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2026 1st Sub H.B. 448: Utah Schools for the Deaf and Blind Amendments

2026 General Session H.B. 448, Utah Schools for the Deaf and Blind Amendments, modifies the mission, governance structure, and operational framework of the Utah Schools for the Deaf and the Blind (USDB).

Key Points

- **Dual mission clarification:** Defines USDB's role as supporting LEAs in serving students within home districts (LEA of record) and serving as designated LEA when IEP/504 teams determine the student's special education placement and the LEA determines USDB is the appropriate location
- **Educational partnership agreements:** Mandates partnership agreements between USDB and LEAs of record requiring academic performance reporting and student progress monitoring through IEP/504 teams
- **Enrollment and funding:** Requires LEAs of record to count students served by USDB in average daily membership and remit 95% of per-pupil, state, and federal funding to USDB
- **Advisory Council codification:** Establishes eleven-member Advisory Council (from USBE rule) representing individuals who are blind, deaf, or deafblind and parents, serving as the school community council
- **Capital facilities planning:** Requires exhaustive reviews performed by the State Board of Education (State Board) of LEA facilities for space-sharing or colocation opportunities before seeking state funding
- **Enhanced data reporting:** Establishes annual October 1 student counts categorized by service type with detailed reporting on eligibility, services provided, and educational time division

Background

H.B. 448 responds to a 2025 legislative performance audit conducted by the Office of the Legislative Auditor General, which found that USDB needed increased oversight and improved strategic planning to better focus on student academic achievement. The bill also incorporates recommendations submitted by the chairs of the Public Education Appropriations Subcommittee to the Executive Appropriations Committee. These recommendations addressed USDB's role in the public education system; governance; finance, data, and resident LEA responsibility; and the provision of capital facilities.

Policy Analysis

H.B. 448 is a proposed comprehensive reframing of USDB. The bill attempts to add clarity to USDB's role in Utah's education system by defining its dual function: supporting local education agencies statewide, while continuing to serve as the direct service provider and designated LEA in certain circumstances. Additionally, the bill establishes new governance structures, capital facilities planning requirements, and data reporting systems, while clarifying the financial and educational relationships between USDB and LEAs of record.

The bill clarifies that USDB is an agency of the State Board, operating under a statewide, multi-campus model. The bill establishes that USDB has two primary functions. First, USDB supports LEAs in serving students who are deaf, blind, or deafblind within their LEA of record. Second, USDB serves as the designated LEA providing direct educational services when the student's IEP or Section 504 team determines the student's special education placement, the LEA determines the location of services most appropriate for that placement is at USDB, and an educational partnership agreement is established with the student's LEA of record.

Responsibilities

Responsibilities of the State Board

H.B. 448 adds to responsibilities for the State Board regarding USDB governance and oversight. Under the bill, the State Board must:

- Either directly appoint a USDB superintendent or authorize the State Superintendent of Public Instruction to appoint and supervise a USDB superintendent, subject to State Board approval
- Oversee capital facilities of USDB in collaboration with the Division of Facilities Construction and Management, including performing exhaustive reviews of LEA facilities for space-sharing or colocation opportunities before seeking state funding
- Review capital facility funding requests in public meetings before submitting requests to the Legislature
- Submit capital facilities funding requests to the Transportation and Infrastructure Appropriations Subcommittee
- After conducting exhaustive facility reviews, may identify school districts with critical numbers of students receiving USDB services, requiring those districts to enter into agreements to provide property for USDB facility construction on or adjacent to high school property
- Ensure reconciliation and consistency of data from USDB
- Appoint members to the USDB Advisory Council

Responsibilities of USDB

H.B. 448 adds to USDB's responsibilities for both supporting LEAs and providing direct educational services to students. Under the bill, USDB must:

- Support LEAs statewide in fulfilling the LEA's responsibility to serve students who are deaf, blind, or deafblind according to the student's IEP or Section 504 accommodation plan
- Serve as the designated LEA providing direct educational services to students when determined to be the appropriate location for the student's special education placement by the LEA
- When serving as a student's designated LEA, provide academic performance reporting to the student's LEA of record through educational partnership agreements
- Conduct annual October 1 student counts in four categories: students for whom USDB serves as designated LEA (further categorized by Utah School for the Deaf and Utah School for the Blind), students who receive services in their LEA of record with USDB support, students who receive services from both USDB facilities and their LEA of record, and students in any other USDB program
- Report annually to the State Board on student counts by eligibility type and LEA of record, type and amount or extent of services provided, and division of educational time for mixed-service students
- Maintain operations of the Utah School for the Deaf, Utah School for the Blind, and programs for deafblind students under the multi-campus model

Responsibilities of an LEA

H.B. 448 adds to LEA responsibilities for students who are deaf, blind, or deafblind, whether served within the LEA or by USDB as the designated LEA because the LEA retains fundamental responsibility for the education of all students with special education needs, including those served by USDB. Under the

bill, LEAs must:

- When USDB becomes the designated LEA, enter into educational partnership agreement specifying academic performance reporting and monitoring obligations
- Monitor student academic performance through USDB reporting, with IEP or Section 504 teams reviewing progress data
- Count students attending USDB in the LEA's average daily membership enrollment (delayed until July 1, 2027)
- Remit 95% of per-pupil, state, and federal funding associated with students served by USDB to USDB for educational support and maintenance (delayed until July 1, 2027)
- For school districts - Make good faith efforts to provide space for USDB programs and enter into written agreements memorializing terms of use
- For districts with critical numbers of USDB students, agree to provide a segment of school district property for construction of a USDB facility on or adjacent to high school property, where USDB may operate as the designated LEA for students in the surrounding region

Governance

H.B. 448 would clarify that the State Board may directly appoint the USDB superintendent or authorize the State Superintendent of Public Instruction to appoint and supervise the role, subject to State Board approval.

The bill would also codify the membership of the Advisory Council for USDB with specific membership requirements. The Council consists of eleven members: two members who are blind, two who are deaf, two who are deafblind or parents of deafblind children, two parents with children receiving USDB outreach services, one parent of a blind child, one parent of a deaf child, and one non-voting State Board member. The Advisory Council serves as the school community council for USDB and makes recommendations on entrance policies, the Educational Enrichment Program, and general USDB operations.

The State Board would also gain responsibility for capital facilities oversight in collaboration with the Division of Facilities Construction and Management. Before seeking state funding for USDB facilities, the State Board must perform an exhaustive review of LEA facilities for potential space-sharing or colocation opportunities in consultation with the Division of Facilities Construction and Management. Capital facility requests must be reviewed in public State Board meetings before submission to the Transportation and Infrastructure Appropriations Subcommittee.

Data and Reporting Requirements

H.B. 448 would establish comprehensive student counting and data reporting requirements. USDB would be required to determine on October 1 of each year the number of students:

- for whom USDB serves as designated LEA, categorized by Utah School for the Deaf and Utah School for the Blind
- receiving services in their LEA of record with USDB support
- receiving services from both USDB-operated facilities and their LEA of record

USDB would be required to report annually to the State Board with detailed breakdowns including student counts by eligibility type and LEA of record, the type and amount or extent of services provided, and for mixed-service students, the division of educational time between service delivery systems. The State Board would be responsible for reconciling and ensuring consistency of USDB data, which would be included in the State Superintendent's Annual Report.

Funding and Enrollment

H.B. 448 clarifies financial relationships when USDB serves as a student's designated LEA. The LEA of record must count the student in the LEA's average daily membership for state funding and remit 95% of per-pupil, state, and federal funding associated with the student to USDB for the support of the student's education.

