

**Representative Kenneth W. Sumsion** proposes the following substitute bill:

**SCHOOLS FOR THE DEAF AND BLIND**

**AMENDMENTS**

2009 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kenneth W. Sumsion**

Senate Sponsor: Curtis S. Bramble

Cosponsor: Jennifer M. Seelig

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**LONG TITLE**

**General Description:**

This bill recodifies the Utah Schools for the Deaf and the Blind, including modifying provisions regarding its employees and a student's eligibility for services.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ creates the Utah Schools for the Deaf and the Blind as a single public school agency and a public corporation;
- ▶ allows the Utah Schools for the Deaf and the Blind to serve as the designated local education agency (LEA) for a student;
- ▶ clarifies that the Utah Schools for the Deaf and the Blind, with certain exceptions, is subject to state laws applicable to public schools and state government agencies;
- ▶ provides that the State Board of Education is the governing board of the Utah Schools for the Deaf and the Blind;
- ▶ directs the State Board of Education to appoint:
  - a superintendent for the Utah Schools for the Deaf and the Blind; and



- 26 • members of the Advisory Council for the Utah Schools for the Deaf and the
- 27 Blind;
- 28 ▶ directs the superintendent to appoint, subject to approval by the State Board of
- 29 Education:
- 30 • an associate superintendent to administer the Utah School for the Deaf; and
- 31 • an associate superintendent to administer the Utah School for the Blind;
- 32 ▶ establishes the power and duties of the superintendent and the advisory council;
- 33 ▶ establishes eligibility criteria for services of the Utah Schools for the Deaf and the
- 34 Blind;
- 35 ▶ specifies educational program, assessment, and reporting requirements;
- 36 ▶ provides that certain educators employed by the Utah Schools for the Deaf and the
- 37 Blind are exempt from classified service, state pay plan, and career service
- 38 provisions of the Utah Personnel Management Act and rules of the Department of
- 39 Human Resource Management;
- 40 ▶ requires the State Board of Education to make rules to establish and specify
- 41 procedures for the operation of the Utah State Instructional Materials Accessibility
- 42 Center; and
- 43 ▶ makes technical amendments.

**44 Monies Appropriated in this Bill:**

45 None

**46 Other Special Clauses:**

47 None

**48 Utah Code Sections Affected:**

49 AMENDS:

50 **53A-25a-105**, as last amended by Laws of Utah 2002, Chapter 299

51 **63I-4-102**, as renumbered and amended by Laws of Utah 2008, Chapter 147

52 **67-19-12**, as last amended by Laws of Utah 2007, Chapter 166

53 **67-19-15**, as last amended by Laws of Utah 2008, Chapter 3

54 ENACTS:

55 **53A-25b-101**, Utah Code Annotated 1953

56 **53A-25b-102**, Utah Code Annotated 1953

- 57           **53A-25b-103**, Utah Code Annotated 1953
- 58           **53A-25b-104**, Utah Code Annotated 1953
- 59           **53A-25b-105**, Utah Code Annotated 1953
- 60           **53A-25b-201**, Utah Code Annotated 1953
- 61           **53A-25b-202**, Utah Code Annotated 1953
- 62           **53A-25b-203**, Utah Code Annotated 1953
- 63           **53A-25b-301**, Utah Code Annotated 1953
- 64           **53A-25b-302**, Utah Code Annotated 1953
- 65           **53A-25b-303**, Utah Code Annotated 1953
- 66           **53A-25b-304**, Utah Code Annotated 1953
- 67           **53A-25b-305**, Utah Code Annotated 1953
- 68           **53A-25b-306**, Utah Code Annotated 1953
- 69           **53A-25b-307**, Utah Code Annotated 1953
- 70           **53A-25b-401**, Utah Code Annotated 1953
- 71           **53A-25b-402**, Utah Code Annotated 1953
- 72           **53A-25b-501**, Utah Code Annotated 1953

73 REPEALS:

- 74           **53A-25-101**, as enacted by Laws of Utah 1988, Chapter 2
- 75           **53A-25-102**, as enacted by Laws of Utah 1988, Chapter 2
- 76           **53A-25-103**, as enacted by Laws of Utah 1988, Chapter 2
- 77           **53A-25-104**, as last amended by Laws of Utah 1996, Chapter 37
- 78           **53A-25-105**, as enacted by Laws of Utah 1988, Chapter 2
- 79           **53A-25-107**, as enacted by Laws of Utah 1988, Chapter 2
- 80           **53A-25-108**, as enacted by Laws of Utah 1988, Chapter 2
- 81           **53A-25-109**, as enacted by Laws of Utah 1988, Chapter 2
- 82           **53A-25-110**, as enacted by Laws of Utah 1988, Chapter 2
- 83           **53A-25-111**, as last amended by Laws of Utah 2007, Chapter 380
- 84           **53A-25-201**, as enacted by Laws of Utah 1988, Chapter 2
- 85           **53A-25-202**, as enacted by Laws of Utah 1988, Chapter 2
- 86           **53A-25-203**, as last amended by Laws of Utah 1996, Chapter 37
- 87           **53A-25-204**, as enacted by Laws of Utah 1988, Chapter 2

