

Stephen L. Whyte proposes the following substitute bill:

Utah Schools for the Deaf and Blind Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen L. Whyte

Senate Sponsor: John D. Johnson

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

29 **Utah Code Sections Affected:**

30 AMENDS:

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

42

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~~] agency of the
- 253 state board and a single public school agency under a statewide, multi-campus model
- 254 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 student's placement;

272 (ii) the LEA determines that the location of the student's placement is the Utah
 273 Schools for the Deaf and the Blind[-] ; and

274 (iii) the LEA of record and the Utah Schools for the Deaf and the Blind agree to an
 275 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 under Subsection (2)(b) or (2)(c):

285 (a) the LEA of record and the Utah Schools for the Deaf and the Blind shall ensure that
 286 all rights and requirements regarding individual student assessment, eligibility,
 287 services, placement, and procedural safeguards provided through the Individuals with
 288 Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq. and Section 504 of the
 289 Rehabilitation Act of 1973, as amended, remain in force[-] ; and

290 (b) in accordance with Subsection (4), beginning July 1, 2027, the LEA of record shall:

291 (i) count the student in the LEA's average daily membership enrollment count; and

292 (ii) remit 95% of any per pupil, state, or federal funding related to the student to the
 293 Utah Schools for the Deaf and the Blind for the support and maintenance of the
 294 student's education.

295 (4) Nothing in this section diminishes the responsibility of a student's LEA of record for the
 296 education of the student as provided in Chapter 7, Part 2, Special Education Program.

297 Section 4. Section **53E-8-204** is amended to read:

298 **53E-8-204 . Authority of the state board -- Rulemaking -- Superintendent --**
 299 **Advisory council.**

300 (1)(a) The state board is the governing board of the Utah Schools for the Deaf and the

301 Blind.

302 (b) The state board shall, as the state board determines necessary, establish committees,
303 policies, or processes necessary to the function and oversight of the Utah Schools for
304 the Deaf and the Blind.

305 (2) ~~It shall~~ **[(a) The state board shall]** ~~;~~

306 ~~[(i) appoint a superintendent for the Utah Schools for the Deaf and the Blind]~~ ~~;~~ ~~;~~
306a ~~or]~~

307 ~~[(ii) authorize the state superintendent of public instruction to appoint and supervise a
308]~~ ~~;~~

308 ~~superintendent for the Utah Schools for the Deaf and the Blind, under the
309 approval]~~ ~~;~~

309 ~~of the state board.]~~

309a **(a) With the approval of the state board, the state superintendent of public instruction**
309b **shall appoint and supervise a superintendent of the Utah Schools for the Deaf and the**
309c **Blind who reports directly to the state superintendent.** ~~;~~

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

313 (3) The superintendent shall:

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

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

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

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

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

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

323 (4) The state board shall:

324 (a) approve the annual budget and expenditures of the Utah Schools for the Deaf and the
325 Blind;~~and]~~

326 (b) administer the financial operations of the Utah Schools for the Deaf and the Blind~~;~~ ;
327 and

328 (c) oversee the capital facilities of the Utah Schools for the Deaf and the Blind, in

329 accordance with Section 53E-8-205.

330 (5)(a) The state [~~board~~] superintendent shall [~~submit a report in accordance with Section~~
331 53E-1-201] , as part of the State Superintendent's Annual Report described in Section
332 53E-1-203, report on the Utah Schools for the Deaf and the Blind.

333 (b) The state [~~board~~] superintendent shall ensure that the report described in Subsection
334 (5)(a) includes:

335 (i) a financial report;

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

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

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

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

340 **53E-8-205 . Capital facilities.**

341 (1) The state board has responsibility, in coordination with the Division of Facilities
342 Construction and Management, for the long-term planning, development, and oversight
343 of capital facilities for the Utah Schools for the Deaf and the Blind.

344 (2) The state board shall:

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

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

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

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

357 **53E-8-206 . Advisory council.**

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

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

361 (i) two members who are blind;

362 (ii) two members who are deaf;

