

Part 1 General Provisions

53A-25b-101 Title.

This chapter is known as the "Utah Schools for the Deaf and the Blind."

Enacted by Chapter 294, 2009 General Session

53A-25b-102 Definitions.

As used in this chapter:

- (1) "Advisory council" means the Advisory Council for the Utah Schools for the Deaf and the Blind.
- (2) "Alternate format" includes braille, audio, or digital text, or large print.
- (3) "Associate superintendent" means:
 - (a) the associate superintendent of the Utah School for the Deaf; or
 - (b) the associate superintendent of the Utah School for the Blind.
- (4) "Blind" means:
 - (a) if the person is three years of age or older but younger than 22 years of age, having a visual impairment that, even with correction, adversely affects educational performance or substantially limits one or more major life activities; and
 - (b) if the person is younger than three years of age, having a visual impairment.
- (5) "Blindness" means an impairment in vision in which central visual acuity:
 - (a) does not exceed 20/200 in the better eye with correcting lenses; or
 - (b) is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than 20 degrees.
- (6) "Board" means the State Board of Education.
- (7) "Cortical visual impairment" means a neurological visual disorder:
 - (a) that:
 - (i) affects the visual cortex or visual tracts of the brain;
 - (ii) is caused by damage to the visual pathways to the brain;
 - (iii) affects a person's visual discrimination, acuity, processing, and interpretation; and
 - (iv) is often present in conjunction with other disabilities or eye conditions that cause visual impairment; and
 - (b) in which the eyes and optic nerves of the affected person appear normal and the person's pupil responses are normal.
- (8) "Deaf" means:
 - (a) if the person is three years of age or older but younger than 22 years of age, having a hearing impairment, whether permanent or fluctuating, that, even with amplification, adversely affects educational performance or substantially limits one or more major life activities; and
 - (b) if the person is younger than three years of age, having a hearing impairment.
- (9) "Deafblind" means:
 - (a) if the person is three years of age or older but younger than 22 years of age:
 - (i) deaf;
 - (ii) blind; and
 - (iii) having hearing and visual impairments that cause such severe communication and other developmental and educational needs that the person cannot be accommodated in special education programs solely for students who are deaf or blind; or

- (b) if the person is younger than three years of age, having both hearing and vision impairments that are diagnosed as provided in Section 53A-25b-301.
- (10) "Deafness" means a hearing loss so severe that the person is impaired in processing linguistic information through hearing, with or without amplification.
- (11) "Educator" means a person who holds:
 - (a)
 - (i) a license issued under Title 53A, Chapter 6, Educator Licensing and Professional Practices Act; and
 - (ii) a position as:
 - (A) a teacher;
 - (B) a speech pathologist;
 - (C) a librarian or media specialist;
 - (D) a preschool teacher;
 - (E) a guidance counselor;
 - (F) a school psychologist;
 - (G) an audiologist; or
 - (H) an orientation and mobility specialist; or
 - (b)
 - (i) a bachelor's degree or higher;
 - (ii) credentials from the governing body of the professional's area of practice; and
 - (iii) a position as:
 - (A) a Parent Infant Program consultant;
 - (B) a deafblind consultant;
 - (C) a school nurse;
 - (D) a physical therapist;
 - (E) an occupational therapist;
 - (F) a social worker; or
 - (G) a low vision specialist.
- (12) "Functional blindness" means a disorder in which the physical structures of the eye may be functioning, but the person does not attend to, examine, utilize, or accurately process visual information.
- (13) "Functional hearing loss" means a central nervous system impairment that results in abnormal auditory perception, including an auditory processing disorder or auditory neuropathy/dys-synchrony, in which parts of the auditory system may be functioning, but the person does not attend to, respond to, localize, utilize, or accurately process auditory information.
- (14) "Hard of hearing" means having a hearing loss, excluding deafness.
- (15) "Hearing impairment" includes hard of hearing, deafness, or functional hearing loss.
- (16) "Individualized education program" or "IEP" means:
 - (a) a written statement for a student with a disability that is developed, reviewed, and revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.; or
 - (b) an individualized family service plan developed:
 - (i) for a child with a disability who is younger than three years of age; and
 - (ii) in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.
- (17) "LEA" means a local education agency that has administrative control and direction for public education.

