

Effective 5/14/2019

53E-8-102 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, 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) "Cortical visual impairment" means a cortical or cerebral visual impairment:
 - (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.
- (7) "Deaf" means:
 - (a) if the person is three years of age or older but younger than 22 years of age, having hearing loss, 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 hearing loss.
- (8) "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 loss 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 loss and vision impairments that are diagnosed as provided in Section 53E-8-401.
- (9) "Deafness" means a hearing loss so severe that the person is impaired in processing linguistic information through hearing, with or without amplification.
- (10) "Educator" means an individual who is:
 - (a) licensed by the state board under Section 53E-6-201; or
 - (b) credentialed by the governing body of the individual's area of professional practice.
- (11) "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.

- (12) "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.
- (13) "Hard of hearing" means having a hearing loss, excluding deafness.
- (14) "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.
- (15) "LEA" means a local education agency that has administrative control and direction for public education.
- (16) "LEA of record" means the school district of residence of a student as determined under Section 53G-6-302.
- (17) "Low vision" means an impairment in vision in which:
 - (a) visual acuity is at 20/70 or worse;
 - (b) the visual field is reduced to less than 20 degrees;
 - (c) even with correction, educational performance is affected; or
 - (d) at least one major life activity is substantially limited.
- (18) "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.
- (19) "Section 504" means Section 504 of the Rehabilitation Act of 1973.
- (20) "Superintendent" means the superintendent of the Utah Schools for the Deaf and the Blind.
- (21) "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.

Amended by Chapter 186, 2019 General Session

Amended by Chapter 314, 2019 General Session