written description of the proposed rehabilitation work.

(2) The officer shall review a Part 2 application if the owner has submitted a Part 1 application. The officer shall review a complete application not more than thirty calendar days after receipt. If the application is incomplete, the officer shall notify the owner in writing not more than thirty calendar days after receipt and indicate what information is needed to make the application complete. The owner shall have thirty calendar days after the date of notification by the officer to respond in writing. Upon written request by the owner on or before the original deadline, the officer shall grant an extension to the owner.

(3) Prior to any certification action, the officer may inspect the historic property to evaluate the proposed rehabilitation work to the historic property.

(b) Certification Actions

(1) If the proposed rehabilitation work to the historic property meets the rehabilitation standards, the officer shall approve the Part 2 application.

(2) If the proposed rehabilitation work to the historic property does not meet the rehabilitation standards, the officer shall notify the owner in writing what modifications to the proposed rehabilitation work are needed for approval of the application. The owner shall have thirty calendar days after the date of notification by the officer to respond in writing. Upon written request by the owner on or before the original deadline, the officer shall grant an extension to the owner. Failure to respond shall result in denial of certification. If the owner does not bring the proposed rehabilitation work to the historic property into conformance with the rehabilitation standards, the officer shall deny approval of the Part 2 application. The owner may reapply for certification of proposed rehabilitation work that has been denied by the officer. If the officer determines that the owner has made revisions to the proposed rehabilitation work to bring the project into conformance with the rehabilitation standards, the officer shall approve the Part 2 application.

(c) Rehabilitation work completed or in progress prior to approval of the Part 2 application shall not qualify for a reservation of tax credits.

(Adopted effective February 7, 2000)

Sec. 10-320j-6. Reservation of tax credits

(a) In order to obtain a tax credit reservation, the owner of an historic property shall (1) secure approval of a Part 2 application under section 10-320j-5 and (2)

submit with the Part 2 application a budget indicating estimated (A) total qualified rehabilitation and (B) itemized costs associated with major aspects of the proposed rehabilitation work.

(b) If prior to approval by the officer of the Part 2 application, changes are made to the proposed rehabilitation work, the owner shall amend the budget required under subsection (a) of this section.

(c) The officer shall reserve tax credits as provided for under public act 99-173 section 36(b) on the date the officer approves the Part 2 application. The officer shall reserve tax credits based on the total qualified rehabilitation expenditures indicated in subsection (a) of this section. Reservation of tax credits shall be subject to availability in any fiscal year.

(d) Tax credit reservations shall be valid for sixty months after the date of reservation.

(e) If in the same state fiscal year that the tax credit is reserved the owner notifies the officer in writing that the rehabilitation project has been canceled, or the Part II application is withdrawn by the owner, the tax credit reservation shall be canceled and the tax credit may be reallocated by the officer in the same state fiscal year.

(f) In any state fiscal year, if, at the time of receipt of the Part 2 application, the tax credits allowable under public act 99-173 section 37(d) have been exhausted, the officer shall notify the owner in writing and place the application on a waiting list. No certification action shall be taken by the officer, but the officer shall provide the owner with an advisory review of the application.

(g) If prior to approval of the Part 2 application, the officer determines that there is an insufficiency of tax credits to reserve equal to thirty percent of the qualified rehabilitation expenditures indicated under subsection (a) of this section, the officer shall notify the owner in writing. The owner shall have the option to (1) revise the proposed rehabilitation work and the budget required under subsection (a) of this section or (2) request that the Part 2 application be placed on a waiting list. The owner shall have thirty calendar days after the date of notification by the officer to respond in writing. If the owner fails to respond, the officer shall return the Part 2 application to the owner. The owner shall have the right to reapply. No certification action shall be taken by the officer for an application placed on a waiting list, but the officer shall provide the owner with an advisory review of the application.

(h) Part 2 applications placed on a waiting list shall be reviewed in order of receipt when tax credits become available. The officer shall notify the owner in writing of the availability of tax credits. The owner shall have thirty calendar days after the date of notification by the officer to request in writing that the officer initiate application review and the owner shall indicate any changes in proposed rehabilitation work or budget.

(Adopted effective February 7, 2000)

Sec. 10-320j-7. Amending an approved part 2 application

(a) The owner shall obtain written approval by the officer of any changes to the proposed rehabilitation work in the certified Part 2 application. The owner shall use a Part 2 application amendment form prescribed by the officer. Such changes include deleting work items, adding new work items or modifying the details of individual work items. The owner shall submit (1) a written description of the proposed change; (2) an estimate of the qualified rehabilitation expenditures; and (3) architectural drawings, specifications, or other technical information necessary to evaluate the proposed rehabilitation work.

(b) The officer shall review amendments to approved Part 2 applications not more than thirty calendar days after receipt and shall notify the owner in writing if additional information is required to complete review. The owner shall have thirty calendar days after the date of notification by the officer to respond in writing. Upon written request by the owner on or before the original deadline, the officer shall grant an extension to the owner.

(c) If the proposed changes meet the rehabilitation standards, the officer shall approve the Part 2 application amendment.

(d) If the proposed changes do not meet the rehabilitation standards, the officer shall notify the owner in writing what modifications to the rehabilitation work are needed for approval of the amendment. The owner shall have thirty calendar days after the date of notification by the officer to respond in writing. Upon written request by the owner on or before the original deadline, the officer shall grant an extension to the owner. Failure to respond shall result in denial of the amendment. If the owner does not bring the proposed rehabilitation work to the historic property into conformance with the rehabilitation standards, the officer shall deny the amendment.

(Adopted effective February 7, 2000)

Sec. 10-320j-8. Certification of completed rehabilitation work

(a) Certification Application Requirements

(1) After completion of the rehabilitation work, the owner of an historic property shall submit a Part 3 application for a written certification by the officer. The owner shall provide the officer with interior and exterior photographs of the historic property as required to document the completed rehabilitation work.

(2) The officer shall review a Part 3 application if the owner has obtained approval of the Part 2 application under section 10-320j-5. The officer shall review a complete Part 3 application not more than thirty calendar days after receipt. If the application is incomplete, the officer shall notify the owner in writing not more than thirty calendar days after receipt and indicate what information is needed to make the application complete. The owner shall have thirty calendar days after the date of notification by the officer to respond in writing. Upon written request by the owner on or before the original deadline, the officer shall grant an extension to the owner.

(3) Prior to any certification action, the officer may inspect the historic property to evaluate the completed rehabilitation work to the historic property.

(b) Certification Action

(1) If the completed rehabilitation work to the historic property meets the rehabilitation standards, the officer shall approve the Part 3 application.

(2) If the completed rehabilitation work to the historic property does not meet the rehabilitation standards, the officer shall notify the owner in writing and indicate what remedial action may be taken to bring the rehabilitation work into conformance with the rehabilitation standards. The owner shall have thirty calendar days after the date of notification by the officer to respond in writing. Upon written request by the owner on or before the original deadline, the officer shall grant an extension to the owner. If the rehabilitation work is not brought into conformance with the rehabilitation standards, the officer shall deny approval of the Part 3 application.

(Adopted effective February 7, 2000)

Sec. 10-320j-9. Issuance of tax credit vouchers

(a) As used in this section, “contributing” means providing funds, including cash, grants, or extensions of credit, with, in cases of extension of credit, the tax

credit being applied toward the reduction of the amount owing on the extension of credit.

(b) In order to obtain a tax credit voucher, the owner shall (1) secure approval of a Part 3 application under section 10-320j-6 and (2) submit (A) a signed statement certifying total qualified rehabilitation expenditures; (B) financial documentation in accordance with subsection (c) of this section; and (C) a signed statement providing an assurance of owner-occupancy in accordance with public act 99-173 section 36(d).

(c) The owner shall provide the officer with (1) a mechanics lien waiver for each construction contract or copies of construction bills marked paid in full by the contractor and (2) an accounting of qualified rehabilitation expenditures.

(d) The owner shall request in writing to the officer that the tax credit voucher be issued either to the owner or to the taxpayer named by the owner as contributing to the rehabilitation of the historic property and shall provide the social security number, taxpayer identification number, Federal Employer Identification Number (FEIN), or Connecticut Tax Registration Number, as applicable, for the owner or the taxpayer so named. If two or more taxpayers are so named, the owner shall provide the necessary documentation for each taxpayer and shall specify the percentage of the total tax credit to be allocated to each voucher recipient. The owner shall provide a notarized statement certifying that any taxpayer so named is contributing to the rehabilitation of the historic property and shall provide documentation to that effect from any taxpayer so named.

(e) The officer shall issue a tax credit voucher in accordance with public act 99-173 section 36(c) not more than thirty calendar days after receipt of complete documentation required under subsections (b) and (d) of this section. If the documentation is incomplete, the officer shall notify the owner in writing not more than thirty calendar days after receipt and indicate what information is necessary to make the documentation complete. The owner shall have thirty calendar days after the date of notification by the officer to respond in writing. Upon written request by the owner on or before the original deadline, the officer shall grant an extension to the owner.

(f) Tax credit vouchers issued under subsection (e) of this section shall not be transferable.

(g) The officer shall forward a copy of the tax credit voucher to the State of Connecticut Department of Revenue Services.

(Adopted effective February 7, 2000)

TABLE OF CONTENTS

Course and Method of Operation

Administrative structure 10-321- 1

Course and method of operation. 10-321- 2

Meetings 10-321- 3

State register of historic places 10-321- 4

Nomination to the national register of historic places 10-321- 5

National register grants 10-321- 6

State grants-in-aid for historic preservation 10-321- 7

Standards and criteria for historic districts 10-321- 8

Public information policy 10-321- 9

Requests for information. 10-321-10

Town markers 10-321-11

Petition for promulgation, amendment or repeal of a regulation. 10-321-12

Course and Method of Operation

Sec. 10-321-1. Administrative structure

For administrative purposes, the agency shall consist of (1) Office of Historic Preservation (2) Office of Museum Administration.

(Effective June 2, 1977)

Sec. 10-321-2. Course and method of operation

The Office of Historic Preservation and the Office of Museum Administration shall be under the general charge of the Director. The Office of Historic Preservation shall be concerned with preserving the state's historical resources, administering the Department of the Interior's National Register of Historic Places program, administering the Department of the Interior's National Register of Historic Places grants-in-aid program, formulating standards and criteria to guide municipalities in the evaluation, delineation and establishment of historic districts, commenting on state, federal and local environmental reviews to determine projects on the state's cultural heritage and maintaining the state historic preservation plan. The Office of Museum Administration shall be responsible for the development and operation of the Commission's properties and for educational and other museum related programs.

(Effective June 2, 1977)

Sec. 10-321-3. Meetings

The Connecticut Historical Commission shall meet monthly at 277 Main Street, Hartford. The times and places of each monthly meeting shall be on file in the office of the Secretary of the State. Meetings shall be conducted in accordance with Robert's Rules of Order.

(Effective June 2, 1977)

Sec. 10-321-4. State register of historic places

1) Historic structures and landmarks for inclusion in the State Register shall be nominated by the Office of Historic Preservation and designated by the Commission.

2) The following criteria shall be the standards used in evaluating and determining eligibility of properties for listing on the State Register of Historic Places:

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of State and local importance that possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

(1) That are associated with events that have made a significant contribution to our history and the lives of persons significant in our past; or

(2) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(3) That have yielded, or may be likely to yield, information important in prehistory or history.

(Effective June 2, 1977)

Sec. 10-321-5. Nomination to the national register of historic places

Requests for consideration of the nomination of a building, site or district to the National Register of Historic Places shall be made in writing and may be submitted by site owners, government officials, interested citizens, Commission members or Commission staff. The request for consideration of a National Register of Historic

Places nomination shall be accompanied by photographs, a written description and a statement of the significance of the potential nominee.

Owners of properties suggested for nomination to the National Register of Historic Places shall be notified of the State's intent to nominate the property by certified mail at least thirty days prior to the final decision of the nomination of the property. Persons wishing to comment on the nomination shall do so in writing during the period of thirty days commencing with the date of the notice.

In the case where a district containing five or more properties is being nominated to the National Register of Historic Places, notice shall be given by publication of a legal advertisement twice, at least seven days apart, in a newspaper having substantial circulation in the municipality wherein the property is located. Interested persons wishing to comment shall do so in writing on the nomination during the period of thirty days commencing with the date of publication of the first legal advertisement.

The chief executive officer of the municipality in which is located a building, site or district being considered for nomination to the National Register shall be notified by certified mail of the State's intent to nominate the property at least thirty days prior to the final decision on the nomination of the property.