- 88           **53A-25-205**, as enacted by Laws of Utah 1988, Chapter 2
- 89           **53A-25-206**, as last amended by Laws of Utah 2001, Chapter 73
- 90           **53A-25-301**, as last amended by Laws of Utah 1995, Chapter 223
- 91           **53A-25-302**, as last amended by Laws of Utah 1995, Chapter 223
- 92           **53A-25-303**, as last amended by Laws of Utah 1995, Chapter 223
- 93           **53A-25-304**, as last amended by Laws of Utah 1995, Chapter 223
- 94           **53A-25-305**, as last amended by Laws of Utah 1995, Chapter 223
- 95           **53A-25-306**, as enacted by Laws of Utah 2001, Chapter 312

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **53A-25a-105** is amended to read:

**53A-25a-105. Braille versions of textbooks.**

(1) As a condition of the annual contract for instructional materials process and as a condition of textbook acceptance, the State Board of Education [~~through the State Office of Education~~] shall require publishers of textbooks recommended by the [~~state~~] board to furnish, on request, their textbooks [~~on computer diskettes, on request, for literary subjects in the American Standard Code for Information Interchange (ASCH)~~] and related instructional materials in an electronic file set, in conformance with the National Instructional Materials Accessibility Standard, from which Braille versions of all or part of the textbook and related instructional materials can be produced.

(2) When Braille translation software for specialty code translation becomes available, publishers shall [~~make computer diskettes available, on request, in ASCH~~] furnish, on request, electronic file sets, in conformance with the National Instructional Materials Accessibility Standard, for nonliterary subjects such as mathematics and science.

Section 2. Section **53A-25b-101** is enacted to read:

**CHAPTER 25b. UTAH SCHOOLS FOR THE DEAF AND THE BLIND**

**Part 1. General Provisions**

**53A-25b-101. Title.**

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

Section 3. Section **53A-25b-102** is enacted to read:

**53A-25b-102. Definitions.**

119 As used in this chapter:

120 (1) "Advisory council" means the Advisory Council for the Utah Schools for the Deaf  
121 and the Blind.

122 (2) "Alternate format" includes braille, audio, or digital text, or large print.

123 (3) "Associate superintendent" means:

124 (a) the associate superintendent of the Utah School for the Deaf; or

125 (b) the associate superintendent of the Utah School for the Blind.

126 (4) "Blind" means:

127 (a) if the person is three years of age or older but younger than 22 years of age, having  
128 a visual impairment that, even with correction, adversely affects educational performance or  
129 substantially limits one or more major life activities; and

130 (b) if the person is younger than three years of age, having a visual impairment.

131 (5) "Blindness" means an impairment in vision in which central visual acuity:

132 (a) does not exceed 20/200 in the better eye with correcting lenses; or

133 (b) is accompanied by a limit to the field of vision in the better eye to such a degree  
134 that its widest diameter subtends an angle of no greater than 20 degrees.

135 (6) "Board" means the State Board of Education.

136 (7) "Cortical visual impairment" means a neurological visual disorder:

137 (a) that:

138 (i) affects the visual cortex or visual tracts of the brain;

139 (ii) is caused by damage to the visual pathways to the brain;

140 (iii) affects a person's visual discrimination, acuity, processing, and interpretation; and

141 (iv) is often present in conjunction with other disabilities or eye conditions that cause  
142 visual impairment; and

143 (b) in which the eyes and optic nerves of the affected person appear normal and the  
144 person's pupil responses are normal.