- 363 (iii) two members who are deafblind or parents of a child who is deafblind;
 364 (iv) two members who have children receiving outreach services from the Utah
 365 Schools for the Deaf and the Blind;
 366 (v) one parent of a child who is blind; and
 367 (vi) one parent of a child who is deaf; and
 368 (b) one non-voting member from the state board, whom the state board chair appoints.
 369 (2) The advisory council shall:
 370 (a) make recommendations to the state board regarding issues related to the Utah
 371 Schools for the Deaf and the Blind;
 372 (b) serve as a school community council, as that term is defined in Section 53G-7-1202,
 373 for the Utah Schools for the Deaf and the Blind;
 374 (c) consult regarding the entrance policies and procedures described in Section
 375 53E-8-402; and
 376 (d) **Ĥ→ in accordance with Section 53E-8-407, ←Ĥ** make recommendations regarding **Ĥ→ [] :**
 376a **(i) ←Ĥ the Educational Enrichment Program for Deaf Ĥ→ [] ←Ĥ _ Ĥ→ and ←Ĥ**
 377 **Hard of Hearing Ĥ→ [] Students; ←Ĥ _ Ĥ→ and**
 377a **(ii) the Educational Enrichment Program for ←Ĥ Blind Ĥ→ [] ←Ĥ and Visually**
 377b **Impaired Students Ĥ→ [, in accordance with Section**
 378 **53E-8-407] ←Ĥ .**
 378a **Ĥ→ (3) The advisory council may form subcommittees regarding the separate**
 378b **programs described in Subsection (2)(d). ←Ĥ**
 379 Section 7. Section **53E-8-207** is enacted to read:
 380 **53E-8-207 . Student count -- Data -- Reporting.**
 381 (1) The Utah Schools for the Deaf and the Blind shall:
 382 (a) on October 1 of each year, determine the number of students:
 383 (i) for whom the Utah Schools for the Deaf and the Blind serves as the student's
 384 designated LEA under Subsection 53E-8-401(1)(b), further categorized by the
 385 Utah School for the Deaf and the Utah School for the Blind;
 386 (ii) who receive services in the student's LEA of record with support from the Utah
 387 Schools for the Deaf and the Blind under Subsection 53E-8-401(1)(a);
 388 (iii) who receive services from both a facility that the Utah Schools for the Deaf and
 389 the Blind operate and the student's LEA of record; and
 390 (iv) who participate in any other program that the Utah Schools for the Deaf and the

- 391 Blind provide or facilitate; and
 392 (b) annually report to the state board:
 393 (i) the student counts described in Subsection (1)(a), further categorized by eligibility
 394 type and LEA of record;
 395 (ii) the type and amount or extent of services the students receive; and
 396 (iii) for a student with mixed services described in Subsection (1)(a)(iii), the division
 397 of the student's educational time between the service delivery systems.

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

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

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

- 402 (1) Except as provided in Subsections (3), (4), and (5), an individual is eligible to receive
 403 services of the Utah Schools for the Deaf and the Blind[-] :
- 404 (a) within the individual's LEA if the individual is:
- 405 [~~(a)~~] (i) a resident of Utah;
- 406 [~~(b)~~] (ii) younger than 22 years old;
- 407 [~~(c)~~] (iii) referred to the Utah Schools for the Deaf and the Blind by:
- 408 [(+) (A) the individual's school district of residence;
- 409 [(+) (B) a local early intervention program; or
- 410 [(+) (C) if the referral is consistent with the Individual with Disabilities
- 411 Education Act, 20 U.S.C. Sec. 1400 et seq., the Parent Infant Program; and
- 412 [(+) (iv) identified as deaf, blind, or deafblind through:
- 413 [(+) (A) the special education eligibility determination process; or
- 414 [(+) (B) the Section 504 eligibility determination process[-] ; or
- 415 (b) functioning as the individual's designated LEA at a facility that the Utah Schools for
 416 the Deaf and the Blind operate if:
- 417 (i) the individual is eligible under Subsection (1)(a); and
 418 (ii) the individual's LEA of record counts the student and remits associated funding to
 419 the Utah Schools for the Deaf and the Blind in accordance with Subsection
 420 53E-8-201(3)(b).
- 421 (2)(a) In determining eligibility for an individual who is younger than age three and is
 422 deafblind, the following information may be used:
- 423 (i) ophthalmological and audiological documentation;
- 424 (ii) functional vision or hearing assessments and evaluations; or