Administration of the National Register of Historic Places program shall be carried out in accordance with the regulations of the United States Department of the Interior, National Park Service concerning the National Register of Historic Places. Where Federal regulations may be inconsistent with State regulations, the Federal regulations shall apply.

(Effective June 2, 1977)

Sec. 10-321-6. National register grants

Applications for grants-in-aid from the National Park Service to assist owners of properties on the National Register of Historic Places in the preservation and acquisition of said properties shall be made on forms prescribed by the Commission and available at its office on written request.

Applications for grants-in-aid from the National Park Service for the identification and recording of the State's historical and archaeological resources in specific areas may be made by municipalities, state agencies, Regional Planning Agencies or not-for-profit corporations. Applications shall be in the form prescribed by the Commission.

Administration of the National Register of Historic Places grants-in-aid program shall be carried out in accordance with the guidelines, procedures and regulations of the United States Department of the Interior, National Park Service, and all applicable State Laws.

(Effective June 2, 1977)

Sec. 10-321-7. State grants-in-aid for historic preservation

1) Historic structures and landmarks for which grant assistance is being sought shall be authentic historic structures or landmarks and be identified as such in the State Register of Historic Places.

2) Applications for financial assistance shall be made on forms prescribed by the Commission and available upon written request at its office. Applicants shall also furnish a statement of financial need, a statement of the method and sources of funding; a statement of the historical significance of the property; any element of urgency for the project; black and white photographs of at least five inches by seven

inches depicting the area of the work to be accomplished; and a statement of the proposed hours and fees for public visitation.

(Effective June 2, 1977)

Sec. 10-321-8. Standards and criteria for historic districts

Standards and criteria for guidance in the evaluation, delineation and establishment of historic districts shall be available upon request at the office of the Connecticut Historical Commission.

(Effective June 2, 1977)

Sec. 10-321-9. Public information policy

In accordance with the Connecticut General Statutes, Chapter 3, Public Records and Meetings, as amended, the Commission shall make available for public inspection all of its public records and files not exempt from disclosure.

(Effective June 2, 1977)

Sec. 10-321-10. Requests for information

Requests for information from the Commission shall be made in writing addressed to the Director. Brochures describing Commission activities and programs are available without charge at the offices of the Commission.

(Effective June 2, 1977)

Sec. 10-321-11. Town markers

Applications an historical marker may be made by municipalities and shall be submitted on forms prescribed by the Commission and available at its office. Such application shall not be valid unless it is signed by the Chief Executive Officer of such municipality and contains the proposed text for the marker and the town's agreement to erect the marker within sixty days of delivery and to maintain the site on which the marker will rest. The text shall be subject to approval of the Commission. The application shall be accompanied by a copy of the resolution of the local legislative body approving the application and authorizing its submission. If approved by the Commission, the historical marker will be delivered to the Chief Executive Officer. Should the municipality fail to comply with the terms of its agreement to maintain the site, the Commission may take the necessary steps to have the marker removed.

(Effective June 2, 1977)

Sec. 10-321-12. Petition for promulgation, amendment or repeal of a regulation

Any interested person may at any time petition the agency to promulgate, amend or repeal any regulation. The petition shall set forth clearly and concisely the text of the proposed regulation, amendment or repeal. Such petition shall also state the facts and arguments that favor the action it proposes by including such data, facts and arguments either in the petition or in a brief annexed thereto. The petition shall be addressed to the director by mail or delivered in person at the office of the agency during normal business hours. Upon receipt of the petition the director shall within thirty (30) days determine whether to deny or to initiate regulation making proceedings in accordance with law. If the director denies the petition, the director shall give the petitioner notice in writing, stating the reasons for the denial based on the data, facts and arguments submitted with the petition by the petitioner and upon such additional data, facts and arguments as the director shall deem appropriate.

(Effective June 2, 1977)

TABLE OF CONTENTS

Categories of Planning

Descriptive listing	10-324-1
Revisions.	10-324-2
Exemptions	10-324-3
Conflicting interpretations.	10-324-4

Categories of Planning

Sec. 10-324-1. Descriptive listing

The commission for higher education shall maintain on file for each institution in the public system of higher education a descriptive listing that includes: (1) Academic departments or administrative units organized on the basis of subject, discipline, or field of study; (2) administrative units, such as schools, colleges and centers, embracing more than one academic department; (3) programs leading to academic degrees; (4) programs leading to a certificate in a recognized occupation for which employment qualifications may be acquired; and (5) geographical locations at which programs are offered.

(Effective October 26, 1971)

Sec. 10-324-2. Revisions

Any new program planned by an institution that will result in a change in any of subdivisions (1) to (5), inclusive, of section 10-324-1 shall be submitted to the commission for higher education for its approval in a format established by said commission. Any other action which would affect the descriptive listing of said subdivisions (1) to (5), inclusive, shall be reported to the commission for higher education for informational purposes at least sixty days prior to final adoption by an institution or its governing board.

(Effective October 26, 1971)

Sec. 10-324-3. Exemptions

On the basis of good causes as determined by the commission for higher education, compliance with specific conditions in sections 10-324-1 and 10-324-2 may be waived.

(Effective October 26, 1971)

Sec. 10-324-4. Conflicting interpretations

The commission for higher education in accordance with section 10-324 (a) (1) of the general statutes shall be responsible for resolving conflicts of interpretation involving plans for development in subdivisions (1) to (5), inclusive, of section 10-324-1.

(Elective October 26, 1971)

TABLE OF CONTENTS

**Licensing and Accrediting of Programs and
Institutions of Higher Learning**

Repealed 10-330- 1

Requirements for Licensure and Accreditation

Repealed 10-330-2—10-330- 5

Evaluations

Repealed 10-330-6—10-330-10

Criteria for Evaluation

Repealed 10-330-11—10-330-20

Repealed 10-330-21—10-330-22

**Licensing and Accrediting of Programs and
Institutions of Higher Learning**

Secs. 10-330-1—10-330-20.

Repealed, March 7, 1986.

Secs. 10-330-21—10-330-22.

Repealed, September 10, 1975.

TABLE OF CONTENTS

Agency Description and Functions

Description of organization 10-369- 1

Executive director 10-369- 2

Official address. 10-369- 3

Maintenance of records, public inspection 10-369- 4

Petition for requesting the promulgation, amendment or repeal of regulations 10-369- 5

Petitions relating to other matters 10-369- 6

Hearing procedure 10-369- 7

Granting procedure. 10-369- 8

Standard form of contract 10-369- 9

Repealed 10-369-10

Agency Description and Functions

Sec. 10-369-1. Description of organization

The Connecticut Commission on the Arts is created by Sec. 10-369, General Statutes and conducts its work through a public agency which is organized in this way: a board consisting of twenty-five members of the Commission, a division of funding support and technical support, and administrative services. It is the duty of the Commission board to conduct the state's business in the overall management and operation of the agency, to exercise general control and supervision of the agency's programs and services, to administer investments, to authorize distribution of state, federal and any other funds given it in accordance with established guidelines, and to encourage within the state or in association with other states, or both, participation in, promotion, development, acceptance and appreciation of artistic and cultural activities.

Funding support is responsible for research, field work, casework and technical assistance related to all arts programming, and for preparation of applications for funding and grants statewide, for presentation to management and approval by the members of the Commission.

Technical support is responsible for collecting, organizing and disseminating information on the arts; it supervises preparation and processes publications, serves as a public center for information exchange, and performs information services related to the internal functioning of the agency.

Administrative services is responsible for internal systems and procedures, personnel and payroll, fiscal and budget, accounting and purchasing, supervision of clerical, support and other staff, and management of the agency generally.

(Effective July 29, 1983)

Sec. 10-369-2. Executive director

The Executive Director, appointed by the governor, has the general responsibility as administrative agent of that board, for the operations of the agency. The Executive Director appoints assistants to perform assigned duties in his/her absence, and otherwise delegates agency functions to staff, consultants, field offices and all personnel.

(Effective July 29, 1983)

Sec. 10-369-3. Official address

All communications should be addressed to the Executive Director, Connecticut Commission on the Arts, 340 Capitol Avenue, Hartford, Connecticut 06106.

(Effective November 21, 1978)

Sec. 10-369-4. Maintenance of records, public inspection

The records of the Connecticut Commission on the Arts are maintained in its Hartford office at 340 Capitol Avenue, and are available for inspection during business hours upon written request. Published regulations, policy statements, administrative rulings, decisions, orders, interpretations, findings, and guidelines are available at the office of the Executive Director.

(Effective November 21, 1978)

Sec. 10-369-5. Petition for requesting the promulgation, amendment or repeal of regulations

All petitions relating to regulations must be addressed to the Connecticut Commission on the Arts and transmitted through the office of the Executive Director.

Petitions shall be in writing, signed by the petitioner, specify the desired text of the regulation or amendment or repeal, and state the reasons for urging the action. The Commission will notify the petitioner and interested persons affected by the proposal of the times for consideration, hearings, referral to other agencies where required and give notice of its resolution.

(Effective November 21, 1978)

Sec. 10-369-6. Petitions relating to other matters

Petitions relating to the arts and requests for appearance before the Commission on the Arts, succinctly stated in writing and signed, must be presented to the Executive Director not less than 10 business days prior to the Commission's regularly scheduled meeting for inclusion in the agenda for a special, or next regular, board meeting. Board action will be taken at the appropriate time, and petitioners so notified, except where the General Statutes specify other procedures to be followed.

(Effective November 21, 1978)

Sec. 10-369-7. Hearing procedure

Hearings will be conducted in accordance with the requirements of Secs. 4-177 through 4-183, as amended. Conferences, interviews, formal hearings prescribed by statutes, or held as part of the administrative processes of the Connecticut Commission on the Arts will be conducted on an informal basis, using rules and standards reasonably adapted to the purposes for which such meetings are held.

(Effective November 21, 1978)

Sec. 10-369-8. Granting procedure

Applications for financial assistance from artists, arts organizations, and other groups and agencies within or without the state providing arts services for the benefit of Connecticut residents, are reviewed by staff and/or peer panels and referred to the Commission for action. The Commission, with reference to established criteria, makes determination that certain grants be awarded on behalf of the agency. All criteria for funding is published annually, widely disseminated throughout the state, and incorporated as part of the information packet that is given to all applicants. Specific details concerning applicant eligibility are available to the public at all times.

(Effective July 29, 1983)

Sec. 10-369-9. Standard form of award

Following is the standard form of award for entering into agreements to provide grants, loans or advances to individuals, organizations, or institutions, public or private, who are engaged in or plan to engage in artistic and cultural programs or activities within the state, or in association with other states; or who are engaged in and plan to engage in the promotion, development or encouragement of artistic and cultural programs or activities within the state, or in association with other states, or both.

