

1 **Utah Schools for the Deaf and Blind Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen L. Whyte

Senate Sponsor:

2 **LONG TITLE**

3 **General Description:**

4 This bill addresses the mission, governance, and operation of the Utah Schools for the Deaf
5 and the Blind.

6 **Highlighted Provisions:**

7 This bill:

- 8 ▶ defines terms;
- 9 ▶ amends the mission and role of the Utah Schools for the Deaf and the Blind (USDB);
- 10 ▶ addresses the educational and financial relationship between USDB and a student's local
11 education agency (LEA) of record;
- 12 ▶ modifies the appointment of the USDB superintendent;
- 13 ▶ amends provisions regarding the role of the State Board of Education (state board) in
14 relation to USDB;
- 15 ▶ enacts requirements regarding USDB capital facilities;
- 16 ▶ enacts provisions regarding the role of USDB's advisory council;
- 17 ▶ requires USDB to count students receiving services from USDB;
- 18 ▶ requires the state board to ensure and report on certain data;
- 19 ▶ requires state involvement in an eligibility determination for USDB to replace a student's
20 LEA of record as the student's designated LEA;
- 21 ▶ requires certain consideration of shared or colocated facilities with certain school
22 districts; and
- 23 ▶ makes technical and conforming changes.

24 **Money Appropriated in this Bill:**

25 None

26 **Other Special Clauses:**

27 This bill provides a special effective date.

28 **Utah Code Sections Affected:**

29 AMENDS:
30

31 **53E-1-203**, as last amended by Laws of Utah 2025, Chapters 298, 327
 32 **53E-8-102**, as last amended by Laws of Utah 2019, Chapters 186, 314
 33 **53E-8-201**, as last amended by Laws of Utah 2025, Chapter 509
 34 **53E-8-204**, as last amended by Laws of Utah 2025, Chapter 509
 35 **53E-8-401**, as last amended by Laws of Utah 2024, Chapter 497
 36 **53E-8-407**, as last amended by Laws of Utah 2019, Chapters 186, 314
 37 **53E-8-410**, as last amended by Laws of Utah 2019, Chapter 314

38 ENACTS:

39 **53E-8-205**, Utah Code Annotated 1953
 40 **53E-8-206**, Utah Code Annotated 1953
 41 **53E-8-207**, Utah Code Annotated 1953

43 *Be it enacted by the Legislature of the state of Utah:*

44 Section 1. Section **53E-1-203** is amended to read:

45 **53E-1-203 . State Superintendent's Annual Report.**

- 46 (1) The state board shall prepare and submit to the governor, the Education Interim
 47 Committee, and the Public Education Appropriations Subcommittee, by January 15 of
 48 each year, an annual written report known as the State Superintendent's Annual Report
 49 that includes:
- 50 (a) the operations, activities, programs, and services of the state board;
 - 51 (b) subject to Subsection (4)(b), all reports listed in Subsection (4)(a); and
 - 52 (c) data on the general condition of the schools with recommendations considered
 53 desirable for specific programs, including:
 - 54 (i) a complete statement of fund balances;
 - 55 (ii) a complete statement of revenues by fund and source;
 - 56 (iii) a complete statement of adjusted expenditures by fund, the status of bonded
 57 indebtedness, the cost of new school plants, and school levies;
 - 58 (iv) a complete statement of state funds allocated to each school district and charter
 59 school by source, including supplemental appropriations, and a complete
 60 statement of expenditures by each school district and charter school, including
 61 supplemental appropriations, by function and object as outlined in the United
 62 States Department of Education publication "Financial Accounting for Local and
 63 State School Systems";
 - 64 (v) a statement that includes data on:

- 65 (A) fall enrollments;
- 66 (B) average membership;
- 67 (C) high school graduates;
- 68 (D) all employees, including data reported by school districts on educator ratings
- 69 described in Section 53G-11-511;
- 70 (E) pupil-teacher ratios;
- 71 (F) average class sizes;
- 72 (G) average salaries;
- 73 (H) applicable private school data; and
- 74 (I) data from statewide assessments described in Section 53E-4-301 for each
- 75 school and school district;
- 76 (vi) statistical information for each school district and charter school regarding:
- 77 (A) student attendance by grade level;
- 78 (B) the percentage of students chronically absent;
- 79 (C) the percentage of student excused absences; and
- 80 (D) the percentage of student unexcused absences;
- 81 (vii) statistical information regarding incidents of delinquent activity in the schools,
- 82 at school-related activities, on school buses, and at school bus stops; and
- 83 (viii) other statistical and financial information about the school system that the state
- 84 superintendent considers pertinent.
- 85 (2)(a) For the purposes of Subsection (1)(c)(v):
- 86 (i) the pupil-teacher ratio for a school shall be calculated by dividing the number of
- 87 students enrolled in a school by the number of full-time equivalent teachers
- 88 assigned to the school, including regular classroom teachers, school-based
- 89 specialists, and special education teachers;
- 90 (ii) the pupil-teacher ratio for a school district shall be the median pupil-teacher ratio
- 91 of the schools within a school district;
- 92 (iii) the pupil-teacher ratio for charter schools aggregated shall be the median
- 93 pupil-teacher ratio of charter schools in the state; and
- 94 (iv) the pupil-teacher ratio for the state's public schools aggregated shall be the
- 95 median pupil-teacher ratio of public schools in the state.
- 96 (b) The report shall:
- 97 (i) include the pupil-teacher ratio for:
- 98 (A) each school district;

- 99 (B) the charter schools aggregated; and
100 (C) the state's public schools aggregated; and
101 (ii) identify a website where pupil-teacher ratios for each school in the state may be
102 accessed.
- 103 (3) For each operation, activity, program, or service provided by the state board, the annual
104 report shall include:
- 105 (a) a description of the operation, activity, program, or service;
106 (b) data and metrics:
107 (i) selected and used by the state board to measure progress, performance,
108 effectiveness, and scope of the operation, activity, program, or service, including
109 summary data; and
110 (ii) that are consistent and comparable for each state operation, activity, program, or
111 service;
- 112 (c) budget data, including the amount and source of funding, expenses, and allocation of
113 full-time employees for the operation, activity, program, or service;
114 (d) historical data from previous years for comparison with data reported under
115 Subsections (3)(b) and (c);
116 (e) goals, challenges, and achievements related to the operation, activity, program, or
117 service;
118 (f) relevant federal and state statutory references and requirements;
119 (g) contact information of officials knowledgeable and responsible for each operation,
120 activity, program, or service; and
121 (h) other information determined by the state board that:
122 (i) may be needed, useful, or of historical significance; or
123 (ii) promotes accountability and transparency for each operation, activity, program,
124 or service with the public and elected officials.
- 125 (4)(a) Except as provided in Subsection (4)(b), the annual report shall also include:
126 (i) the report described in Section 53E-3-507 by the state board on career and
127 technical education needs and program access;
128 (ii) the report described in Section 53E-3-515 by the state board on the Hospitality
129 and Tourism Management Career and Technical Education Pilot Program;
130 (iii) the report described in Section 53E-3-516 by the state board on certain incidents
131 that occur on school grounds;
132 (iv) the report described in Section 53E-4-202 by the state board on the development

- 133 and implementation of the core standards for Utah public schools;
- 134 (v) the report described in Section 53E-5-310 by the state board on school turnaround
- 135 and leadership development;
- 136 (vi) the report described in Section 53E-8-204 by the state superintendent on the Utah
- 137 Schools for the Deaf and the Blind;
- 138 [~~(vi)~~] (vii) the report described in Section 53E-10-308 by the state board and Utah
- 139 Board of Higher Education on student participation in the concurrent enrollment
- 140 program;
- 141 [~~(vii)~~] (viii) the report described in Section 53F-5-506 by the state board on
- 142 information related to personalized, competency-based learning;
- 143 [~~(viii)~~] (ix) the report described in Section 53G-8-203 by the state board on LEAs'
- 144 policies and procedures related to physical restraint and interventions; and
- 145 [~~(ix)~~] (x) the report described in Section 53G-9-802 by the state board on dropout
- 146 prevention and recovery services.
- 147 (b) The Education Interim Committee or the Public Education Appropriations
- 148 Subcommittee may request a report described in Subsection (4)(a) to be reported
- 149 separately from the State Superintendent's Annual Report.
- 150 (5) The annual report shall be designed to provide clear, accurate, and accessible
- 151 information to the public, the governor, and the Legislature.
- 152 (6) The state board shall:
- 153 (a) submit the annual report in accordance with Section 68-3-14; and
- 154 (b) make the annual report, and previous annual reports, accessible to the public by
- 155 placing a link to the reports on the state board's website.
- 156 (7)(a) Upon request of the Education Interim Committee or Public Education
- 157 Appropriations Subcommittee, the state board shall present the State Superintendent's
- 158 Annual Report to either committee.
- 159 (b) After submitting the State Superintendent's Annual Report in accordance with this
- 160 section, the state board may supplement the report at a later time with updated data,
- 161 information, or other materials as necessary or upon request by the governor, the
- 162 Education Interim Committee, or the Public Education Appropriations Subcommittee.
- 163 Section 2. Section **53E-8-102** is amended to read:
- 164 **53E-8-102 . Definitions.**
- 165 As used in this chapter:
- 166 (1) "Advisory council" means the Advisory Council for the Utah Schools for the Deaf and