- (18) "LEA of record" means the school district of residence of a student as determined under Section 53A-2-201.
- (19) "Low vision" means an impairment in vision in which:
 - (a) visual acuity is at 20/70 or worse; or
 - (b) the visual field is reduced to less than 20 degrees.
- (20) "Parent Infant Program" means a program at the Utah Schools for the Deaf and the Blind that provides services:
 - (a) through an interagency agreement with the Department of Health to children younger than three years of age who are deaf, blind, or deafblind; and
 - (b) to children younger than three years of age who are deafblind through Deafblind Services of the Utah Schools for the Deaf and the Blind.
- (21) "Section 504" means Section 504 of the Rehabilitation Act of 1973.
- (22) "Section 504 accommodation plan" means a plan developed pursuant to Section 504 of the Rehabilitation Act of 1973, as amended, to provide appropriate accommodations to an individual with a disability to ensure access to major life activities.
- (23) "Superintendent" means the superintendent of the Utah Schools for the Deaf and the Blind.
- (24) "Visual impairment" includes partial sightedness, low vision, blindness, cortical visual impairment, functional blindness, and degenerative conditions that lead to blindness or severe loss of vision.

Enacted by Chapter 294, 2009 General Session

53A-25b-103 Utah Schools for the Deaf and the Blind created -- Designated LEA -- Services statewide.

- (1) The Utah Schools for the Deaf and the Blind is created as a single public school agency that includes:
 - (a) the Utah School for the Deaf;
 - (b) the Utah School for the Blind;
 - (c) programs for students who are deafblind; and
 - (d) the Parent Infant Program.
- (2) Under the general control and supervision of the board, consistent with the board's constitutional authority, the Utah Schools for the Deaf and the Blind:
 - (a) may provide services to students statewide:
 - (i) who are deaf, blind, or deafblind; or
 - (ii) who are neither deaf, blind, nor deafblind, if allowed under rules of the board established pursuant to Section 53A-25b-301; and
 - (b) shall serve as the designated LEA for a student and assume the responsibilities of providing services as prescribed through the student's IEP or Section 504 accommodation plan when the student's LEA of record, parent or legal guardian, and the Utah Schools for the Deaf and the Blind determine that the student be placed at the Utah Schools for the Deaf and the Blind.
- (3) When the Utah Schools for the Deaf and the Blind becomes a student's designated LEA, the LEA of record and the Utah Schools for the Deaf and the Blind shall ensure that all rights and requirements regarding individual student assessment, eligibility, services, placement, and procedural safeguards provided through the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq. and Section 504 of the Rehabilitation Act of 1973, as amended, remain in force.

- (4) Nothing in this section diminishes the responsibility of a student's LEA of record for the education of the student as provided in Title 53A, Chapter 15, Part 3, Education of Children with Disabilities.

Enacted by Chapter 294, 2009 General Session

53A-25b-104 Corporate powers.

- (1) The Utah Schools for the Deaf and the Blind is a public corporation with perpetual succession and a corporate seal.
- (2) The Utah Schools for the Deaf and the Blind may:
 - (a) sue and be sued;
 - (b) contract and be contracted with;
 - (c) take and hold by purchase, gift, devise, or bequest real and personal property required for its uses; and
 - (d) convert property, if not suitable for its use, into other property or money.
- (3) The property of the Utah Schools for the Deaf and the Blind is exempt from taxes and assessments.

Enacted by Chapter 294, 2009 General Session

53A-25b-105 Applicability of statutes to the Utah Schools for the Deaf and the Blind.

- (1) The Utah Schools for the Deaf and the Blind is subject to Title 53A, State System of Public Education, and other state laws applicable to public schools, except as otherwise provided by this chapter.
- (2) The following provisions of Title 53A, State System of Public Education, do not apply to the Utah Schools for the Deaf and the Blind:
 - (a) provisions governing the budgets, funding, or finances of school districts or charter schools; and
 - (b) provisions governing school construction.
- (3) Except as provided in this chapter, the Utah Schools for the Deaf and the Blind is subject to state laws governing state agencies, including:
 - (a) Title 51, Chapter 5, Funds Consolidation Act;
 - (b) Title 51, Chapter 7, State Money Management Act;
 - (c) Title 52, Chapter 4, Open and Public Meetings Act;
 - (d) Title 63A, Utah Administrative Services Code;
 - (e) Title 63G, Chapter 2, Government Records Access and Management Act;
 - (f) Title 63G, Chapter 4, Administrative Procedures Act;
 - (g) Title 63G, Chapter 6a, Utah Procurement Code;
 - (h) Title 63J, Chapter 1, Budgetary Procedures Act;
 - (i) Title 63J, Chapter 2, Revenue Procedures and Control Act; and
 - (j) Title 67, Chapter 19, Utah State Personnel Management Act.

Amended by Chapter 347, 2012 General Session