- original
- modification

LETTER OF AWARD

CCA-1 3/83 **CONNECTICUT COMMISSION ON THE ARTS**
340 CAPITOL AVENUE
HARTFORD, CT 06106

AWARDEE _____	AMOUNT \$ _____
ADDRESS _____	DATE ISSUED _____
_____	AWARD # _____
PROJECT DIRECTOR _____	APPL. # _____
TELEPHONE NUMBER _____	FUNDING PERIOD _____

PROJECT DESCRIPTION:

Matching Funds Required	Statutory Authority	Commission on the Arts
\$ _____ Cash	Public Act #78-187	Funding Code
	Section 10-310	

ACCEPTANCE OF AWARD, TERMS & CONDITIONS	AWARDEE (Corporate/Legal Name of Applicant)	
	SIGNATURE (Authorized Official)	DATE (Of Signature)
	NAME (Typed Name of Authorized Official)	TITLE
CERTIFICATION Please affix corporate seal	I certify that the above-named official who signed this Award on behalf of the Awardee holds the position indicated and that said Award is within the scope of the corporate powers of the Awardee. I further certify that the above-named authorized official has been empowered to sign legal documents on behalf of the above-named Awardee and the Connecticut Commission on the Arts. Furthermore, that a resolution to this effect was passed at a meeting of the corporation held as indicated.	
	RESOLUTION PASSED (Date)	AT (Address)
	SEC. OF THE CORPORATION (Typed Name)	SIGNATURE (Secretary)
	CONN. COMMISSION ON THE ARTS	TITLE EXECUTIVE DIRECTOR
	TITLE CHAIRMAN	DATE
		RECOMMENDED (Signature)
		ACCEPTED & APPROVED (Signature)

PLEASE BE CERTAIN TO READ CAREFULLY THE TERMS OF THE AWARD

THE FOLLOWING TERMS, AS REQUIRED BY THE STATE OF CONNECTICUT AND THE NATIONAL ENDOWMENT FOR THE ARTS, GOVERN THE USE OF THIS AWARD:

1. The Awardee agrees and warrants that in the performance of this award the Awardee shall not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, sex, mental retardation or physical disability, including but not limited to blindness, unless it is shown by such Awardee that such disability prevents performance of the work involved in any manner prohibited by the laws of the United States or of the State of Connecticut, and further agrees to provide the Commission on Human Rights and Opportunities with such information requested by the Commission concerning the employment practices and procedures of the Awardee as relate to the provision of Sec. 4-114a of the Connecticut General Statutes, as amended.
2. This award is subject to the provisions of Executive Orders number 3 and 17 of Governor Thomas J. Meskill, promulgated on June 16, 1971 and February 15, 1973, respectively. As such, this Award may be cancelled, terminated, or suspended by the Awarding agency or the State Labor Commissioner for violation of or noncompliance with said Executive Orders, or any state or federal law concerning nondiscrimination, notwithstanding that the Labor Commissioner is not a party to this Award. The parties to this Award, as part of the consideration hereof, agree that Executive Orders number 3 and 17 are incorporated herein by reference and made a part hereof. The parties agree to abide by said Executive Orders and agree that the Awarding agency and the State Labor Commissioner shall have joint and several continuing jurisdiction in respect to performance of the Award in regard to the requirements of the above referenced Executive Orders, which are available upon request.
3. Awardee agrees not to use award funds allotted by the Commission for construction or renovation of buildings.
4. The State of Connecticut assumes no liability for payment under the terms of this award agreement until (1) the awardee is notified that said award agreement has been approved by the Commission on the Arts and signed by the Chairman, and (2) the Commission on the Arts has received its appropriation for the fiscal year relevant to the award.
5. Award funds will be expended for the project as described above according to the application budget and within the period of the agreement unless a request in writing for a change is made and approved by the Commission. Unexpended funds will be returned to the Commission.
6. The grantee shall, at its own expense, provide for an audit acceptable to the grantor, in accordance with the provisions of Section 7-396a of the Connecticut General Statutes. This requirement is defined as follows: All grantees shall submit a final report, within sixty (60) days of the completion of the project, on forms that will be furnished by the Commission. In addition, a grantee receiving a grant of \$10,000.00 or more, shall at its own expense cause to be prepared and delivered to the Commission an audit performed by an independent public accountant; such audit shall be performed in accordance with generally accepted accounting principles and shall identify any expenditures made by the grantee that are not in compliance with the terms of the contract. All grantees agree that fiscal records pertaining to the project shall be maintained in accordance with the budget approved by the Commission for a period of not less than three years. Such records will be made available to state and/or federal auditors upon request.
7. In any news release or printed material describing or promoting the grant project, appropriate credit will be given to the Arts Commission. The phrase "with the support of the Connecticut Commission on the Arts" is considered adequate. Whenever possible, projects should be documented and photographed and the Commission should be advised of the availability of this material or copies thereof.
8. All compensation to professional performers and related or supporting professional personnel shall be not less than the normal minimum compensation for persons employed in similar activities. No project will be conducted under conditions which are unsanitary, or hazardous, or dangerous to the health and safety of the employees engaged in the activity.

(Effective July 29, 1983)

Sec. 10-369-10.

Repealed, July 29, 1983.

TABLE OF CONTENTS

State Archaeological Preserves

Designation criteria	10-384-1
Special conditions	10-384-2
Designation	10-384-3
Effects of designation	10-384-4

State Archaeological Preserves

Sec. 10-384-1. Designation criteria

(a) The following criteria shall constitute an adequate basis for evaluating and determining the eligibility of properties for designation as state archaeological preserves:

(1) Listing on the National Register of Historic Places in accordance with the provisions set forth in 36 CFR 60, as amended from time to time, and nominated as being of state or national significance; or

(2) Listing in the state register of historic places in accordance with section 10-321-4 and nominated as being of state or national archaeological significance; or

(3) Designation of state lands by the Commissioner of Environmental Protection as a site set aside for the reburial of Native American skeletal remains in accordance with section 10-389(b) of the Connecticut General Statutes.

(b) The boundaries of the subject property shall be determined by the Connecticut Historical Commission.

(c) The Connecticut Historical Commission may require additional information from the applicant to assist in its determination of designation, and the information shall be submitted by the applicant.

(Adopted effective April 11, 2000)

Sec. 10-384-2. Special conditions

(a) The State Archaeologist, the Native American Heritage Advisory Council, and owners of property under consideration for designation as state archaeological preserves shall be notified of the implications of such proposed designation via certified mail by the Connecticut Historical Commission at least 45 days prior to final consideration by the Connecticut Historical Commission of such a designation.

(b) No privately owned site or land shall be designated without the written consent of each property owner of record as shown in the tax assessment lists and land records of the relevant municipality.

(c) The State Archaeologist and, if there is evidence of Native American archaeological remains, the Native American Heritage Advisory Council shall provide written recommendations concerning each property under consideration as a state archaeological preserve to the Connecticut Historical Commission no later than 30 days after the date of the certified notification provided under subsection (a) of this section.

(Adopted effective April 11, 2000)

Sec. 10-384-3. Designation

(a) The Connecticut Historical Commission shall designate any site which meets the designation criteria and the administrative requirements set forth in sections 10-384-1 and 10-384-2 of the Regulations of Connecticut State Agencies as a state archaeological preserve.

(b) Certified notification of the designation shall be conveyed by the Connecticut Historical Commission to the owner and any occupant of the property. Written notification of the designation shall be conveyed by the Connecticut Historical Commission to the State Archaeologist and the Native American Heritage Council. The Connecticut Historical Commission shall cause notice of such designation to be filed on the land records in the town where such preserve is located.

(c) The Connecticut Historical Commission shall maintain a list of all designated state archaeological preserves.

(Adopted effective April 11, 2000)

Sec. 10-384-4. Effects of designation

(a) No person without a permit shall excavate, damage or otherwise alter or deface the archaeological integrity or sacred importance of a designated state archaeological preserve. Activities which continue existing uses and do not involve further ground disturbance are not deemed to destroy, alter, disturb or impair such sites.

(b) Any person proposing any activity on property that has been designated a state archaeological preserve shall file written notification of such proposed activity with the Connecticut Historical Commission at least 60 days before initiation of such activity. The notification must include a detailed description of the proposed activity and a site plan showing its location in relation to the designated site.

(c) The applicant shall have the burden of proving that the proposed activity will not excavate, damage or otherwise alter or deface the existing condition of the designated site. The Connecticut Historical Commission reserves the right to deny any proposed activity.

(d) No person shall collect, gather or otherwise remove any artifact or other archaeological material from a designated state archaeological preserve or conduct any archaeological field investigations without securing a permit to do so from the Connecticut Historical Commission in accordance with section 10-386 of the Connecticut General Statutes.

(e) The Connecticut Historical Commission, in cooperation with the State Archaeologist, shall develop guidelines for the care and use of state archaeological preserves.

(f) The Connecticut Historical Commission shall revoke the designation from any site if it deems such site no longer possesses archaeological significance.

(Adopted effective April 11, 2000)

TABLE OF CONTENTS

Archaeological Permits

Permits	10-386-1
Professional qualifications.	10-386-2
Research design	10-386-3
Performance and curation requirements	10-386-4
Special conditions	10-386-5

Archaeological Permits

Sec. 10-386-1. Permits

(a) Any person may apply in writing to the Connecticut Historical Commission for a permit to conduct archaeological field studies on state lands or designated state archaeological preserves.

(b) No permit shall be required for the use of metal detectors or similar electronic detection apparatus at state owned beach areas. All such activity shall be conducted in accordance with Connecticut Department of Environmental Protection, Bureau of Outdoor Recreation current directives and regulations.

(c) No permit shall be issued for any field investigation or excavation or both that would disturb a known Native American cemetery, burial site or other sacred site as defined in section 10-381(5) of the Connecticut General Statutes located on state lands or on a state archaeological preserve unless the following have been satisfied.

(1) Thirty days advance written notification has been given by the permit applicant to the Native American Heritage Advisory Council requesting its review; and

(2) If any human skeletal remains discovered are to be excavated, the permit holder and the State Archaeologist shall have entered into a written agreement pursuant to section 10-388(d) of the Connecticut General Statutes.

(Adopted effective April 11, 2000)

Sec. 10-386-2. Professional qualifications

(a) To receive an archaeological permit, a principal investigator must possess the following professional qualifications:

(1) A graduate degree, from an accredited institution of higher learning, in archaeology, anthropology, material culture studies or a closely related field;

(2) At least sixteen months of professional experience or specialized training in archaeological field, laboratory or library research including at least four months of field experience in general North American archaeology and at least six months of experience in a supervisory role in northeastern archaeology; and

(3) At least six months field and laboratory experience in sites and materials of the type and period of the site which will be investigated (e.g.: six months experience in historical archaeology if the site is historical; or six months experience in prehistoric archaeology if the site is prehistoric).

(b) Any person lacking the prerequisite training and experience required in the above section may file for a permit for archaeological investigation on state lands if a principal investigator meeting the requirements of subsection (a) of this section agrees in writing to sponsor such an applicant. Both the permit holder and the sponsoring archaeologist shall be responsible for all permit-related research and performance standards noted in subsequent sections.

(c) No permit shall be issued for archaeological investigation of a state archaeological preserve except under the qualification standard of subsection (a) of this section.

(Adopted effective April 11, 2000)

Sec. 10-386-3. Research design

(a) All proposed archaeological investigations shall, to the extent possible and practicable as determined by the Connecticut Historical Commission, be conducted in a manner designed to further the public's knowledge and understanding of Connecticut's archaeological heritage.

(b) Research shall be designed to maximize, as determined by the Connecticut Historical Commission, the in situ conservation of archaeological resources.

(c) The applicant shall submit to the Connecticut Historical Commission the written consent for the proposed archaeological investigation from:

- (1) the property owner of a state archaeological preserve; or
- (2) the state agency with custody or control over the subject state lands.

(d) The applicant shall submit to the Connecticut Historical Commission written evidence that the proposed archaeological investigation will be:

- (1) consistent with the site-specific management plan prepared for a state archaeological preserve; or,
- (2) consistent with applicable agency management plans for the operation or use of state lands.

(e) The applicant shall provide to the satisfaction of the Connecticut Historical Commission a written project schedule and research plan which describes the purpose of the proposed archaeological investigation; the estimated timing and duration of field research; the field methods and investigative strategies to be employed; laboratory tests and analysis which may be used; and a justification as to why archaeological resources located within the study area should be investigated.

(Adopted effective April 11, 2000)

Sec. 10-386-4. Performance and curation requirements

(a) The permit holder shall carry out all permitted activities in accordance with the performance and reporting standards specified in the Connecticut Historical Commission's Environmental Review Primer for Connecticut's Archaeological Resources.

(b) The permit holder shall file quarterly reports with the Connecticut Historical Commission and the State Archaeologist that describe all field activities undertaken and inventories all materials collected, gathered or otherwise recovered from the permitted area. Connecticut Historical Commission inventory form shall be used as the preferred format for reporting site-specific information.

(c) The permit holder shall, as required by section 10-388 of the Connecticut General Statutes, immediately notify the Connecticut Historical Commission and the State Archaeologist if the presence of human skeletal remains are suspected or discovered on site. In such a case, all further archaeological studies shall immediately cease.

(d) All artifactual materials which are collected, excavated, or removed from state lands and all associated records and data shall be repositied with the State Archaeologist as required by section 10-383 of the Connecticut General Statutes.

(Adopted effective April 11, 2000)

Sec. 10-386-5. Special conditions

(a) The permit shall be kept by the permit holder or an authorized representative, who has been approved by the Connecticut Historical Commission at the authorized survey area when archaeological studies are in progress.

(b) The permit holder or the authorized representative shall be in attendance at the authorized survey area whenever archaeological investigations are in progress and shall be responsible for the work and compliance with the performance standards of the Connecticut Historical Commission's Environmental Review Primer for Connecticut's Archaeological Resources.

(c) All permit holders shall comply with all special conditions, requests, or directives of the Connecticut Historical Commission with respect to the archaeological studies authorized by said permits.

(d) Each permit holder shall restore all test units and excavation areas to the conditions which existed prior to the initiation of the archaeological investigations. No permit shall be construed to authorize any activity except as noted in the permit application.