- 167 the Blind described in Section 53E-8-206.
- 168 (2) "Alternate format" includes braille, audio, digital text, or large print.
- 169 (3) "Associate superintendent" means:
- 170 (a) the associate superintendent of the Utah School for the Deaf; or
- 171 (b) the associate superintendent of the Utah School for the Blind.
- 172 (4) "Blind" means:
- 173 (a) if the person is three years of age or older but younger than 22 years of age, having a
- 174 visual impairment that, even with correction, adversely affects educational
- 175 performance or substantially limits one or more major life activities; and
- 176 (b) if the person is younger than three years of age, having a visual impairment.
- 177 (5) "Blindness" means an impairment in vision in which central visual acuity:
- 178 (a) does not exceed 20/200 in the better eye with correcting lenses; or
- 179 (b) is accompanied by a limit to the field of vision in the better eye to such a degree that
- 180 its widest diameter subtends an angle of no greater than 20 degrees.
- 181 (6) "Cortical visual impairment" means a cortical or cerebral visual impairment:
- 182 (a) that:
- 183 (i) affects the visual cortex or visual tracts of the brain;
- 184 (ii) is caused by damage to the visual pathways to the brain;
- 185 (iii) affects a person's visual discrimination, acuity, processing, and interpretation; and
- 186 (iv) is often present in conjunction with other disabilities or eye conditions that cause
- 187 visual impairment; and
- 188 (b) in which the eyes and optic nerves of the affected person appear normal and the
- 189 person's pupil responses are normal.
- 190 (7) "Deaf" means:
- 191 (a) if the person is three years of age or older but younger than 22 years of age, having
- 192 hearing loss, whether permanent or fluctuating, that, even with amplification,
- 193 adversely affects educational performance or substantially limits one or more major
- 194 life activities; and
- 195 (b) if the person is younger than three years of age, having hearing loss.
- 196 (8) "Deafblind" means:
- 197 (a) if the person is three years of age or older but younger than 22 years of age:
- 198 (i) deaf;
- 199 (ii) blind; and
- 200 (iii) having hearing loss and visual impairments that cause such severe

- 201 communication and other developmental and educational needs that the person
202 cannot be accommodated in special education programs solely for students who
203 are deaf or blind; or
- 204 (b) if the person is younger than three years of age, having both hearing loss and vision
205 impairments that are diagnosed as provided in Section 53E-8-401.
- 206 (9) "Deafness" means a hearing loss so severe that the person is impaired in processing
207 linguistic information through hearing, with or without amplification.
- 208 (10) "Educator" means an individual who is:
- 209 (a) licensed by the state board under Section 53E-6-201; or
210 (b) credentialed by the governing body of the individual's area of professional practice.
- 211 (11) "Functional blindness" means a disorder in which the physical structures of the eye
212 may be functioning, but the person does not attend to, examine, utilize, or accurately
213 process visual information.
- 214 (12) "Functional hearing loss" means a central nervous system impairment that results in
215 abnormal auditory perception, including an auditory processing disorder or auditory
216 neuropathy/dys-synchrony, in which parts of the auditory system may be functioning,
217 but the person does not attend to, respond to, localize, utilize, or accurately process
218 auditory information.
- 219 (13) "Hard of hearing" means having a hearing loss, excluding deafness.
- 220 (14) "Individualized education program" or "IEP" means:
- 221 (a) a written statement for a student with a disability that is developed, reviewed, and
222 revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C.
223 Sec. 1400 et seq.; or
- 224 (b) an individualized family service plan developed:
- 225 (i) for a child with a disability who is younger than three years of age; and
226 (ii) in accordance with the Individuals with Disabilities Education Act, 20 U.S.C.
227 Sec. 1400 et seq.
- 228 (15) "LEA" means a local education agency that has administrative control and direction
229 for public education.
- 230 (16) "LEA of record" means the school district of residence of a student as determined
231 under Section 53G-6-302.
- 232 (17) "Low vision" means an impairment in vision in which:
- 233 (a) visual acuity is at 20/70 or worse;
234 (b) the visual field is reduced to less than 20 degrees;

