

Part 3 Services and Educational Programs

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

53A-25b-302 Entrance policies and procedures.

With input from the Utah Schools for the Deaf and the Blind, school districts, parents, and the advisory council, the board shall establish entrance policies and procedures that IEP teams and Section 504 teams are to consider in making placement recommendations at the Utah Schools for the Deaf and the Blind.

Enacted by Chapter 294, 2009 General Session

53A-25b-303 Educational programs.

- (1) The Utah Schools for the Deaf and the Blind shall provide an educational program for a student:
 - (a) based on assessments of the student's abilities; and
 - (b) in accordance with the student's IEP or Section 504 accommodation plan.
- (2) If a student's ability to access the core curriculum is impaired primarily due to a severe sensory loss, the Utah Schools for the Deaf and the Blind shall provide an educational program that will enable the student, with accommodations, to access the core curriculum.
- (3) The Utah Schools for the Deaf and the Blind shall provide instruction in Braille to students who are blind as required by Chapter 25a, Blind Persons' Literacy Rights and Education Act.

Enacted by Chapter 294, 2009 General Session

53A-25b-304 U-PASS testing.

The Utah Schools for the Deaf and the Blind shall annually administer, as applicable, the U-PASS tests specified in Section 53A-1-602, except a student may take an alternative test in accordance with the student's IEP.

Amended by Chapter 291, 2012 General Session

53A-25b-305 Collaboration with Department of Health.

The Utah Schools for the Deaf and the Blind shall collaborate with the Department of Health to provide services to children with disabilities who are younger than three years of age in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq.

Enacted by Chapter 294, 2009 General Session

53A-25b-306 Programs for deafblind individuals -- State deafblind education specialist.

- (1) The board shall adopt policies and programs for providing appropriate educational services to individuals who are deafblind.
- (2) Except as provided in Subsection (4), the board shall designate an employee who holds a deafblind certification or equivalent training and expertise to:
 - (a) act as a resource coordinator for the board on public education programs designed for individuals who are deafblind;
 - (b) facilitate the design and implementation of professional development programs to assist school districts, charter schools, and the Utah Schools for the Deaf and the Blind in meeting the educational needs of those who are deafblind; and

- (c) facilitate the design of and assist with the implementation of one-on-one intervention programs in school districts, charter schools, and at the Utah Schools for the Deaf and the Blind for those who are deafblind, serving as a resource for, or team member of, individual IEP teams.
- (3) The board may authorize and approve the costs of an employee to obtain a deafblind certification or equivalent training and expertise to qualify for the position described in Subsection (2).
- (4) The board may contract with a third party for the services required under Subsection (2).

Amended by Chapter 144, 2016 General Session

53A-25b-307 Educational Enrichment Program for Hearing and Visually Impaired Students -- Funding for the program.

- (1) There is established the Educational Enrichment Program for Hearing and Visually Impaired Students.
- (2) The purpose of the program is to provide opportunities that will, in a family friendly environment, enhance the educational services required for deaf, blind, or deafblind students.
- (3) The advisory council shall design and implement the program, subject to the approval by the board.
- (4) The program shall be funded from the interest and dividends derived from the permanent funds created for the Utah Schools for the Deaf and the Blind pursuant to Section 12 of the Utah Enabling Act and distributed by the director of the School and Institutional Trust Lands Administration under Section 53C-3-103.

Enacted by Chapter 294, 2009 General Session