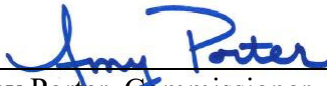


STATE OF CONNECTICUT
Department of Aging and Disability Services
BUREAU OF EDUCATION AND SERVICES FOR THE BLIND (BESB)
BUSINESS ENTERPRISE PROGRAM (BEP)
PROGRAM INSTRUCTION



Amy Porter, Commissioner

8/11/26
Date Issued



Carol Jenkins, BESB Director

8/11/26
Date Issued

PROGRAM INSTRUCTION (PI): BESB-SPI-26-01

PROGRAM(S): Business Enterprise Program-School District Vending Facilities

NOTE: This PI Removes the “Note” in Section 1. of Memorandum Dated 4/4/22 (See Attachment A)

SUBJECT: Placement and Operation of Vending Machines in School Districts

Purpose:

The purpose of this Program Instruction (PI) is to remind school districts of the Department of Aging and Disability Services, Bureau of Education and Services for the Blind’s (ADS-BESB) legal rights regarding the operation of vending machines in schools and to clarify when the right of first refusal applies under §17a-818 of the Connecticut General Statutes. This PI provides a written procedure, in compliance with state law, to be followed by school districts and ADS-BESB when a school district wishes to install a vending machine within their facility. This PI also makes several technical corrections to update the citations to state statute and regulations following the transfer of §10-303 of the Connecticut General Statutes to §17a-818 effective January 1, 2023.

Background:

ADS-BESB’s “Business Enterprise Program” (BEP) provides entrepreneurial opportunities for individuals who are legally blind. This is a long-standing program authorized under both federal and state law. These laws grant legally blind vendors the opportunity to provide entrepreneurial opportunities in managing vending facilities on federal, state, and municipal properties. These facilities can include snack bars, micro-markets, cafeterias, and vending machine operations, allowing blind individuals to achieve economic independence through self-employment.

ADS-BESB has learned that some school districts have allowed other vending machine operators to place vending machines on their premises without first offering this opportunity to ADS-BESB as required by law. Allowing this to occur is contrary to the clear mandate of Connecticut General Statutes section 17a-818(a) that a school district “shall grant” a permit to ADS-BESB to operate a vending machine if the school district has determined that a vending machine is desirable in a particular location.

Additionally, it was brought to the attention of ADS that language in a “Note” in Section 1. of the Memorandum issued to school districts on April 22, 2022, jointly by ADS-BESB and the State Department of Education (SDE) was being interpreted to permit vending machines purchased by the school district (See Attachment A). Given the discussion above, this Note is withdrawn and should not be given any effect.

To provide clarification and avoid future incidents, ADS-BESB is issuing the following guidance to stress the importance of advising ADS-BESB’s of all vending machine opportunities and to provide school districts and ADS-BESB a clear procedure that shall be followed when the need for a vending machine is identified in a school district facility. This guidance is also issued to remind school districts that maintain vending machines of the requirements of Section 10-215b-23 of the Regulations of Connecticut State Agencies discussed below.

Legal Authority:

State Laws:

§17a-818 (a) Connecticut General Statutes (Conn. Gen. Stat.)

The authority in charge of any building or property owned, operated or leased by the state or any municipality therein shall grant to the Department of Aging and Disability Services a permit to operate in such building or on such property a food service facility, a vending machine or a stand for the vending of newspapers, periodicals, confections, tobacco products, food and such other articles¹ as such authority approves when, in the opinion of such authority, such facility, machine or stand is desirable in such location . . .

See also §17a-818 (d) Conn. Gen. Stat., and §§10-303-1 to 10-303-18, inclusive of the Regulations of Connecticut State Agencies (R.C.S.A.).

Definitions:

For purposes of this PI, terms used shall have the same meaning as provided in §10-303-2 R.C.S.A.

“Contract vendor” means the vending machine company with which ADS-BESB contracts to provide vending machine services under the Business Enterprise Program that is administered by ADS-BESB for individuals who are blind.

“Site survey” means the physical inspection of the proposed site for a vending machine that is conducted by the contract vendor to determine if it is a satisfactory site for placement of a vending machine.

¹ This PI only applies only to vending machines.

Policy:

Section 17a-818 Conn. Gen. Stat. provides ADS-BESB has the statutory right of first refusal with respect to the placement and operation of vending machines² in “any building or property owned, operated or leased by the state or any municipality” including schools.