- 235 (c) even with correction, educational performance is affected; or
 236 (d) at least one major life activity is substantially limited.
- 237 (18) "Parent Infant Program" means a program at the Utah Schools for the Deaf and the
 238 Blind that provides services:
- 239 (a) through an interagency agreement with the Department of Health to children younger
 240 than three years of age who are deaf, blind, or deafblind; and
- 241 (b) to children younger than three years of age who are deafblind through Deafblind
 242 Services of the Utah Schools for the Deaf and the Blind.
- 243 (19) "Section 504" means Section 504 of the Rehabilitation Act of 1973.
- 244 (20) "Superintendent" means the superintendent of the Utah Schools for the Deaf and the
 245 Blind.
- 246 (21) "Visual impairment" includes partial sightedness, low vision, blindness, cortical visual
 247 impairment, functional blindness, and degenerative conditions that lead to blindness or
 248 severe loss of vision.

249 Section 3. Section **53E-8-201** is amended to read:

250 **53E-8-201 . Utah Schools for the Deaf and the Blind created -- Designated LEA --**
 251 **Services statewide.**

- 252 (1) The Utah Schools for the Deaf and the Blind is created as a [~~subdivision~~] component unit
 253 of the state board and a single public school agency under a statewide, multi-campus
 254 model that includes:
- 255 (a) the Utah School for the Deaf;
 256 (b) the Utah School for the Blind;
 257 (c) programs for students who are deafblind; and
 258 (d) the Parent Infant Program.
- 259 (2) Under the general control and supervision of the state board, consistent with the state
 260 board's constitutional authority, the Utah Schools for the Deaf and the Blind:
- 261 (a) [~~may provide~~] shall support LEAs statewide in fulfilling the LEA's responsibility to
 262 provide services to students[~~-statewide~~]:
- 263 (i) who are deaf, blind, or deafblind, in accordance with the relevant student's IEP or
 264 Section 504 accommodation plan; or
- 265 (ii) who are neither deaf, blind, nor deafblind, if allowed under rules of the state
 266 board established [~~pursuant to~~] in accordance with Section 53E-8-401; [~~and~~]
- 267 (b) [~~shall~~] may serve as the designated LEA for a student and assume the responsibilities
 268 of providing services as prescribed through the student's IEP or Section 504

- 269 accommodation plan [~~when~~] if:
- 270 (i) the team that develops the student's IEP or Section 504 accommodation plan
- 271 determines [that the student be placed at] the location of the student's placement is
- 272 the Utah Schools for the Deaf and the Blind[.] ; and
- 273 (ii) once the team described in Subsection (2)(b)(i) determines the student's
- 274 placement and location, the LEA of record and the Utah Schools for the Deaf and
- 275 the Blind agree to an educational partnership agreement through which:
- 276 (A) the Utah Schools for the Deaf and the Blind provide academic performance
- 277 reporting regarding the student to the LEA of record; and
- 278 (B) the LEA of record, including the team that develops the student's IEP or
- 279 Section 504 accommodation plan, monitors the student's academic
- 280 performance through the reporting described in Subsection (2)(b)(ii)(A); and
- 281 (c) may serve as the designated LEA for a student who is neither deaf, blind, nor
- 282 deafblind, in accordance with Subsection 53E-8-401(6).
- 283 (3) When the Utah Schools for the Deaf and the Blind becomes a student's designated LEA[.] :
- 284 (a) the LEA of record and the Utah Schools for the Deaf and the Blind shall ensure that
- 285 all rights and requirements regarding individual student assessment, eligibility,
- 286 services, placement, and procedural safeguards provided through the Individuals with
- 287 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq. and Section 504 of the
- 288 Rehabilitation Act of 1973, as amended, remain in force[.] ; and
- 289 (b) in accordance with Subsection (4), the LEA of record shall:
- 290 (i) count the student in the LEA's average daily membership enrollment count; and
- 291 (ii) remit any per pupil, state, or federal funding related to the student to the Utah
- 292 Schools for the Deaf and the Blind for the support and maintenance of the
- 293 student's education.
- 294 (4) Nothing in this section diminishes the responsibility of a student's LEA of record for the
- 295 education of the student as provided in Chapter 7, Part 2, Special Education Program.
- 296 Section 4. Section **53E-8-204** is amended to read:
- 297 **53E-8-204 . Authority of the state board -- Rulemaking -- Superintendent --**
- 298 **Advisory council.**
- 299 (1)(a) The state board is the governing board of the Utah Schools for the Deaf and the
- 300 Blind.
- 301 (b) The state board shall, as the state board determines necessary, establish committees,
- 302 policies, or processes necessary to the function and oversight of the Utah Schools for