- 425 (iii) informed clinical opinion conducted by a person with expertise in deafness,
 426 blindness, or deafblindness.
- 427 (b) Informed clinical opinion shall be:
- 428 (i) included in the determination of eligibility when documentation is incomplete or
 429 not conclusive; and
- 430 (ii) based on pertinent records related to the individual's current health status and
 431 medical history, an evaluation and observations of the individual's level of sensory
 432 functioning, and the needs of the family.
- 433 (3)(a) A student who qualifies for special education shall have services and placement
 434 determinations made through the IEP process.
- 435 (b) A student who qualifies for accommodations under Section 504 shall have services
 436 and placement determinations made through the Section 504 team process.
- 437 (4)(a) A nonresident may receive services of the Utah Schools for the Deaf and the
 438 Blind in accordance with the rules of the state board described in Subsection (6).
- 439 (b) Notwithstanding Section 53G-7-503, the state board shall ensure that the rules
 440 described in Subsection (6) require the payment of tuition for services provided to a
 441 nonresident.
- 442 (5) An individual with hearing loss is eligible to receive services from the Utah Schools for
 443 the Deaf and the Blind under circumstances described in Section 53E-8-408.
- 444 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 445 state board:
- 446 (a) shall make rules that determine the eligibility of students to be served by the Utah
 447 Schools for the Deaf and the Blind in accordance with this chapter; and
- 448 (b) may make rules to allow a resident of Utah who is neither deaf, blind, nor deafblind
 449 to receive services of the Utah Schools for the Deaf and the Blind if[-] :
- 450 (i) the resident is[-] :
- 451 (A) younger than 22 years old[-] ; and
- 452 (B) a direct relative of an individual who is eligible for services under Subsection
 453 (1); and
- 454 (ii) the resident's LEA of record counts the student and remits associated funding to
 455 the Utah Schools for the Deaf and the Blind in accordance with Subsection
 456 53E-8-201(3)(b).

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

458

53E-8-407 . Educational Enrichment Program for Deaf ~~and~~ and ~~and~~ Hard of Hearing ~~and~~ and

458a

Students -- Enrichment Program for ~~and~~ Blind ~~and~~ and

459 **and Visually Impaired Students -- Funding for the ~~and~~ and ~~and~~ and ~~and~~ and .**

460 (1) As used in this section, "program" means the enrichment programs this section creates.

461 ~~(1)~~ (2) There is established~~(-)~~ :

462 (a) the Educational Enrichment Program for Deaf~~(-)~~ and Hard of Hearing~~(-)~~ Students; and

463 (b) the Educational Enrichment Program for Blind~~(-)~~ and Visually Impaired Students.

464 ~~(2)~~ (3) The purpose of the ~~and~~ and ~~and~~ and ~~and~~ and is to provide opportunities that will, in a
465 family friendly environment, enhance the educational services required for deaf, hard of
466 hearing, blind, visually impaired, or deafblind students across the state, regardless of
467 participation in any program or service with the Utah Schools for the Deaf and the Blind.

468 ~~(3)~~ (4) The advisory council shall make recommendations to the state board regarding the
469 design and implementation of the ~~and~~ and ~~and~~ and ~~and~~ and .

470 ~~(4)~~ (5) The ~~and~~ and ~~and~~ and ~~and~~ and shall be funded from the revenue distributed from the
471 permanent funds created for the Utah Schools for the Deaf and the Blind ~~(pursuant to)~~ in
472 accordance with Section 12 of the Utah Enabling Act and distributed by the director of
473 the School and Institutional Trust Lands Administration under ~~(Section)~~ Sections
474 53C-3-103 and 53D-2-203.

474a ~~and~~ and **(6)(a) To ensure all students who qualify for the programs have an**
474b **opportunity to participate:**

474c (i) **an LEA shall:**

474d (A) **develop a communication plan to notify deaf, hard of hearing, blind,**
474e **visually impaired, or deafblind students of opportunities the programs provide;**
474f **or**

474g (B) **provide to the Utah Schools for the Deaf and the Blind the directory**
474h **information of each student described in Subsection (6)(a)(i)(A) within the**
474i **LEA; and**

474j (ii) **the Utah Schools for the Deaf and the Blind may only use the directory**
474k **information described in Subsection (6)(a)(i)(B) to notify students of opportunities**
474l **the programs provide.**

474m (b) **A parent may opt out of the notification described in Subsection (6)(a) at any**
474n **time.** ~~and~~ and

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

476 **53E-8-410 . School districts to provide space for programs -- Colocation.**

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

479 (a) make a good faith effort to provide the Utah Schools for the Deaf and the Blind with
480 space required for programs offered by the Utah Schools for the Deaf and the Blind[-] ;
481 and

482 (b) enter into an agreement with the Utah Schools for the Deaf and the Blind to
483 memorialize the terms of use for the space described in Subsection (1)(a).

484 (2)(a) After conducting the exhaustive search described in Section 53E-8-205, the state
485 board may identify a school district with a critical number of students receiving
486 services from the Utah Schools for the Deaf and the Blind.

487 (b) A school district described in Subsection (2)(a) shall enter into an agreement to
488 provide a segment of school district property for the construction of a facility on or
489 adjacent to the property of a high school where the Utah Schools for the Deaf and the
490 Blind may operate as the designated LEA for students in the surrounding region near
491 the facility.

492 Section 11. **Effective Date.**

493 This bill takes effect on July 1, 2026.