

Effective 1/24/2018

**Chapter 8
Utah Schools for the Deaf and the Blind**

**Part 1
General Provisions**

Repealed 7/1/2025

53E-8-101 Title.

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

Repealed by Chapter 509, 2025 General Session

Enacted by Chapter 1, 2018 General Session

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

Part 2 Organization, Powers, and Duties

Superseded 7/1/2025

53E-8-201 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 state board, consistent with the state 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 state board established pursuant to Section 53E-8-401; 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 team that develops the student's IEP or Section 504 accommodation plan determines 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 Chapter 7, Part 2, Special Education Program.

Amended by Chapter 186, 2019 General Session
Amended by Chapter 314, 2019 General Session

Effective 7/1/2025

53E-8-201 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 subdivision of the state board and 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 state board, consistent with the state 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 state board established pursuant to Section 53E-8-401; 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 team that develops the student's IEP or Section 504 accommodation plan determines 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 Chapter 7, Part 2, Special Education Program.

Amended by Chapter 509, 2025 General Session

Superseded 7/1/2025

53E-8-202 Corporate powers -- Property -- Establishment of a foundation.

- (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.
- (4) The Utah Schools for the Deaf and the Blind may establish a foundation as described in Section 53E-3-403.

Renumbered and Amended by Chapter 1, 2018 General Session

Effective 7/1/2025

53E-8-202 Corporate powers -- Property -- Establishment of a foundation.

- (1) The Utah Schools for the Deaf and the Blind is a subdivision of the state board.
- (2) The state board, on behalf of 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.
- (4) The Utah Schools for the Deaf and the Blind may establish a foundation as described in Section 53E-3-403.

Amended by Chapter 509, 2025 General Session

53E-8-203 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 this public education code and other state laws applicable to public schools, except as otherwise provided by this chapter.
- (2) The following provisions of this public education code 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 Government Operations 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 63A, Chapter 17, Utah State Personnel Management Act.

Amended by Chapter 345, 2021 General Session

Superseded 7/1/2025

53E-8-204 Authority of the state board -- Rulemaking -- Superintendent -- Advisory council.

- (1) The state board is the governing board of the Utah Schools for the Deaf and the Blind.
- (2)
 - (a) The state board shall appoint a superintendent for the Utah Schools for the Deaf and the Blind.
 - (b) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the qualifications, terms of employment, and duties of the superintendent for the Utah Schools for the Deaf and the Blind.
- (3) The superintendent shall:
 - (a) subject to the approval of the state board, appoint an associate superintendent to administer the Utah School for the Deaf based on:
 - (i) demonstrated competency as an expert educator of deaf persons; and
 - (ii) knowledge of school management and the instruction of deaf persons;
 - (b) subject to the approval of the state board, appoint an associate superintendent to administer the Utah School for the Blind based on:
 - (i) demonstrated competency as an expert educator of blind persons; and

- (ii) knowledge of school management and the instruction of blind persons, including an understanding of the unique needs and education of deafblind persons.
- (4) The state board shall approve the annual budget and expenditures of the Utah Schools for the Deaf and the Blind.
- (5)
 - (a) The state board shall submit a report in accordance with Section 53E-1-201 on the Utah Schools for the Deaf and the Blind.
 - (b) The state board shall ensure that the report described in Subsection (5)(a) includes:
 - (i) a financial report;
 - (ii) a report on Utah Schools for the Deaf and the Blind programs and activities; and
 - (iii) a report of student academic performance.

Amended by Chapter 408, 2020 General Session

Effective 7/1/2025

53E-8-204 Authority of the state board -- Rulemaking -- Superintendent -- Advisory council.