303 the Deaf and the Blind.

304 (2)(a) The state board shall[-] :

305 (i) appoint a superintendent for the Utah Schools for the Deaf and the Blind[-] ; or

306 (ii) authorize the state superintendent of public instruction to appoint and supervise a
 307 superintendent for the Utah Schools for the Deaf and the Blind, under the approval
 308 of the state board.

309 (b) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah
 310 Administrative Rulemaking Act, regarding the qualifications, terms of employment,
 311 and duties of the superintendent for the Utah Schools for the Deaf and the Blind.

312 (3) The superintendent shall:

313 (a) subject to the approval of the state board, appoint an associate superintendent to
 314 administer the Utah School for the Deaf based on:

315 (i) demonstrated competency as an expert educator of deaf persons; and

316 (ii) knowledge of school management and the instruction of deaf persons; and

317 (b) subject to the approval of the state board, appoint an associate superintendent to
 318 administer the Utah School for the Blind based on:

319 (i) demonstrated competency as an expert educator of blind persons; and

320 (ii) knowledge of school management and the instruction of blind persons, including
 321 an understanding of the unique needs and education of deafblind persons.

322 (4) The state board shall:

323 (a) approve the annual budget and expenditures of the Utah Schools for the Deaf and the
 324 Blind;[-and]

325 (b) administer the financial operations of the Utah Schools for the Deaf and the Blind[-] ;
 326 and

327 (c) oversee the capital facilities of the Utah Schools for the Deaf and the Blind, in
 328 accordance with Section 53E-8-205.

329 (5)(a) The state [~~board~~] superintendent shall[-~~submit a report in accordance with Section~~
 330 ~~53E-1-204~~] , as part of the State Superintendent's Annual Report described in Section
 331 53E-1-203, report on the Utah Schools for the Deaf and the Blind.

332 (b) The state [~~board~~] superintendent shall ensure that the report described in Subsection

333 (5)(a) includes:

334 (i) a financial report;

335 (ii) a report on Utah Schools for the Deaf and the Blind programs and activities;[-and]

336 (iii) a report of student academic performance[-] ; and

337 (iv) the student count and categorization described in Section 53E-8-207.

338 Section 5. Section **53E-8-205** is enacted to read:

339 **53E-8-205 . Capital facilities.**

340 (1) The state board has responsibility for the long-term planning, development,
 341 maintenance, and oversight of capital facilities for the Utah Schools for the Deaf and the
 342 Blind.

343 (2) The state board shall:

344 (a) before seeking state funding for capital facilities or property under Section 53E-8-410
 345 for the Utah Schools for the Deaf and the Blind, in consultation with the Division of
 346 Facilities and Construction Management, perform an exhaustive review of the
 347 facilities of LEAs from which the Utah Schools for the Deaf and the Blind assume
 348 educational responsibility as the student's designated LEA, considering opportunities
 349 for space sharing or colocation as described in Section 53E-8-410;

350 (b) after receiving and evaluating evaluations and recommendations from the Utah
 351 Schools for the Deaf and the Blind, review capital facility funding requests in a
 352 public meeting of the state board before submitting the request to the Legislature; and

353 (c) submit any capital facilities funding requests to the Transportation and Infrastructure
 354 Appropriations Subcommittee.