This priority serves a beneficent purpose. Historically, all commission income supports the Business Enterprise Program, a program within ADS-BESB. The commission income is used to provide entrepreneurial opportunities and support services for people who are blind. However, it should be noted that, in the case of school locations, ADS-BESB has the discretion to share vending machine commission income with school districts. Currently, ADS-BESB instructs vending machine contractors to forward commission income directly to school districts. Commission income is disbursed into a student activity account and must be used by the school system for the benefit of students. §§17a-818(d), 4-52 Conn. Gen. Stat.³ This payment of commission income is separate from the payment to the school food authority nonprofit food service account of the gross income from sales of food items during certain times as required by R.C.S.A. § 10-215b-23 quoted below.

§ 10-215b-23 Regulations of Connecticut State Agencies (R.C.S.A.)

Additionally, vending machines are required to operate in accordance with the State Board of Education requirements. Conn. Gen. Stat. Section 10- 215b(c) authorizes the State Board to adopt regulations necessary to implement the school nutrition programs authorized by Conn. Gen. Stat. Sections 10-215c to 10-215b. Pursuant to this authority, the State Board adopted R.C.S.A. Section 10-215b-23. This regulation states:

“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.”

The following definitions apply to this regulation:

“Income” means gross income.

“Food items” means all food and beverages available for sale to students on school premises separately from reimbursable school meals. This includes vending machines and any other sources of food and beverage sales to students on school premises. Such as fundraisers, school stores, and culinary programs.

“Sale” means the exchange of food and beverages for a determined amount of money or its equivalent, such as tickets, coupons, tokens, and similar items. Sales also include any activities that suggest a student donation in exchange for food and beverages.

² The right of first refusal is not limited to vending machines, but includes, “a food service facility, a vending machine or a stand for the vending of newspapers, periodicals, confections, tobacco products, food and such other articles as such authority approves . . . ” §17a-818 Conn. Gen Stat. **However, the intent of this PI is to specifically address vending machines located in school district facilities.**

³ School vending machines shall continue to be operated in accordance with section 10-215b Conn. Gen. Stat., and section 10-215b-23 Regs. Conn. State Agencies. Questions related to these requirements should be directed to the CSDE school nutrition consultant.

Procedure:

To ensure that school districts are aware of the proper steps to follow to comply with state law, ADS-BESB has developed the following procedure that shall be followed upon the effective date of this PI.

School districts and ADS-BESB shall follow the procedure provided below for all vending machine placements operated on their premises:

- (1) The authority in charge of the state, federal or municipal property shall notify ADS-BESB of the need for a vending machine(s) at their school by sending an email to ADS-BESB to Tracy.Morin@ct.gov.
- (2) ADS-BESB will acknowledge receipt of the notification via email.
- (3) Within 30 days of receipt of such notification ADS-BESB shall arrange for the contract vendor to conduct a "site survey" of the location for the potential placement.
- (4) The contract vendor shall notify ADS-BESB if placement is appropriate.
- (5) After ADS-BESB receives notification from the contract vendor that placement is appropriate, ADS-BESB will notify the authority in charge of the outcome of the site survey and begin the process of vending equipment placement.
- (6) If the contract vendor finds that the proposed placement of the vending machine is not appropriate in the proposed location, ADS-BESB will notify the authority in charge of the facility and reasons and discuss possible alternatives.
- (7) If ADS-BESB declines the opportunity to operate a vending machine at the location in question, ADS-BESB will notify the authority in charge of the state, federal or municipal property.
- (8) After the placement of the ADS-BESB vending machine(s), any questions or concerns shall first be addressed by contacting the contract vendor directly using the contact number on the machine. Tracy Morin may be contacted at Tracy.Morin@ct.gov if issues are unresolved within a reasonable amount of time.

School districts shall not self-fill or allow another organization to place a vending machine in any location within a school building without first following the procedure above.

Thank you for your anticipated cooperation.

LEGAL AND RELATED REFERENCES:

Effective Date:	August 11, 2026
Date Issued:	August 11, 2026
Disposition:	NEW Retain for Reference
Distribution:	School Food Service Directors and School District Business Managers, School District Superintendents, Statewide Committee of Blind Vendors Chairman & Vice Chairman
Responsible Unit:	ADS-BESB Business Enterprise Program
	Contact:
	Tracy Morin
	Phone: (Cell) (860) 936-0215 (Office) (860) 602-4111
	Email: Tracy.Morin@ct.gov
Previous PIs:	N/A
Revised Issue Date:	N/A

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