- (1)
 - (a) The state board is the governing board of the Utah Schools for the Deaf and the Blind.
 - (b) The state board shall, as the state board determines necessary, establish committees, policies, or processes necessary to the function and oversight of the Utah Schools for the Deaf and the Blind.
- (2)
 - (a) The state board shall appoint a superintendent for the Utah Schools for the Deaf and the Blind.
 - (b) The state board shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, regarding the qualifications, terms of employment, and duties of the superintendent for the Utah Schools for the Deaf and the Blind.
- (3) The superintendent shall:
 - (a) subject to the approval of the state board, appoint an associate superintendent to administer the Utah School for the Deaf based on:
 - (i) demonstrated competency as an expert educator of deaf persons; and
 - (ii) knowledge of school management and the instruction of deaf persons; and
 - (b) subject to the approval of the state board, appoint an associate superintendent to administer the Utah School for the Blind based on:
 - (i) demonstrated competency as an expert educator of blind persons; and
 - (ii) knowledge of school management and the instruction of blind persons, including an understanding of the unique needs and education of deafblind persons.
- (4) The state board shall:
 - (a) approve the annual budget and expenditures of the Utah Schools for the Deaf and the Blind; and
 - (b) administer the financial operations of the Utah Schools for the Deaf and the Blind.
- (5)
 - (a) The state board shall submit a report in accordance with Section 53E-1-201 on the Utah Schools for the Deaf and the Blind.
 - (b) The state board shall ensure that the report described in Subsection (5)(a) includes:
 - (i) a financial report;
 - (ii) a report on Utah Schools for the Deaf and the Blind programs and activities; and
 - (iii) a report of student academic performance.

Amended by Chapter 509, 2025 General Session

Part 3 Educators

53E-8-301 Educators exempt from Division of Human Resource Management rules -- Collective bargaining agreement.

- (1) Educators employed by the Utah Schools for the Deaf and the Blind are exempt from mandatory compliance with rules of the Division of Human Resource Management.
- (2) The state board may enter into a collective bargaining agreement to establish compensation and other personnel policies with educators employed by the Utah Schools for the Deaf and the Blind to replace rules of the Division of Human Resource Management.
- (3) A collective bargaining agreement made under Subsection (2) is subject to the same requirements that are imposed on local school boards by Section 53G-11-202.

Amended by Chapter 344, 2021 General Session

53E-8-302 Annual salary adjustments for educators.

- (1) In accordance with Section 53F-7-301, the Legislature shall appropriate money to the state board for the salary adjustments described in this section.
- (2) The state board shall include in its annual budget request for the Utah Schools for the Deaf and the Blind an amount of money sufficient to adjust educators' salaries as described in Subsection (3) and fund step and lane changes.
- (3)
 - (a) The state board shall determine the salary adjustment specified in Subsection (2) by:
 - (i) calculating a weighted average salary adjustment for nonadministrative licensed staff adopted by the school districts of the state, with the average weighted by the number of teachers in each school district; and
 - (ii) increasing the weighted average salary adjustment by 10% in any year in which teachers of the Utah Schools for the Deaf and the Blind are not ranked in the top 10 in 20-year earnings when compared to earnings of teachers in the school districts of the state.
 - (b) In calculating a weighted average salary adjustment for nonadministrative licensed staff adopted by the school districts of the state under Subsection (3)(a), the state board shall exclude educator salary adjustments provided pursuant to Section 53F-2-405.
- (4) From money appropriated to the state board for salary adjustments, the state board shall adjust the salary schedule applicable to educators at the school each year.

Amended by Chapter 186, 2019 General Session

Part 4 Eligibility, Services, and Programs

53E-8-401 Eligibility for services of the Utah Schools for the Deaf and the Blind.

- (1) Except as provided in Subsections (3), (4), and (5), an individual is eligible to receive services of the Utah Schools for the Deaf and the Blind if the individual is:
 - (a) a resident of Utah;
 - (b) younger than 22 years old;
 - (c) referred to the Utah Schools for the Deaf and the Blind by:
 - (i) the individual's school district of residence;
 - (ii) a local early intervention program; or
 - (iii) if the referral is consistent with the Individual with Disabilities Education Act, 20 U.S.C. Sec. 1400 et seq., the Parent Infant 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 determining eligibility for an individual who is younger than age three and 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 individual's current health status and medical history, an evaluation and observations of the individual'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.
- (4)
 - (a) A nonresident may receive services of the Utah Schools for the Deaf and the Blind in accordance with the rules of the state board described in Subsection (6).
 - (b) Notwithstanding Section 53G-7-503, the state board shall ensure that the rules described in Subsection (6) require the payment of tuition for services provided to a nonresident.
- (5) An individual is eligible to receive services from the Utah Schools for the Deaf and the Blind under circumstances described in Section 53E-8-408.
- (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the state board:
 - (a) shall make rules that determine the eligibility of students to be served by the Utah Schools for the Deaf and the Blind; and
 - (b) 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 resident is younger than 22 years old.