(e) All permits shall be valid for a maximum of twelve(12) months and only with regard to the state land or state archaeological preserve specifically identified.

(f) Representatives of the Connecticut Historical Commission may at any time visit and inspect the permit site and associated activities without prior notice to the permit holder. Said permit holder shall cooperate fully with said representatives during their inspection.

(g) The Connecticut Historical Commission shall revoke any permit at any time if the permit holder does not undertake proposed archaeological studies in accordance with section 10-386-4 of the Regulations of Connecticut State Agencies. When a permit is revoked, all recovered materials related to the authorized activity, including but not limited to artifacts, artifact catalogues, maps, field notes and other records necessary to identify the same shall be delivered immediately by the permit holder to the State Archaeologist.

(h) The Connecticut Historical Commission, in issuing any permit, accepts no legal responsibility for any damage, direct or indirect, of whatever nature and by whomever suffered arising out of permitted activities. The permit holder fully and completely assumes the risks, if any, arising from activities relating to the authorized site investigation and assumes full and complete responsibility for determining the potential risks and dangers, apparent or latent, of such activities.

(i) The Connecticut Historical Commission shall review and act, in consultation with the State Archaeologist, upon all complete permit applications within 60 working days.

(Adopted effective April 11, 2000)

TABLE OF CONTENTS

Historic Structures Rehabilitation Tax Credits

Definitions.	10-416a- 1
General rules	10-416a- 2
Determination of historic structure status	10-416a- 3
Criteria for evaluating historic character within a registered historic district	10-416a- 4
Approval of proposed rehabilitation plan	10-416a- 5
Amending an approved rehabilitation plan	10-416a- 6
Standards for rehabilitation.	10-416a- 7
Preliminary certification and reservation of tax credits	10-416a- 8
Rating criteria for preliminary certification	10-416a- 9
Final certification	10-416a-10
Issuance of tax credit vouchers.	10-416a-11
Fees for processing applications	10-416a-12

Historic Structures Rehabilitation Tax Credits

Sec. 10-416a-1. Definitions

As used in sections 10-416a-1 to 10-416a-12, inclusive, of the Regulations of Connecticut State Agencies, the following terms shall have the following meanings:

(1) “Assignor” means an owner or multiple owners to whom the tax credit voucher is originally issued by the commission;

(2) “Assignee” means a holder of a tax credit voucher as a result of a transfer by the assignor;

(3) “Certified historic structure” means a certified historic structure as defined in public act 06-186 section 82;

(4) “Commission” means the Connecticut Commission on Culture and Tourism established pursuant to section 10-392 of the Connecticut General Statutes;

(5) “Complex” means a property that either is listed individually on the National or State Register of Historic Places or is located in a district listed on the National or State Register of Historic Places and that has two or more buildings that have been functionally related historically;

(6) “Contributing taxpayer” means a third-party taxpayer named by the owner or multiple owners to receive the tax credit voucher;

(7) “Executive Director” means the executive director of the commission appointed under section 10-393 (c) of the Connecticut General Statutes or that person’s designee;

(8) “Identifiable portion of the building” means an entire floor, a section of the building separated from another section by a firewall or, in buildings with several periods of construction, a section that represents a distinct period of construction;

(9) “Inspection” means an on-site visit by an authorized representative of the commission for the purposes of reviewing and evaluating the significance of the certified historic structure and the proposed, ongoing or completed rehabilitation work;

(10) “Multiple owners” means either direct owners in the form of tenants-in-common or indirect owners in cases where the limited liability partnership or limited liability company undertaking a certified rehabilitation includes more than one person or business entity as partners or members;

(11) “Owner” means owner as defined in public act 06-186 section 82;

(12) “Phased project” means an undertaking where the proposed rehabilitation work to a certified historic structure is to be completed in two or more stages of development;

(13) “Placed in service” means placed in service as defined in public act 06-186 section 82;

(14) “Project” means an undertaking involving rehabilitation work to a certified historic structure and any attached or adjacent new construction, associated demolition or improvements on the site that may affect the historic character or significance of the certified historic structure;

(15) “Qualified rehabilitation expenditures” means qualified rehabilitation expenditures as defined in public act 06-186 section 82;

(16) “Rehabilitation” means the preservation of a historic building, its component elements and its structural system by means of repairs or selective replacement of worn out materials and alterations that are consistent with the building’s historic character;

(17) “Rehabilitation plan” means rehabilitation plan as defined in public act 06-186 section 82;

(18) “Registered historic district” means a district that is listed on either the National or State Register of Historic Places;

(19) “Standards” means the Standards for Rehabilitation as specified under section 10-416a-7 of the Regulations of Connecticut State Agencies; and

(20) “Substantial rehabilitation” means substantial rehabilitation as defined in public act 06-186 section 82.

(Adopted effective January 2, 2007)

Sec. 10-416a-2. General rules

(a) Who May Apply

(1) Applications shall be submitted by the owner of a property listed on the National or State Register of Historic Places or, in cases of multiple owners, application may be made by a duly authorized joint owner, partner or member on behalf of the owners.

(2) For purposes of sections 10-416a-3 and 10-416a-5 of the Regulations of Connecticut State Agencies, a person or business entity that is not the owner of a property listed on the National or State Register of Historic Places shall be eligible to apply provided such person or business entity submits evidence that the owner has been informed of the application and has no objection to the filing.

(3) If a complex constitutes more than one legal parcel and the parcels are under separate ownership, the owner of the legal parcel who is seeking tax credits shall be eligible to apply.

(b) How to Apply

(1) The owner shall submit requests for approvals, certifications, reservation of tax credits and issuance of a tax credit voucher on forms prescribed by the commission. In cases where the owner also seeks to claim the federal historic preservation investment tax credit for a building located in a district listed on the National Register of Historic Places, applications for determination of historic structure status and approval of proposed rehabilitation plan may be made on the Part 1 or Part 2 applications, respectively, of the Historic Preservation Certification Application used by the National Park Service, with such additional forms and information as may be required by the commission.

(2) The owner may apply at any time during a state fiscal year, subject to the application requirements under sections 10-416a-3, 10-416a-5, 10-416a-8, and 10-416a-10 and 10-416a-11 of the Regulations of Connecticut State Agencies.

(3) No owner shall be eligible to apply for a preliminary certification and reservation of tax credits for more than one certified historic structure in a state fiscal year.

(c) Commission Review

(1) The commission shall review and issue a decision not more than thirty calendar days after receipt of a complete application.

(2) If an application is incomplete, not more than thirty calendar days after receipt the commission shall notify the owner in writing and indicate what information is needed to undertake or complete review.

(3) The commission shall not commence review of applications for preliminary certification and reservation of tax credits, and for issuance of tax credit vouchers until receipt of the required fee payments as indicated under section 10-416a-12 of the Regulations of Connecticut State Agencies.

(4) The commission may undertake an inspection of the historic structure prior to any application approvals or certifications.

(5) Commission decisions are made in writing by the executive director or other duly authorized representative of the commission. The signature of the owner or duly authorized agent on any application form is a representation to the commission that the facts contained in the application are true and correct.

(6) In cases where the owner has submitted Part 1 or Part 2 applications of the Historic Preservation Certification Application used by the National Park Service, and any additional application materials required by the commission, if, pursuant to 16 USC 470 and in accordance with section 10-409 of the Connecticut General Statutes, a recommendation is made to the National Park Service for approval, such recommendation shall be considered certification or approval action under sections 10-416a-3 and 10-416a-5 of the Regulations of Connecticut State Agencies, respectively.

(Adopted effective January 2, 2007)

Sec. 10-416a-3. Determination of historic structure status

(a) Application Requirements

(1) No application requesting determination of historic structure status is required for a property that contains a single building and is individually listed on either the National or State Register of Historic Places.

(2) If a property is located in a registered historic district, prior to filing a request for approval of a proposed rehabilitation plan under section 10-416a-5 of the Regulations of Connecticut State Agencies and a request for preliminary certification and reservation of tax credits under section 10-416a-8 of the Regulations of Connecticut State Agencies, the owner shall obtain a determination of historic structure status from the commission.

(3) If the property is a complex, whether individually listed on the National or State Register of Historic Places or listed as part of a registered historic district, the owner shall apply for a determination of historic structure status for the building that is to be rehabilitated as part of a single or multi-building project.

(4) The owner shall provide (A) photographs of the building and its surroundings;

(B) a map showing the boundaries of the complex or registered historic district and the location of the building; and (C) a statement of historic and architectural significance.

(5) The owner shall provide a certificate of title, or if the application is submitted by the owner's duly authorized agent, a written statement from the owner in accordance with section 10-416a-2 (a) (2) of the Regulations of Connecticut State Agencies.

(6) The commission shall review and issue a decision not more than thirty calendar days after receipt of a complete application. If an application is incomplete not more than thirty calendar days after receipt the commission shall notify the owner in writing and indicate what information is needed to undertake or complete review. The owner shall have thirty calendar days after the date of notification by the commission to respond in writing and provide the requested information. Upon written request by the owner on or before the original deadline, the commission shall grant an extension to the owner of not more than thirty calendar days.

(7) The owner may satisfy the application requirements under subdivision (4) of this subsection if the owner (A) has obtained a recommendation of approval from the commission of the Part 1 application of the Historic Preservation Certification Application used by the National Park Service for a building located in a district listed on the National Register of Historic Places; and (B) provides evidence of said recommendation of approval.

(b) Certification Actions

(1) If a building located in a registered historic district meets the criteria under section 10-416a-4 of the Regulations of Connecticut State Agencies, the commission shall determine that the building qualifies as a certified historic structure.

(2) For purposes of evaluating whether a building in a complex contributes to the historic character of the complex, the commission shall use the criteria under section 10-416a-4 of the Regulations of Connecticut State Agencies. If a building located in a complex meets the criteria, the commission shall determine that the building qualifies as a certified historic structure.

(3) If a building located in a complex or registered historic district does not meet the criteria under section 10-416a-4 of the Regulations of Connecticut State Agencies, the commission shall determine that the building shall not qualify as a certified historic structure. The commission shall provide a written explanation citing the reason for denial.

(Adopted effective January 2, 2007)

Sec. 10-416a-4. Criteria for evaluating historic character within a registered historic district

A building shall be considered contributing to the historic character of the registered historic district in which it is located if by design, setting, materials, workmanship, integrity and association it adds to the district's sense of time and place and historical development.

(Adopted effective January 2, 2007)

Sec. 10-416a-5. Approval of proposed rehabilitation plan

(a) Prior to requesting a preliminary certification and reservation of tax credits under section 10-416a-8 of the Regulations of Connecticut State Agencies, the owner shall apply for approval of a proposed rehabilitation plan for a certified historic structure.

(b) Application Requirements

(1) The owner shall provide (A) a rehabilitation plan; (B) photographs of the interior and exterior of the certified historic structure; (C) a written description of the project; (D) a project site plan that includes the location of the certified historic structure, and any associated new construction, demolition and site improvements; and (E) such additional architectural or other drawings or technical information as are necessary to evaluate rehabilitation work.

(2) The owner shall provide a certificate of title, or if the application is submitted by the owner's duly authorized agent, a written statement from the owner in accordance with section 10-416a-2 (a) (2) of the Regulations of Connecticut State Agencies.

(3) In phased projects, the application shall indicate the number of phases, the timeframe for each and include sufficient information to evaluate whether all phases of the proposed rehabilitation work meet the standards.

(4) The commission shall review and issue a decision not more than thirty calendar days after receipt of a complete application. If an application is incomplete not more than thirty calendar days after receipt the commission shall notify the owner in writing and indicate what information is needed to undertake or complete review. The owner shall have thirty calendar days after the date of notification by the commission to respond in writing and provide the requested information. Upon written request by the owner on or before the original deadline, the commission shall grant an extension to the owner of not more than thirty calendar days.

(5) The owner may satisfy the application requirements under subdivision (1) of this subsection if, prior to the commencement of construction, the owner (A) has obtained a recommendation of approval from the commission of the Part 2 application of the Historic Preservation Certification Application used by the National Park Service for a building located in a district listed on the National Register of Historic Places or for a building individually listed on the National Register of Historic Places; and (B) provides evidence of said recommendation of approval.

(c) Approval Actions

(1) All elements of a rehabilitation plan shall meet the standards.

(2) If the rehabilitation plan meets the standards, the commission shall issue an approval.