355 Section 6. Section **53E-8-206** is enacted to read:

356 **53E-8-206 . Advisory council.**

357 (1) The following individuals comprise the advisory council of the Utah Schools for the
 358 Deaf and the Blind:

359 (a) the following members whom the state board appoints:

360 (i) two members who are blind;

361 (ii) two members who are deaf;

362 (iii) two members who are deafblind or parents of a child who is deafblind;

363 (iv) two members who have children receiving outreach services from the Utah
 364 Schools for the Deaf and the Blind;

365 (v) one parent of a child who is blind; and

366 (vi) one parent of a child who is deaf; and

367 (b) one non-voting member from the state board, whom the state board chair appoints.

368 (2) The advisory council shall:

369 (a) make recommendations to the state board regarding issues related to the Utah
 370 Schools for the Deaf and the Blind;

- 371 (b) serve as a school community council, as that term is defined in Section 53G-7-1202,
 372 for the Utah Schools for the Deaf and the Blind;
- 373 (c) consult regarding the entrance policies and procedures that IEP teams and Section
 374 504 teams consider in accordance with Section 53E-8-402; and
- 375 (d) make recommendations regarding the Educational Enrichment Program for Deaf,
 376 Hard of Hearing, Blind, and Visually Impaired Students, in accordance with Section
 377 53E-8-407.

378 Section 7. Section **53E-8-207** is enacted to read:

379 **53E-8-207 . Student count -- Data -- Reporting.**

380 (1) The Utah Schools for the Deaf and the Blind shall:

- 381 (a) on October 1 of each year, determine the number of students:
- 382 (i) for whom the Utah Schools for the Deaf and the Blind serves as the student's
 383 designated LEA under Subsection 53E-8-401(1)(b), further categorized by the
 384 Utah School for the Deaf and the Utah School for the Blind;
- 385 (ii) who receive services in the student's LEA of record with support from the Utah
 386 Schools for the Deaf and the Blind under Subsection 53E-8-401(1)(a); and
- 387 (iii) who receive services from both a facility that the Utah Schools for the Deaf and
 388 the Blind operate and the student's LEA of record; and
- 389 (b) annually report to the state board:
- 390 (i) the student counts described in Subsection (1)(a), further categorized by eligibility
 391 type and LEA of record;
- 392 (ii) the nature of services the students receive; and
- 393 (iii) for a student with mixed services described in Subsection (1)(a)(iii), the division
 394 of the student's educational time between the service delivery systems.

395 (2) The state board is responsible for the reconciliation and consistency of data from the
 396 Utah Schools for the Deaf and the Blind.

397 Section 8. Section **53E-8-401** is amended to read:

398 **53E-8-401 . Eligibility for services of the Utah Schools for the Deaf and the Blind.**

399 (1) Except as provided in Subsections (3), (4), and (5), an individual is eligible to receive
 400 services of the Utah Schools for the Deaf and the Blind[-] :

- 401 (a) within the individual's LEA if the individual is:
- 402 [~~(a)~~] (i) a resident of Utah;
- 403 [~~(b)~~] (ii) younger than 22 years old;
- 404 [~~(c)~~] (iii) referred to the Utah Schools for the Deaf and the Blind by:

- 405 [(i)] (A) the individual's school district of residence;
- 406 [(ii)] (B) a local early intervention program; or
- 407 [(iii)] (C) if the referral is consistent with the Individual with Disabilities
- 408 Education Act, 20 U.S.C. Sec. 1400 et seq., the Parent Infant Program; and
- 409 [(d)] (iv) identified as deaf, blind, or deafblind through:
- 410 [(i)] (A) the special education eligibility determination process; or
- 411 [(ii)] (B) the Section 504 eligibility determination process[-] ; or
- 412 (b) functioning as the individual's designated LEA at a facility that the Utah Schools for
- 413 the Deaf and the Blind operate if:
- 414 (i) the individual is eligible under Subsection (1)(a); and
- 415 (ii) the individual's LEA of record counts the student and remits associated funding to
- 416 the Utah Schools for the Deaf and the Blind in accordance with Subsection
- 417 53E-8-201(3)(b).
- 418 (2)(a) In determining eligibility for an individual who is younger than age three and is
- 419 deafblind, the following information may be used:
- 420 (i) ophthalmological and audiological documentation;
- 421 (ii) functional vision or hearing assessments and evaluations; or
- 422 (iii) informed clinical opinion conducted by a person with expertise in deafness,
- 423 blindness, or deafblindness.
- 424 (b) Informed clinical opinion shall be:
- 425 (i) included in the determination of eligibility when documentation is incomplete or
- 426 not conclusive; and
- 427 (ii) based on pertinent records related to the individual's current health status and
- 428 medical history, an evaluation and observations of the individual's level of sensory
- 429 functioning, and the needs of the family.
- 430 (3)(a) A student who qualifies for special education shall have services and placement
- 431 determinations made through the IEP process.
- 432 (b) A student who qualifies for accommodations under Section 504 shall have services
- 433 and placement determinations made through the Section 504 team process.
- 434 (4)(a) A nonresident may receive services of the Utah Schools for the Deaf and the
- 435 Blind in accordance with the rules of the state board described in Subsection (6).
- 436 (b) Notwithstanding Section 53G-7-503, the state board shall ensure that the rules
- 437 described in Subsection (6) require the payment of tuition for services provided to a
- 438 nonresident.

- 439 (5) An individual with hearing loss is eligible to receive services from the Utah Schools for
 440 the Deaf and the Blind under circumstances described in Section 53E-8-408.
- 441 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 442 state board:
- 443 (a) shall make rules that determine the eligibility of students to be served by the Utah
 444 Schools for the Deaf and the Blind in accordance with this chapter; and
- 445 (b) may make rules to allow a resident of Utah who is neither deaf, blind, nor deafblind
 446 to receive services of the Utah Schools for the Deaf and the Blind if[-] :
- 447 (i) the resident is[-] :
- 448 (A) younger than 22 years old[-] ; and
- 449 (B) a direct relative of an individual who is eligible for services under Subsection
 450 (1); and
- 451 (ii) the resident's LEA of record counts the student and remits associated funding to
 452 the Utah Schools for the Deaf and the Blind in accordance with Subsection
 453 53E-8-201(3)(b).

454 Section 9. Section **53E-8-407** is amended to read:

455 **53E-8-407 . Educational Enrichment Program for Deaf, Hard of Hearing, Blind,**
 456 **and Visually Impaired Students -- Funding for the program.**

- 457 (1) There is established the Educational Enrichment Program for Deaf, Hard of Hearing,
 458 Blind, and Visually Impaired Students.
- 459 (2) The purpose of the program is to provide opportunities that will, in a family friendly
 460 environment, enhance the educational services required for deaf, hard of hearing, blind,
 461 visually impaired, or deafblind students.
- 462 (3) The advisory council shall make recommendations to the state board regarding the
 463 design and implementation of the program.
- 464 (4) The program shall be funded from the revenue distributed from the permanent funds
 465 created for the Utah Schools for the Deaf and the Blind [~~pursuant to~~] in accordance with
 466 Section 12 of the Utah Enabling Act and distributed by the director of the School and
 467 Institutional Trust Lands Administration under [~~Section~~] Sections 53C-3-103 and
 468 53D-2-203.

469 Section 10. Section **53E-8-410** is amended to read:

470 **53E-8-410 . School districts to provide space for programs -- Colocation.**

- 471 (1) A school district with students who reside within the school district's boundaries
 472 and are served by the Utah Schools for the Deaf and the Blind shall[-] :

- 473 (a) make a good faith effort to provide the Utah Schools for the Deaf and the Blind with
474 space required for programs offered by the Utah Schools for the Deaf and the Blind[-] ;
475 and
- 476 (b) enter into an agreement with the Utah Schools for the Deaf and the Blind to
477 memorialize the terms of use for the space described in Subsection (1)(a).
- 478 (2)(a) After conducting the exhaustive search described in Section 53E-8-205, the state
479 board may identify a school district with a critical number of students receiving
480 services from the Utah Schools for the Deaf and the Blind.
- 481 (b) A school district described in Subsection (2)(a) shall enter into an agreement to
482 provide a segment of school district property for the construction of a facility on or
483 adjacent to the property of a high school where the Utah Schools for the Deaf and the
484 Blind may operate as the designated LEA for students in the surrounding region near
485 the facility.
- 486 Section 11. **Effective Date.**
- 487 This bill takes effect on July 1, 2026.