Amended by Chapter 497, 2024 General Session

53E-8-402 Entrance policies and procedures.

With input from the Utah Schools for the Deaf and the Blind, school districts, parents, and the advisory council, the state 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.

Amended by Chapter 186, 2019 General Session

53E-8-403 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 and requires intensive sensory-based instruction or services, 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.

Amended by Chapter 354, 2020 General Session

53E-8-404 Administration of statewide assessments.

The Utah Schools for the Deaf and the Blind shall annually administer, as applicable, the statewide assessments described in Section 53E-4-301, except a student may take an alternative test in accordance with the student's IEP.

Renumbered and Amended by Chapter 1, 2018 General Session

53E-8-405 Collaboration with Department of Health and Human Services.

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

Amended by Chapter 328, 2023 General Session

53E-8-406 Programs for deafblind individuals -- State deafblind education specialist.

- (1) The state board shall adopt policies and programs for providing appropriate educational services to individuals who are deafblind.
- (2) Except as provided in Subsection (4), the state board shall designate an employee who holds a deafblind credential issued by the state board or equivalent training and expertise to:
 - (a) act as a resource coordinator for the state 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 state board may authorize and approve the costs of an employee to obtain a deafblind credential issued by the state board or equivalent training and expertise to qualify for the position described in Subsection (2).
- (4) The state board may contract with a third party for the services required under Subsection (2).

Amended by Chapter 186, 2019 General Session

Amended by Chapter 314, 2019 General Session

53E-8-407 Educational Enrichment Program for Deaf, Hard of Hearing, Blind, and Visually Impaired Students -- Funding for the program.

- (1) There is established the Educational Enrichment Program for Deaf, Hard of Hearing, Blind, 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, hard of hearing, blind, visually impaired, or deafblind students.
- (3) The advisory council shall make recommendations to the state board regarding the design and implementation of the program.
- (4) The program shall be funded from the revenue distributed 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.

Amended by Chapter 186, 2019 General Session

Amended by Chapter 314, 2019 General Session

53E-8-408 Educational services for an individual with a hearing loss.

- (1) Subject to Subsection (2), the Utah Schools for the Deaf and the Blind shall provide educational services to an individual:
 - (a) who seeks to receive the educational services; and
 - (b)
 - (i) whose results of a test for hearing loss are reported to the Utah Schools for the Deaf and the Blind in accordance with Section 26B-4-319 or 26B-4-323; or
 - (ii) who has been diagnosed with a hearing loss by a physician or an audiologist.
- (2) If the individual who will receive the services described in Subsection (1) is a minor, the Utah Schools for the Deaf and the Blind may not provide the services to the individual until after receiving permission from the individual's parent.

Amended by Chapter 328, 2023 General Session

53E-8-409 Instructional Materials Access Center -- Board to make rules.

- (1) The state board shall collaborate with the Utah Schools for the Deaf and the Blind, school districts, and charter schools in establishing the Utah State Instructional Materials Access Center to provide students with print disabilities access to instructional materials in alternate formats in a timely manner.
- (2) The state board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to:

- (a) establish the Utah State Instructional Materials Access Center;
- (b) define how the Utah Schools for the Deaf and the Blind shall collaborate in the operation of the Utah State Instructional Materials Access Center;
- (c) specify procedures for the operation of the Utah State Instructional Materials Access Center, including procedures to:
 - (i) identify students who qualify for instructional materials in alternate formats; and
 - (ii) distribute and store instructional materials in alternate formats; and
- (d) require textbook publishers, as a condition of contract, to provide electronic file sets in conformance with the National Instructional Materials Accessibility Standard.

Amended by Chapter 408, 2020 General Session

53E-8-410 School districts to provide space for programs.

A school district with students who reside within the school district's boundaries and are served by the Utah Schools for the Deaf and the Blind shall make a good faith effort to provide the Utah Schools for the Deaf and the Blind with space required for programs offered by the Utah Schools for the Deaf and the Blind.

Amended by Chapter 314, 2019 General Session