(3) If the rehabilitation work as described in the application appears to meet the standards, but additional material is needed to document one or more items of proposed rehabilitation work, and such material is not available in the timeframe established for the owner's substantive response, the commission may issue a conditional approval of the rehabilitation plan. The owner shall submit such additional material required to meet the condition imposed prior to filing an application for a preliminary certification and reservation of tax credits. If the condition has been met, the commission shall approve the proposed rehabilitation plan. No preliminary certification and reservation of tax credits shall be issued by the commission until the condition imposed has been met.

(4) If the rehabilitation plan does not meet the standards, the commission shall notify the owner in writing what modifications to the rehabilitation work are needed for conformance to the standards. The owner shall have thirty calendar days after the date of notification by the commission to respond in writing indicating how the owner intends to bring the rehabilitation work into conformance. Upon written request by the owner on or before the original deadline, the commission shall grant an extension to the owner of not more than thirty calendar days. If the rehabilitation plan is not brought into conformance with the standards, the commission shall deny approval and provide a written explanation citing the reason for denial.

(5) Approval of a rehabilitation plan for a certified historic structure shall not constitute certification for purposes of a reservation of tax credits as specified in public act 06-186 section 82.

(6) The owner shall inform the commission of any changes to the approved rehabilitation plan and file an amendment in accordance with section 10-416a-6 of the Regulations of Connecticut State Agencies.

(Adopted effective January 2, 2007)

Sec. 10-416a-6. Amending an approved rehabilitation plan

(a) The owner shall file an amendment with the commission for approval of any changes to the approved rehabilitation plan. Such changes include deleting work items, adding new work items or modifying the details of work items already approved. All proposed changes shall meet the standards in order for the owner to qualify for a preliminary certification and reservation of tax credits, and for final certification.

(b) The commission shall review and issue a decision not more than thirty calendar days after receipt of a complete application. If an application is incomplete not more than thirty calendar days after receipt the commission shall notify the owner in writing and indicate what information is needed to undertake or complete review. The owner shall have thirty calendar days after the date of notification by the commission to respond in writing and provide the requested information. Upon

written request by the owner on or before the original deadline, the commission shall grant an extension to the owner of not more than thirty calendar days.

(c) If the proposed change to the rehabilitation plan meets the standards, the commission shall approve the amendment.

(d) If the proposed amendment does not meet the standards, the commission shall notify the owner in writing what modifications to the rehabilitation work are needed for conformance to the standards. The owner shall have thirty calendar days to respond in writing indicating how the owner intends to bring the proposed rehabilitation work into conformance. Upon written request by the owner on or before the original deadline, the commission shall grant an extension to the owner of not more than thirty calendar days.

(e) If the proposed change to the rehabilitation plan does not meet the standards, the commission shall not approve the amendment and shall provide a written explanation citing the reason for denial.

(Adopted effective January 2, 2007)

Sec. 10-416a-7. Standards for rehabilitation

The following standards shall be used by the commission in evaluating proposed or completed rehabilitation work to a certified historic structure:

(1) The historic character of a building shall be retained and preserved. The removal or alteration of features and spaces that characterize a building shall be avoided.

(2) Each building shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(3) Changes that have acquired historic significance in their own right shall be retained and preserved.

(4) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a building shall be preserved.

(5) Deteriorated historic features shall be repaired rather than replaced. Where severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(6) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used.

(7) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(8) New additions, exterior alterations, or related new construction shall not destroy historic materials or elements that characterize the building. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the building and its environment.

(9) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic building and its environment will be unimpaired.

(Adopted effective January 2, 2007)

Sec. 10-416a-8. Preliminary certification and reservation of tax credits**(a) Application Requirements**

(1) The owner shall submit (A) a certificate of title to the certified historic structure for which a reservation of tax credits is requested; (B) if the owner is a business entity, a certificate of legal existence; (C) documentation required under rating criteria in accordance with section 10-416a-9 (a) of the Regulations of Connecticut State Agencies; (D) an itemized budget of estimated qualified rehabilitation expenditures prepared by a qualified professional and signed by the preparer in accordance with subsection (b) of this section; and (E) evidence of assessed value of the certified historic structure as indicated in legal records not more than sixty calendar days before submission of a request for preliminary certification and reservation of tax credits.

(2) The owner shall submit evidence of approval issued by the commission in accordance with section 10-416a-5 of the Regulations of Connecticut State Agencies.

(3) In accordance with public act 06-186 section 82, if the rehabilitation plan has not received prior approval by the commission and construction commenced prior to July 1, 2006, the owner shall (A) submit evidence that the building is a certified historic structure; and (B) provide the application information required under section 10-416a-5 of the Regulations of Connecticut State Agencies and obtain approval of the rehabilitation plan from the commission. In such cases, qualified rehabilitation expenditures incurred prior, and subsequent, to July 1, 2006, shall qualify for purposes of computing the reservation of tax credits.

(4) If the rehabilitation plan has not received prior approval by the commission and construction commenced after July 1, 2006, and is in progress at the time the owner files for a preliminary certification and reservation of tax credits, the owner shall be eligible to apply provided (A) the application is for a certified historic structure; (B) the owner submits the application information required under section 10-416a-5 of the Regulations of Connecticut State Agencies and obtains approval of the rehabilitation plan from the commission; and (C) the owner submits a description of all completed, ongoing and proposed rehabilitation work and indicates all phases, as applicable. All elements of the rehabilitation plan, including completed, ongoing and proposed rehabilitation work, shall meet the standards. If the rehabilitation plan has not received approval by the commission prior to construction as provided for in section 10-416a-5 of the Regulations of Connecticut State Agencies, only those qualified rehabilitation expenditures incurred after the date of approval of the rehabilitation plan shall be considered for purposes of computing the reservation of tax credits.

(5) The owner shall remit with the application the required fee payment as indicated in section 10-416a-12 (a) of the Regulations of Connecticut State Agencies.

(b) Itemization of Costs

(1) Costs attributable to rehabilitation include (A) in general, all interior and exterior work to a certified historic structure necessary to execute an approved rehabilitation plan; (B) abatement of lead paint, asbestos or other hazardous building materials; (C) removal of mold or other biological growths posing risks to human health; (D) installation of new electrical, plumbing, and HVAC systems; (E) construction of any handicapped access ramp which is physically connected to the certified historic structure; (F) demolition of non-historic portions of a building prior to restoration of a documented historic appearance; (G) reconstruction of now-missing historic architectural features based on documentary, physical or pictorial evidence; (H) demolition of a portion of a certified historic structure owing to severe

structural failure as documented in a structural engineer's report prepared by a qualified professional; and (I) rental equipment directly related to rehabilitation of a building, including dumpsters or scaffolding. Allowance for contractor's overhead and profit, and general requirements, shall not exceed fifteen percent of the total qualified rehabilitation expenditures.

(2) Costs attributable to new construction and not considered qualified rehabilitation expenditures include (A) new additions, except as permitted under public act 06-186 section 82; (B) surface or structured parking; (C) roads, driveways and sidewalks; (D) fencing; (E) landscaping; (F) environmental remediation of the site; and (G) rehabilitation work to buildings or structures that are not intended for residential use.

(3) Provision of site utilities, and new sewer or water lines outside the envelope of the certified historic structure shall not be considered rehabilitation.

(4) Kitchen and laundry appliances are considered moveable property and shall not be considered rehabilitation.

(5) Provision by the owner of blinds and shades shall not be considered rehabilitation.

(6) In cases where rehabilitation commenced after July 1, 2006, but prior to approval of the rehabilitation plan in accordance with 10-416a-5 of the Regulations of Connecticut State Agencies, itemization of costs shall (A) indicate as excluded those rehabilitation costs incurred prior to the date of approval of the rehabilitation plan; and (B) provide such documentation as necessary for the commission to make a determination of qualified rehabilitation expenditures.

(c) Commission Actions

(1) The commission shall review and issue a decision not more than thirty calendar days after receipt of a complete application. If an application is incomplete not more than thirty calendar days after receipt the commission shall notify the owner in writing and indicate what information is needed to undertake or complete review. The owner shall have thirty calendar days after the date of notification by the commission to respond in writing and provide the requested information. Upon written request by the owner on or before the original deadline, the commission shall grant an extension to the owner of not more than thirty calendar days.

(2) If the application requirements under subsection (a) of this section are met, the commission shall issue (A) a preliminary certification; and (B) a reservation of tax credits in accordance with subsection (d) of this section.

(d) Reservation of Tax Credits

(1) In accordance with public act 06-186 section 82, the commission shall reserve tax credits based on the total estimated qualified rehabilitation expenditures indicated in subsection (a) (1) of this section.

(2) In cases where a certified historic structure is converted to non-residential as well as residential uses, the reservation of tax credits shall be only for the portion of the certified historic structure that is for residential use. The total rehabilitation costs shall be divided by the square footage of the building to determine a per square foot cost. The square footage of the non-residential portion shall be subtracted from the total square footage of the building. Qualified rehabilitation expenditures shall be based on the square footage costs of only the square footage in residential use. In cases where there are shared common areas, including entries, lobbies, or code required means of egress, the square footage will be considered residential use and the square footage costs included as qualified rehabilitation expenditures.

(3) Reservation of tax credits shall be subject to availability in any state fiscal year.

(4) If at the time the commission completes review of a request for preliminary certification and reservation of tax credits, the amount of available tax credits to reserve is less than twenty-five percent of the qualified rehabilitation expenditures for which application is being made under subsection (a) of this section, the owner shall be notified. The commission shall, at the request of the owner, reserve tax credits equal to the amount available. The owner shall be eligible to request the balance of tax credits when tax credits become available, provided the owner submits written confirmation that the rehabilitation plan as approved remains unchanged. Such request shall not be considered a new application for preliminary certification and reservation of tax credits.

(5) In any state fiscal year, if, at the time of receipt of a request for preliminary certification and reservation of tax credits, no tax credits allowable under public act 06-186 section 82 are available, the commission shall notify the owner in writing and place the application on a waiting list. No preliminary certification action shall be taken by the commission, but the commission shall provide the owner with an advisory review of the application. Applications placed on a waiting list shall be reviewed in the order of receipt when tax credits become available.

(6) If in the same state fiscal year that the tax credit is reserved, the owner notifies the commission in writing that the project has been cancelled, the tax credit reservation shall be cancelled and tax credit may be reallocated by the commission in the same state fiscal year for pending or new applications in order of their receipt.

(7) The tax credit reservation shall expire sixty months from the date of issuance. Requests for final certification shall be made prior to the expiration date of the tax credit reservation.

(Adopted effective January 2, 2007)

Sec. 10-416a-9. Rating criteria for preliminary certification

(a) The following materials documenting project readiness and credibility shall serve as the rating criteria:

(1) Statement indicating sources of existing, pending, and proposed financing, including private lenders, municipal, state or federal funds, state or federal tax credits and the approximate dollar values for each source of funding.

(2) Evidence of applicable federal, state and municipal approvals necessary to execute the project.

(3) Evidence of project consistency with municipal or regional plans of conservation and development, including municipal historic preservation plans, historic preservation component of a municipal plan of conservation and development or other land-use management plans.

(4) Evidence of project conformance to applicable building and fire codes. A building permit is not required.

(b) No application for preliminary certification and reservation of tax credits shall be approved until all documents required under subsection (a) of this section have been submitted.

(Adopted effective January 2, 2007)

Sec. 10-416a-10. Final certification

(a) Prior to commission issuance of a tax credit voucher, the owner shall obtain final certification of completed work. The owner may apply for final certification for a certified historic structure in its entirety, or, in the case of phased projects, for the completed rehabilitation to an identifiable portion of the building.

(b) Application Requirements

(1) The owner shall provide photographs of the interior and exterior of a certified historic structure and its surroundings which document the completed rehabilitation.

(2) The owner shall (A) indicate the date the building was placed in service or, in phased projects, indicate which phase and identifiable portion of the building was placed in service pursuant to an approved rehabilitation plan under section 10-416a-5 of the Regulations of Connecticut State Agencies; and (B) submit a copy of a certificate of occupancy issued by the municipal authority having jurisdiction.

(3) The owner shall provide a certificate of title.

(4) The commission shall review and issue a decision not more than thirty calendar days after receipt of a complete application. If an application is incomplete not more than thirty calendar days after receipt the commission shall notify the owner in writing and indicate what information is needed to undertake or complete review. The owner shall have thirty calendar days after the date of notification by the commission to respond in writing and provide the requested information. Upon written request by the owner on or before the original deadline, the commission shall grant an extension to the owner of not more than thirty calendar days.

(c) Certification Actions

(1) If the completed rehabilitation work conforms to the approved rehabilitation plan, the commission shall issue a final certification.

