

53A-25b-301 Eligibility for services of the Utah Schools for the Deaf and the Blind.

- (1) Except as provided in Subsections (3) and (4), a person is eligible to receive services of the Utah Schools for the Deaf and the Blind if the person is:
 - (a) a resident of Utah;
 - (b) younger than 22 years of age;
 - (c) referred to the Utah Schools for the Deaf and the Blind by the person's school district of residence or a local early intervention program; and
 - (d) identified as deaf, blind, or deafblind through:
 - (i) the special education eligibility determination process; or
 - (ii) the Section 504 eligibility determination process.
- (2)
 - (a) In diagnosing a person younger than age three who is deafblind, the following information may be used:
 - (i) ophthalmological and audiological documentation;
 - (ii) functional vision or hearing assessments and evaluations; or
 - (iii) informed clinical opinion conducted by a person with expertise in deafness, blindness, or deafblindness.
 - (b) Informed clinical opinion shall be:
 - (i) included in the determination of eligibility when documentation is incomplete or not conclusive; and
 - (ii) based on pertinent records related to the person's current health status and medical history, an evaluation and observations of the person's level of sensory functioning, and the needs of the family.
- (3)
 - (a) A student who qualifies for special education shall have services and placement determinations made through the IEP process.
 - (b) A student who qualifies for accommodations under Section 504 shall have services and placement determinations made through the Section 504 team process.
 - (c) A parent or legal guardian of a child who is deaf, blind, or deafblind shall make the final decision regarding placement of the child in a Utah Schools for the Deaf and the Blind program or in a school district or charter school program subject to special education federal regulations regarding due process.
- (4)
 - (a) A nonresident may receive services of the Utah Schools for the Deaf and the Blind in accordance with rules of the board.
 - (b) The rules shall require the payment of tuition for services provided to a nonresident.
- (5)
 - (a) The board shall make rules in accordance with this chapter and Title 63G, Chapter 3, Utah Administrative Rulemaking Act, that determine the eligibility of students to be served by the Utah Schools for the Deaf and the Blind.
 - (b) The board may make rules to allow a resident of Utah who is neither deaf, blind, nor deafblind to receive services of the Utah Schools for the Deaf and the Blind if the student:
 - (i) is younger than 22 years of age and has an IEP; or
 - (ii) is younger than 19 years of age.

Enacted by Chapter 294, 2009 General Session