(2) If the completed rehabilitation work does not meet the standards, the commission shall notify the owner in writing what modifications to rehabilitation work are needed for conformance to the standards. The owner shall have thirty calendar days to respond in writing indicating how the owner intends to bring the rehabilitation work into conformance prior to the expiration date of the tax credit reservation. Upon written request by the owner on or before the original deadline, the commission shall grant an extension to the owner of not more than thirty calendar days. If the completed rehabilitation work is not brought into conformance with the standards, the commission shall deny approval of the application and provide a written explanation of the reason for denial. In such cases, the reservation of tax credits under section 10-416a-8 of the Regulations of Connecticut State Agencies shall be revoked and the owner shall be so notified.

(Adopted effective January 2, 2007)

Sec. 10-416a-11. Issuance of tax credit vouchers

(a) As used in this section, the term “contributing” means providing funds, including cash, grants, and extensions of credit, with, in cases of extension of credit, the tax credit being applied toward the reduction of the amount owing on the extension of credit.

(b) Application Requests

(1) In order to obtain a tax credit voucher, the owner shall (A) provide a certificate of title; (B) if the owner is a business entity, provide a certificate of legal existence; (C) provide evidence of final certification; (D) attach a copy of the reservation certificate; and (E) submit a certification of costs in accordance with subsection (c) of this section.

(2) The owner shall indicate the phase or phases for which the application is being made.

(3) The owner shall request that the commission issue a tax credit voucher to (A) the owner; (B) a contributing taxpayer; (C) multiple owners; or (D) in cases where there is a written agreement among multiple owners, a single business entity which is the limited liability partnership or limited liability company in whose name

the deed to the certified historic structure is recorded. The owner may request that the tax credits be allocated to one or more contributing taxpayers or one or more owners or both.

(4) For each contributing taxpayer, the owner shall provide a taxpayer identification number, Federal Employer Identification Number (FEIN) or Connecticut Tax Registration Number, as applicable. If two or more taxpayers are so named, the owner shall specify the percentage of the tax credits to be allocated to each recipient.

(5) In cases of multiple owners, the application shall (A) list the names and addresses of multiple owners and indicate for each a social security, taxpayer identification number, Federal Employer Identification Number (FEIN) or Connecticut Tax Registration Number, as applicable; and (B) indicate the percentage of the tax credits to be allocated to each owner.

(6) If, pursuant to a written agreement among multiple owners, the commission is requested to issue a single tax credit voucher to an assignor, the assignor's taxpayer identification number, Federal Employer Identification Number (FEIN) or Connecticut Tax Registration Number, as applicable, shall be provided.

(7) Upon request by the commission, the owner shall remit the required application fee payment as indicated in section 10-416a-12 (b) of the Regulations of Connecticut State Agencies.

(c) Certification of Costs

(1) The owner shall submit a certification of costs prepared by an independent certified public accountant.

(2) The accountant's certification shall include (A) the total of qualified rehabilitation expenditures incurred prior to the date of submission of a request for final certification under section 10-416a-10 of the Regulations of Connecticut State Agencies; (B) separate itemization of qualified rehabilitation expenditures and costs that are not qualified rehabilitation expenditures for the certified historic structure in its entirety or, in cases of phased projects, qualified rehabilitation expenditures and costs that are not qualified rehabilitation expenditures for the identifiable portion of the building placed in service; (C) verification of qualified rehabilitation expenditures by the examination of invoices, cancelled checks, settlement sheets and related documents; and (D) verification that the substantial rehabilitation test as required pursuant to public act 06-186 section 82 has been met based on the evidence of the assessed value of the certified historic structure submitted at the time of application for preliminary certification and reservation of tax credits.

(3) In cases where construction commenced after July 1, 2006, and prior to approval of the rehabilitation plan, the certification of costs shall indicate as qualified rehabilitation expenditures only those costs attributable to rehabilitation, which were incurred after the date of approval of the rehabilitation plan.

(4) In cases where construction commenced prior to July 1, 2006, the certification of costs shall indicate as qualified rehabilitation expenditures costs attributable to rehabilitation incurred both prior to and after July 1, 2006.

(5) In cases of phased projects, the certification of costs shall include verification that the substantial rehabilitation test has been met in accordance with public act 06-186 section 82.

(6) In cases where the certified historic structure has been converted to non-residential as well as residential uses, the certification of costs shall calculate qualified rehabilitation expenditures in accordance with section 10-416a-8 (d) (2) of the Regulations of Connecticut State Agencies.

(d) Commission Actions

(1) The commission shall issue one or more tax credit vouchers in accordance with public act 06-186 section 82 not more than thirty calendar days after receipt of a complete application.

(2) If an application is incomplete not more than thirty calendar days after receipt the commission shall notify the owner in writing and indicate what information is needed to undertake or complete review. The owner shall have thirty calendar days after the date of notification by the commission to respond in writing and provide the requested information. Upon written request by the owner on or before the original deadline, the commission shall grant an extension to the owner of not more than thirty calendar days.

(3) The commission shall notify the state of Connecticut Department of Revenue Services of the issuance of a tax credit voucher not more than fifteen calendar days after issuance.

(e) Notification Requirement for Transfer of Tax Credits

(1) If an assignor wishes to transfer in whole or in part its interest in tax credits, the assignor shall endorse the original tax credit voucher and indicate the name and address of the assignee, the assignee's taxpayer identification number, Federal Employer Identification Number (FEIN) or Connecticut Tax Registration Number, as applicable, the amount of the tax credits transferred, and the date of transfer. The assignee shall attach the endorsed original tax credit voucher to the required state of Connecticut Department of Revenue Services tax form to claim the credit.

(2) An assignor shall notify the commission of a transfer of tax credits to an assignee not more than thirty calendar days from the date of the transfer. Such notification shall include a certified copy of the endorsed tax credit voucher and shall indicate the amount of tax credits previously claimed by the assignor and the amount of tax credits that remain unclaimed. The commission shall notify the state of Connecticut Department of Revenue Services of the transfer not more than fifteen calendar days after receipt.

(3) If the tax credits allocated to the assignor have not been claimed in their entirety, the assignor may request the commission to issue a new tax credit voucher for the remaining unused allocated tax credits.

(4) Upon receipt of notification of transfer and written request by the assignor, the commission shall issue a new tax credit voucher to the assignor in the amount of the remaining unused allocated tax credits in not more than thirty calendar days. The commission shall notify the state of Connecticut Department of Revenue Services of issuance of a tax credit voucher in not more than fifteen calendar days after issuance.

(5) The assignor may transfer, in whole or in part, the remaining unused allocated tax credits by following the procedures under subdivisions (1) through (4), inclusive, of this subsection.

(Adopted effective January 2, 2007)

Sec. 10-416a-12. Fees for processing applications

(a) The commission shall charge a fee of one thousand dollars upon request for a preliminary certification and reservation of tax credits. Such one thousand-dollar fee shall be credited toward the total fee charged.

(b) The commission shall charge a fee in an amount equal to one-tenth of one percent of the total qualified rehabilitation expenditures upon request for issuance of a tax credit voucher.

(c) The total of all fees charged shall not exceed ten thousand dollars.

(d) No fee shall be charged for the issuance of additional tax credit vouchers as provided in section 10-416a-11(e) of the Regulations of Connecticut State Agencies.

(e) All payments shall be made by check. Fees shall not be refundable.

(Adopted effective January 2, 2007)

TABLE OF CONTENTS

Historic Preservation Tax Credit

Definitions. 10-416b- 1

General rules 10-416b- 2

Determination of historic structure status 10-416b- 3

Criteria for evaluating historic character within a registered historic district 10-416b- 4

Approval of proposed rehabilitation plan 10-416b- 5

Amending an approved rehabilitation plan 10-416b- 6

Standards for rehabilitation. 10-416b- 7

Preliminary certification and reservation of tax credits 10-416b- 8

Rating criteria for preliminary certification 10-416b- 9

Certification of completed rehabilitation. 10-416b-10

Issuance of tax credit vouchers. 10-416b-11

Fees for processing applications 10-416b-12

Historic Preservation Tax Credit

Sec. 10-416b-1. Definitions

As used in sections 10-416b-1 to 10-416b-12, inclusive, of the Regulations of Connecticut State Agencies, the following terms shall have the following meanings:

(1) “Affordable housing certificate” means a certificate issued by the Commissioner of the state of Connecticut Department of Economic and Community Development in accordance with section 8-373 of the Connecticut General Statutes;

(2) “Assignor” means an owner or multiple owners to whom the tax credit voucher is originally issued by the commission;

(3) “Assignee” means a holder of a tax credit voucher as a result of a transfer by the assignor;

(4) “Certified historic structure” means a certified historic structure as defined in section 10-416b of the Connecticut General Statutes;

(5) “Commission” means the Connecticut Commission on Culture and Tourism established pursuant to section 10-392 of the Connecticut General Statutes;

(6) “Complex” means a property that either is listed individually on the National or State Register of Historic Places or is located in a district listed on the National or State Register of Historic Places and that has two or more buildings that have been functionally related historically;

(7) “Contributing taxpayer” means a third-party taxpayer named by the owner or multiple owners to receive the tax credit voucher;

(8) “Executive director” means the executive director of the commission appointed under section 10-393 (c) of the Connecticut General Statutes or that person’s designee;

(9) “Identifiable portion of the building” means an entire floor, a section of the building separated from another section by a firewall or, in buildings with several periods of construction, a section that represents a distinct period of construction;

(10) “Inspection” means an on-site visit by an authorized representative of the commission for the purposes of reviewing and evaluating the significance of the certified historic structure and the proposed, ongoing or completed rehabilitation work;

(11) “Multiple owners” means either direct owners in the form of tenants-in-common or indirect owners in cases where the limited liability partnership or limited liability company undertaking a certified rehabilitation includes more than one person or business entity as partners or members;

(12) “Nonresidential use” means an identifiable portion of the building used for commercial, institutional, or governmental purposes, research or manufacturing facility, or occupied by a nonprofit organization;

(13) “Owner” means owner as defined in section 10-416b of the Connecticut General Statutes;

(14) “Phased project” means an undertaking where the proposed rehabilitation work to a certified historic structure is to be completed in two or more stages of development;

(15) “Placed in service” means placed in service as defined in section 10-416b of the Connecticut General Statutes;

(16) “Project” means an undertaking involving rehabilitation work to a certified historic structure and any attached or adjacent new construction, and associated demolition or improvements on the site that may affect the historic character or significance of the certified historic structure;

(17) “Qualified rehabilitation expenditures” means qualified rehabilitation expenditures as defined in Section 10-416b of the Connecticut General Statutes;

(18) “Rehabilitation” means the preservation of a historic building, its component elements and its structural system by means of repairs or selective replacement of worn out materials and alterations that are consistent with the building’s historic character;

(19) “Rehabilitation plan” means rehabilitation plan as defined in section 10-416b of the Connecticut General Statutes;

(20) “Registered historic district” means a district that is listed on either the National or State Register of Historic Places;

(21) “Standards” means the Standards for Rehabilitation as specified under section 10-416b-7 of the Regulations of Connecticut State Agencies; and

(22) “Substantial rehabilitation” means substantial rehabilitation as defined in section 10-416b of the Connecticut General Statutes.

(Adopted effective October 6, 2008)

Sec. 10-416b-2. General rules

(a) Who May Apply

(1) The owner of a property listed on the National or State Register of Historic Places shall submit applications or, in cases of multiple owners, a duly authorized joint owner, partner or member may submit an application on behalf of the owners.

(2) For purposes of sections 10-416b-3 and 10-416b-5 of the Regulations of Connecticut State Agencies, a person or business entity that is not the owner of a property listed on the National or State Register of Historic Places shall be eligible to apply provided such person or business entity submits evidence that the owner has been informed of the application and has no objection to the filing.

(3) If a complex constitutes more than one legal parcel and the parcels are under separate ownership, the owner of the legal parcel who is seeking tax credits shall be eligible to apply.

(b) How to Apply

(1) The owner shall submit requests for approvals, certifications, reservation of tax credits and issuance of a tax credit voucher on forms prescribed by the commission. In cases where the owner also seeks to claim the federal historic preservation investment tax credit for a building located in a district listed on the National Register of Historic Places, applications for determination of historic structure status and approval of proposed rehabilitation plan may be made on the Part 1 or Part 2 applications, respectively, of the Historic Preservation Certification Application used by the National Park Service, with such additional forms and information as may be required by the commission.

(2) The owner may apply at any time during a state fiscal year, subject to the application requirements under sections 10-416b-3, 10-416b-5, 10-416b-8, 10-416b-10 and 10-416b-11 of the Regulations of Connecticut State Agencies.

(c) Commission Review

(1) The commission shall review and issue a decision not more than thirty calendar days after receipt of a complete application.

(2) If an application is incomplete, not more than thirty calendar days after receipt the commission shall notify the owner in writing and indicate what information is needed to undertake or complete review.

(3) The commission shall not commence review of applications for preliminary certification and reservation of tax credits, and for issuance of tax credit vouchers

until receipt of the required fee payments as indicated under section 10-416b-12 of the Regulations of Connecticut State Agencies.

(4) The commission may undertake an inspection of the historic structure prior to any application approvals or certifications.

(5) Commission decisions shall be made in writing by the executive director or other duly authorized representative of the commission. The signature of the owner or duly authorized agent on any application form is a representation to the commission that the facts contained in the application are true and correct.

(6) In cases where the owner has submitted Part 1 or Part 2 applications of the Historic Preservation Certification Application used by the National Park Service, and any additional application materials required by the commission, if, pursuant to 16 USC 470 and in accordance with section 10-409 of the Connecticut General Statutes, a recommendation is made to the National Park Service for approval, such recommendation shall be considered certification or approval action under sections 10-416b-3 and 10-416b-5 of the Regulations of Connecticut State Agencies, respectively.

(Adopted effective October 6, 2008)

Sec. 10-416b-3. Determination of historic structure status

(a) Application Requirements

(1) No application requesting determination of historic structure status is required for a property that contains a single building and is individually listed on either the National or State Register of Historic Places.

(2) If a property is located in a registered historic district, prior to filing a request for approval of a proposed rehabilitation plan under section 10-416b-5 of the Regulations of Connecticut State Agencies and a request for preliminary certification and reservation of tax credits under section 10-416b-8 of the Regulations of Connecticut State Agencies, the owner shall obtain a determination of historic structure status from the commission.

(3) If the property is a complex, whether individually listed on the National or State Register of Historic Places or listed as part of a registered historic district, the owner shall apply for a determination of historic structure status for the building that is to be rehabilitated as part of a single or multi-building project.

(4) The owner shall provide (A) photographs of the building and its surroundings; (B) a map showing the boundaries of the complex or registered historic district and the location of the building; and (C) a statement of historic and architectural significance.

(5) The owner shall provide a certificate of title, or if the application is submitted by the owner's duly authorized agent, a written statement from the owner in accordance with section 10-416b-2 (a) (2) of the Regulations of Connecticut State Agencies.

(6) The commission shall review and issue a decision not more than thirty calendar days after receipt of a complete application. If an application is incomplete, not more than thirty calendar days after receipt the commission shall notify the owner in writing and indicate what information is needed to undertake or complete review. The owner shall have thirty calendar days after the date of notification by the commission to respond in writing and provide the requested information. Upon written request by the owner on or before the original deadline, the commission shall grant an extension to the owner.

(7) The owner may satisfy the application requirements under subdivision (4) of this subsection if the owner (A) has obtained a recommendation of approval from the commission of the Part 1 application of the Historic Preservation Certification Application used by the National Park Service for a building located in a district

listed on the National Register of Historic Places; and (B) provides evidence of said recommendation of approval.

(b) Certification Actions

(1) If a building located in a registered historic district meets the criteria under section 10-416b-4 of the Regulations of Connecticut State Agencies, the commission shall determine that the building qualifies as a certified historic structure.

(2) For purposes of evaluating whether a building in a complex contributes to the historic character of the complex, the commission shall use the criteria under section 10-416b-4 of the Regulations of Connecticut State Agencies. If a building located in a complex meets the criteria, the commission shall determine that the building qualifies as a certified historic structure.

(3) If a building located in a complex or registered historic district does not meet the criteria under section 10-416b-4 of the Regulations of Connecticut State Agencies, the commission shall determine that the building shall not qualify as a certified historic structure. The commission shall provide a written explanation citing the reason for denial.

(Adopted effective October 6, 2008)

Sec. 10-416b-4. Criteria for evaluating historic character within a registered historic district

A building shall be considered contributing to the historic character of the registered historic district in which it is located if by design, setting, materials, workmanship, integrity and association it adds to the district's sense of time and place and historical development.

(Adopted effective October 6, 2008)

Sec. 10-416b-5. Approval of proposed rehabilitation plan

(a) Prior to requesting a preliminary certification and reservation of tax credits under section 10-416b-8 of the Regulations of Connecticut State Agencies, the owner shall apply for approval of a proposed rehabilitation plan for a certified historic structure.

(b) Application Requirements

(1) The owner shall provide (A) a rehabilitation plan; (B) photographs of the interior and exterior of the certified historic structure; (C) a written description of the project; (D) a project site plan that includes the location of the certified historic structure, and any associated new construction, demolition and site improvements; and (E) such additional architectural or other drawings or technical information as are necessary to evaluate rehabilitation work.

(2) The owner shall provide a certificate of title, or if the application is submitted by the owner's duly authorized agent, a written statement from the owner in accordance with section 10-416b-2 (a) (2) of the Regulations of Connecticut State Agencies.

(3) The owner shall provide information as to the projected square footage of residential and nonresidential uses and the projected number of housing units in the certified historic structure. An owner seeking to qualify for a tax credit for a project that includes affordable housing as provided in section 10-416b of the Connecticut General Statutes shall also submit information as to the number of units of affordable housing, the proposed rent or sale prices of such units, and the median income for the municipality in which the project is located. The owner shall inform the commission of any change in the square footage of residential use, the number and the type of housing units and, if the proposed project contains affordable housing units, the owner shall also provide said information to the state of Connecticut Department

of Economic and Community Development. In such cases, the owner shall provide the commission with an amended affordable housing certificate.

(4) In phased projects, the application shall indicate the number of phases, the timeframe for each and include sufficient information to evaluate whether all phases of the proposed rehabilitation work meet the standards.

(5) The commission shall review and issue a decision not more than thirty calendar days after receipt of a complete application. If an application is incomplete, not more than thirty calendar days after receipt the commission shall notify the owner in writing and indicate what information is needed to undertake or complete review. The owner shall have thirty calendar days after the date of notification by the commission to respond in writing and provide the requested information. Upon written request by the owner on or before the original deadline, the commission shall grant an extension to the owner.

(6) The owner may satisfy the application requirements under subdivision (1) of this subsection if, prior to the commencement of construction, the owner (A) has obtained a recommendation of approval from the commission of the Part 2 application of the Historic Preservation Certification Application used by the National Park Service for a building located in a district listed on the National Register of Historic Places or for a building individually listed on the National Register of Historic Places; and (B) provides evidence of said recommendation of approval.

(c) Approval Actions

(1) All elements of a rehabilitation plan shall meet the standards.

(2) If the rehabilitation plan meets the standards, the commission shall issue an approval.

(3) If the rehabilitation work as described in the application appears to meet the standards, but additional material is needed to document one or more items of proposed rehabilitation work, and such material is not available in the timeframe established for the owner's substantive response, the commission may issue a conditional approval of the rehabilitation plan. The owner shall submit such additional material required to meet the condition imposed prior to filing an application for a preliminary certification and reservation of tax credits. If the condition has been met, the commission shall approve the proposed rehabilitation plan. No preliminary certification and reservation of tax credits shall be issued by the commission until the condition imposed has been met.

(4) If the rehabilitation plan does not meet the standards, the commission shall notify the owner in writing what modifications to the rehabilitation work are needed for conformance to the standards. The owner shall have thirty calendar days after the date of notification by the commission to respond in writing indicating how the owner intends to bring the rehabilitation work into conformance. Upon written request by the owner on or before the original deadline, the commission shall grant an extension to the owner. If the rehabilitation plan is not brought into conformance with the standards, the commission shall deny approval and provide a written explanation citing the reason for denial.

(5) Approval of a rehabilitation plan for a certified historic structure shall not constitute certification for purposes of a reservation of tax credits as specified in section 10-416b of the Connecticut General Statutes;

(6) The owner shall inform the commission of any changes to the approved rehabilitation plan and file an amendment in accordance with section 10-416b-6 of the Regulations of Connecticut State Agencies.

(Adopted effective October 6, 2008)

Sec. 10-416b-6. Amending an approved rehabilitation plan

(a) The owner shall file an amendment with the commission for approval of any changes to the approved rehabilitation plan. Such changes include deleting work items, adding new work items or modifying the details of work items already approved. All proposed changes shall meet the standards in order for the owner to qualify for a preliminary certification and reservation of tax credits, and for certification of completed rehabilitation.

(b) The commission shall review and issue a decision not more than thirty calendar days after receipt of a complete application. If an application is incomplete, not more than thirty calendar days after receipt the commission shall notify the owner in writing and indicate what information is needed to undertake or complete review. The owner shall have thirty calendar days after the date of notification by the commission to respond in writing and provide the requested information. Upon written request by the owner on or before the original deadline, the commission shall grant an extension to the owner.

(c) If the proposed change to the rehabilitation plan meets the standards, the commission shall approve the amendment.

(d) If the proposed amendment does not meet the standards, the commission shall notify the owner in writing what modifications to the rehabilitation work are needed for conformance to the standards. The owner shall have thirty calendar days to respond in writing indicating how the owner intends to bring the proposed rehabilitation work into conformance. Upon written request by the owner on or before the original deadline, the commission shall grant an extension to the owner.

(e) If the proposed change to the rehabilitation plan does not meet the standards, the commission shall not approve the amendment and shall provide a written explanation citing the reason for denial.

(Adopted effective October 6, 2008)

Sec. 10-416b-7. Standards for rehabilitation

The following standards shall be used by the commission in evaluating proposed or completed rehabilitation work to a certified historic structure:

(1) The historic character of a building shall be retained and preserved. The removal or alteration of features and spaces that characterize a building shall be avoided.

(2) Each building shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

(3) Changes that have acquired historic significance in their own right shall be retained and preserved.

(4) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a building shall be preserved.

(5) Deteriorated historic features shall be repaired rather than replaced. Where severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

(6) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used.

(7) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(8) New additions, exterior alterations, or related new construction shall not destroy historic materials or elements that characterize the building. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the building and its environment.

(9) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic building and its environment will be unimpaired.

(Adopted effective October 6, 2008)

Sec. 10-416b-8. Preliminary certification and reservation of tax credits

(a) Application Requirements

(1) The owner shall submit (A) a certificate of title to the certified historic structure for which reservation of tax credits is requested; (B) if the owner is a business entity, a certificate of legal existence; (C) documentation required under rating criteria in accordance with section 10-416b-9 (a) of the Regulations of Connecticut State Agencies; (D) an itemized budget of estimated qualified rehabilitation expenditures prepared by a qualified professional and signed by the preparer in accordance with subsection (b) of this section; and (E) evidence of assessed value of the certified historic structure as indicated in legal records not more than sixty calendar days before submission of a request for preliminary certification and reservation of tax credits.

(2) The owner shall submit evidence of approval issued by the commission in accordance with section 10-416b-5 of the Regulations of Connecticut State Agencies.

(3) An owner seeking to qualify for a tax credit for a project that includes affordable housing as provided in section 10-416b of the Connecticut General Statutes shall provide an affordable housing certificate.

(4) The owner shall remit with the application the required fee payment as indicated in section 10-416b-12 (a) of the Regulations of Connecticut State Agencies.

(b) Itemization of Costs

(1) Costs attributable to rehabilitation include (A) in general, all interior and exterior work to a certified historic structure for mixed residential and nonresidential uses as necessary to execute an approved rehabilitation plan; (B) abatement of lead paint, asbestos or other hazardous building materials; (C) removal of mold or other biological growths posing risks to human health; (D) installation of new electrical, plumbing, and HVAC systems; (E) construction of any handicapped access ramp which is physically connected to the certified historic structure; (F) demolition of non-historic portions of a building prior to restoration of a documented historic appearance; (G) reconstruction of now-missing historic architectural features based on documentary, physical or pictorial evidence; (H) demolition of a portion of a certified historic structure owing to severe structural failure as documented in a structural engineer's report prepared by a qualified professional; and (I) rental equipment directly related to rehabilitation of a building, including dumpsters or scaffolding. Allowance for contractor's overhead and profit, and general requirements, shall not exceed fifteen percent of the total qualified rehabilitation expenditures.

(2) Costs attributable to new construction and not considered qualified rehabilitation expenditures include (A) new additions, except as permitted under section 10-

416b of the Connecticut General Statutes; (B) surface or structured parking; (C) roads, driveways and sidewalks; (D) fencing; (E) landscaping; (F) environmental remediation of the site; and (G) rehabilitation work to buildings or structures other than the certified historic structure.

(3) Provision of site utilities, and new sewer or water lines outside the envelope of the certified historic structure shall not be considered rehabilitation.

(4) Kitchen and laundry appliances are considered moveable property and shall not be considered rehabilitation.

(5) Provision by the owner of blinds and shades shall not be considered rehabilitation.

(c) Commission Actions

(1) The commission shall review and issue a decision not more than thirty calendar days after receipt of a complete application. If an application is incomplete, not more than thirty calendar days after receipt the commission shall notify the owner in writing and indicate what information is needed to undertake or complete review. The owner shall have thirty calendar days after the date of notification by the commission to respond in writing and provide the requested information. Upon written request by the owner on or before the original deadline, the commission shall grant an extension to the owner.

(2) If the application requirements under subsection (a) of this section are met, the commission shall issue (A) a preliminary certification; and (B) a reservation of tax credits in accordance with subsection (d) of this section.

(d) Reservation of Tax Credits

(1) In accordance with section 10-416b of the Connecticut General Statutes, the commission shall reserve tax credits based on the total estimated qualified rehabilitation expenditures indicated in subsection (a) (1) of this section.

(2) Reservation of tax credits shall be subject to availability in any state fiscal year.

(3) If at the time the commission completes review of a request for preliminary certification and reservation of tax credits, the amount of available tax credits to reserve is less than that allowed under section 10-416b of the Connecticut General Statutes, the owner shall be notified. The commission shall, at the request of the owner, reserve tax credits equal to the amount available. The owner shall be eligible to request the balance of tax credits when tax credits become available, provided the owner submits written confirmation that the rehabilitation plan as approved remains unchanged.

(4) In any state fiscal year, if, at the time of receipt of a request for preliminary certification and reservation of tax credits, no tax credits allowable under section 10-416b of the Connecticut General Statutes are available, the commission shall notify the owner in writing and place the application on a waiting list. No preliminary certification action shall be taken by the commission, but the commission shall provide the owner with an advisory review of the application. Applications placed on a waiting list shall be reviewed in the order of receipt when tax credits become available.

(5) The tax credit reservation shall expire sixty months from the date of issuance. Requests for certification of completed rehabilitation shall be made prior to the expiration date of the tax credit reservation.

(Adopted effective October 6, 2008)

Sec. 10-416b-9. Rating criteria for preliminary certification

(a) The following materials documenting project readiness and credibility shall serve as the rating criteria:

(1) Statement indicating sources of existing, pending, and proposed financing, including private lenders, municipal, state or federal funds, state or federal tax credits and the approximate dollar values for each source of funding.

(2) Evidence of applicable federal, state and municipal approvals necessary to execute the project.

(3) Evidence of project consistency with municipal or regional plans of conservation and development, including municipal historic preservation plans, historic preservation component of a municipal plan of conservation and development or other land-use management plans.

(4) Evidence of project conformance to applicable building and fire codes. A building permit is not required.

(b) No application for preliminary certification and reservation of tax credits shall be approved until all documents required under subsection (a) of this section have been submitted.

(Adopted effective October 6, 2008)

Sec. 10-416b-10. Certification of completed rehabilitation

(a) Prior to commission issuance of a tax credit voucher, the owner shall obtain certification of completed rehabilitation. The owner may apply for certification for a certified historic structure in its entirety, or, in the case of phased projects, for the completed rehabilitation to an identifiable portion of the building placed in service.

(b) Application Requirements

(1) The owner shall provide photographs of the interior and exterior of a certified historic structure and its surroundings which document the completed rehabilitation.

(2) The owner shall (A) indicate the date the building was placed in service or, in phased projects, indicate which phase and identifiable portion of the building was placed in service; and (B) submit a copy of a certificate of occupancy issued by the municipal authority having jurisdiction.

(3) The owner shall provide a certificate of title.

(4) The commission shall review and issue a decision not more than thirty calendar days after receipt of a complete application. If an application is incomplete, not more than thirty calendar days after receipt the commission shall notify the owner in writing and indicate what information is needed to undertake or complete review. The owner shall have thirty calendar days after the date of notification by the commission to respond in writing and provide the requested information. Upon written request by the owner on or before the original deadline, the commission shall grant an extension to the owner.

(c) Certification Actions

(1) If the completed rehabilitation work conforms to the approved rehabilitation plan, the commission shall so certify.

(2) If the completed rehabilitation work does not meet the standards, the commission shall notify the owner in writing what modifications to rehabilitation work are needed for conformance to the standards. The owner shall have thirty calendar days to respond in writing indicating how the owner intends to bring the rehabilitation work into conformance prior to the expiration date of the tax credit reservation. Upon written request by the owner on or before the original deadline, the commission shall grant an extension to the owner. If the completed rehabilitation work is not brought into conformance with the standards, the commission shall deny approval of the application and provide a written explanation of the reason for denial. In

such cases, the reservation of tax credits under section 10-416b-8 of the Regulations of Connecticut State Agencies shall be revoked and the owner shall be so notified.

(Adopted effective October 6, 2008)

Sec. 10-416b-11. Issuance of tax credit vouchers

(a) As used in this section, the term “contributing” means providing funds, including cash, grants, and extensions of credit, with, in cases of extension of credit, the tax credit being applied toward the reduction of the amount owing on the extension of credit.

(b) Application Requests

(1) In order to obtain a tax credit voucher, the owner shall (A) provide a certificate of title; (B) if the owner is a business entity, provide a certificate of legal existence; (C) provide evidence of certification of completed rehabilitation; (D) attach a copy of the reservation certificate; and (E) submit a certification of costs in accordance with subsection (c) of this section.

(2) In cases where the owner has qualified for a tax credit reservation equal to thirty percent of the estimated qualified rehabilitation expenditures in accordance with section 10-416b of the Connecticut General Statutes, the owner shall provide the commission (A) written confirmation from the state of Connecticut Department of Economic and Community Development that the project is compliant with the affordable housing certificate (i) as submitted to the commission under section 10-416b-8 (a) (3) of the Regulations of Connecticut State Agencies or (ii) as amended and (B) a copy of a recorded Declaration of Land Use Restrictive Covenants, as may be required pursuant to section 8-37III of the Connecticut General Statutes, and which covenant has been approved as to form and content by the state of Connecticut Department of Economic and Community Development prior to recordation. If the owner does not provide said confirmation and a copy of the recorded Declaration of Land Use Restrictive Covenants, or if the owner files a plan change indicating that the number of affordable housing units is less than the percentage required under section 10-416b of the Connecticut General Statutes, the owner shall no longer qualify for the thirty percent tax credit. In such cases, the tax credit voucher shall be in an amount equivalent to the lesser of twenty-five percent of the original estimated qualified rehabilitation expenditures submitted in accordance with section 10-416b-8 (a) (1) of the Regulations of Connecticut State Agencies or twenty-five percent of the actual qualified rehabilitation expenditures, not to exceed five million dollars.

(3) The owner shall indicate the phase or phases for which the application is being made.

(4) The owner shall request that the commission issue a tax credit voucher to (A) the owner; (B) a contributing taxpayer; (C) multiple owners; or (D) in cases where there is a written agreement among multiple owners, a single business entity which is the limited liability partnership or limited liability company in whose name the deed to the certified historic structure is recorded. The owner may request that the tax credits be allocated to one or more contributing taxpayers or one or more owners or both.

(5) For each contributing taxpayer, the owner shall provide a taxpayer identification number, Federal Employer Identification Number (FEIN) or Connecticut Tax Registration Number, as applicable. If two or more taxpayers are so named, the owner shall specify the percentage of the tax credits to be allocated to each recipient.

(6) In cases of multiple owners, the application shall (A) list the names and addresses of multiple owners and indicate for each a social security, taxpayer

identification number, Federal Employer Identification Number (FEIN) or Connecticut Tax Registration Number, as applicable; and (B) indicate the percentage of the tax credits to be allocated to each owner.

(7) If, pursuant to a written agreement among multiple owners, the commission is requested to issue a single tax credit voucher to an assignor, the assignor's taxpayer identification number, Federal Employer Identification Number (FEIN) or Connecticut Tax Registration Number, as applicable, shall be provided.

(8) Upon request by the commission, the owner shall remit the required application fee payment as indicated in section 10-416b-12 (b) of the Regulations of Connecticut State Agencies.

(c) Certification of Costs

(1) The owner shall submit a certification of costs prepared by an independent certified public accountant.

(2) The accountant's certification shall include (A) the total of qualified rehabilitation expenditures incurred prior to the date of submission of a request for certification of completed rehabilitation under section 10-416b-10 of the Regulations of Connecticut State Agencies; (B) separate itemization of qualified rehabilitation expenditures and costs that are not qualified rehabilitation expenditures for the certified historic structure in its entirety or, in cases of phased projects, qualified rehabilitation expenditures and costs that are not qualified rehabilitation expenditures for the identifiable portion of the building placed in service; (C) verification of qualified rehabilitation expenditures by the examination of invoices, cancelled checks, settlement sheets and related documents; and (D) verification that the substantial rehabilitation test as required pursuant to section 10-416b of the Connecticut General Statutes has been met based on the evidence of the assessed value of the certified historic structure submitted at the time of application for preliminary certification and reservation of tax credits.

(3) In cases of phased projects, the certification of costs shall include verification that the substantial rehabilitation test has been met in accordance with section 10-416b of the Connecticut General Statutes.

(d) Commission Actions

(1) The commission shall issue one or more tax credit vouchers in accordance with section 10-416b of the Connecticut General Statutes not more than thirty calendar days after receipt of a complete application.

(2) If an application is incomplete, not more than thirty calendar days after receipt the commission shall notify the owner in writing and indicate what information is needed to undertake or complete review. The owner shall have thirty calendar days after the date of notification by the commission to respond in writing and provide the requested information. Upon written request by the owner on or before the original deadline, the commission shall grant an extension to the owner.

(3) The commission shall notify the state of Connecticut Department of Revenue Services of the issuance of a tax credit voucher not more than fifteen calendar days after issuance.

(e) Notification Requirement for Transfer of Tax Credits

(1) If an assignor wishes to transfer in whole or in part its interest in tax credits, the assignor shall endorse the original tax credit voucher and indicate the name and address of the assignee, the assignee's taxpayer identification number, Federal Employer Identification Number (FEIN) or Connecticut Tax Registration Number, as applicable, the amount of the tax credits transferred, and the date of transfer.

The assignee shall attach the endorsed original tax credit voucher to the required state of Connecticut Department of Revenue Services tax form to claim the credit.

(2) An assignor shall notify the commission of a transfer of tax credits to an assignee not more than thirty calendar days from the date of the transfer. Such notification shall include a certified copy of the endorsed tax credit voucher and shall indicate the amount of tax credits previously claimed by the assignor and the amount of tax credits that remain unclaimed. The commission shall notify the state of Connecticut Department of Revenue Services of the transfer not more than fifteen calendar days after receipt.

(3) If the tax credits allocated to the assignor have not been claimed in their entirety, the assignor may request the commission to issue a new tax credit voucher for the remaining unused allocated tax credits.

(4) Upon receipt of notification of transfer and written request by the assignor, the commission shall issue a new tax credit voucher to the assignor in the amount of the remaining unused allocated tax credits in not more than thirty calendar days. The commission shall notify the state of Connecticut Department of Revenue Services of issuance of a tax credit voucher in not more than fifteen calendar days after issuance.

(5) The assignor may transfer, in whole or in part, the remaining unused allocated tax credits by following the procedures under subdivisions (1) through (4), inclusive, of this subsection.

(Adopted effective October 6, 2008)

Sec. 10-416b-12. Fees for processing applications

(a) The commission shall charge a fee of one thousand dollars upon request for a preliminary certification and reservation of tax credits. Such one thousand-dollar fee shall be credited toward the total fee charged.

(b) The commission shall charge a fee in an amount equal to one-tenth of one percent of the total qualified rehabilitation expenditures upon request for issuance of a tax credit voucher.

(c) The total of all fees charged shall not exceed ten thousand dollars.

(d) No fee shall be charged for the issuance of additional tax credit vouchers as provided in section 10-416b-11(e) of the Regulations of Connecticut State Agencies.

(e) All payments shall be made by check. Fees shall not be refundable.

(Adopted effective October 6, 2008)