145 (8) "Deaf" means:

146 (a) if the person is three years of age or older but younger than 22 years of age, having  
147 a hearing impairment, whether permanent or fluctuating, that, even with amplification,  
148 adversely affects educational performance or substantially limits one or more major life  
149 activities; and

- 150 (b) if the person is younger than three years of age, having a hearing impairment.
- 151 (9) "Deafblind" means:
- 152 (a) if the person is three years of age or older but younger than 22 years of age:
- 153 (i) deaf;
- 154 (ii) blind; and
- 155 (iii) having hearing and visual impairments that cause such severe communication and
- 156 other developmental and educational needs that the person cannot be accommodated in special
- 157 education programs solely for students who are deaf or blind; or
- 158 (b) if the person is younger than three years of age, having both hearing and vision
- 159 impairments that are diagnosed as provided in Section 53A-25b-301.
- 160 (10) "Deafness" means a hearing loss so severe that the person is impaired in
- 161 processing linguistic information through hearing, with or without amplification.
- 162 (11) "Educator" means a person who holds:
- 163 (a) (i) a license issued under Title 53A, Chapter 6, Educator Licensing and Professional
- 164 Practices Act; and
- 165 (ii) a position as:
- 166 (A) a teacher;
- 167 (B) a speech pathologist;
- 168 (C) a librarian or media specialist;
- 169 (D) a preschool teacher;
- 170 (E) a guidance counselor;
- 171 (F) a school psychologist;
- 172 (G) an audiologist; or
- 173 (H) an orientation and mobility specialist; or
- 174 (b) (i) a bachelor's degree or higher;
- 175 (ii) credentials from the governing body of the professional's area of practice; and
- 176 (iii) a position as:
- 177 (A) a Parent Infant Program consultant;
- 178 (B) a deafblind consultant;
- 179 (C) a school nurse;
- 180 (D) a physical therapist;

181 (E) an occupational therapist;

182 (F) a social worker; or

183 (G) a low vision specialist.

184 (12) "Functional blindness" means a disorder in which the physical structures of the  
 185 eye may be functioning, but the person does not attend to, examine, utilize, or accurately  
 186 process visual information.

187 (13) "Functional hearing loss" means a central nervous system impairment ~~H→~~ that results  
 187a in abnormal auditory perception ~~←H~~ , ~~H→~~ including an ~~←H~~ auditory  
 188 processing disorder ~~H→~~ [;] ~~←H~~ or auditory neuropathy/dys-synchrony ~~H→~~ [that causes the person  
 188a to appear as a  
 189 person with deafness or who is hard of hearing;] , in which parts of the auditory system may be  
 189a functioning, but the person does not attend to, respond to, localize, utilize, or accurately  
 189b process auditory information. ~~←H~~

190 (14) "Hard of hearing" means having a hearing loss, excluding deafness.

191 (15) "Hearing impairment" includes hard of hearing, deafness, or functional hearing  
 192 loss.

193 (16) "Individualized education program" or "IEP" means:

194 (a) a written statement for a student with a disability that is developed, reviewed, and  
 195 revised in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec.  
 196 1400 et seq.; or

197 (b) an individualized family service plan developed:

198 (i) for a child with a disability who is younger than three years of age; and

199 (ii) in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. Sec.  
 200 1400 et seq.

201 (17) "LEA" means a local education agency that has administrative control and  
 202 direction for public education.

203 (18) "LEA of record" means the school district of residence of a student as determined  
 204 under Section 53A-2-201.

205 (19) "Low vision" means an impairment in vision in which:

206 (a) visual acuity is at 20/70 or worse; or

207 (b) the visual field is reduced to less than 20 degrees.

208 (20) "Parent Infant Program" means a program at the Utah Schools for the Deaf and the  
 209 Blind that provides services:

210 (a) through an interagency agreement with the Department of Health to children  
 211 younger than three years of age who are deaf, blind, or deafblind; and

212 (b) to children younger than three years of age who are deafblind through Deafblind  
213 Services of the Utah Schools for the Deaf and the Blind.

214 (21) "Section 504" means Section 504 of the Rehabilitation Act of 1973.

215 (22) "Section 504 accommodation plan" means a plan developed pursuant to Section  
216 504 of the Rehabilitation Act of 1973, as amended, to provide appropriate accommodations to  
217 an individual with a disability to ensure access to major life activities.

218 (23) "Superintendent" means the superintendent of the Utah Schools for the Deaf and  
219 the Blind.

220 (24) "Visual impairment" includes partial sightedness, low vision, blindness, cortical  
221 visual impairment, functional blindness, and degenerative conditions that lead to blindness or  
222 severe loss of vision.

223 Section 4. Section **53A-25b-103** is enacted to read:

224 **53A-25b-103. Utah Schools for the Deaf and the Blind created -- Designated LEA**  
225 **-- Services statewide.**

226 (1) The Utah Schools for the Deaf and the Blind is created as a single public school  
227 agency that includes:

228 (a) the Utah School for the Deaf;

229 (b) the Utah School for the Blind;

230 (c) programs for students who are deafblind; and

231 (d) the Parent Infant Program.

232 (2) Under the general control and supervision of the board, consistent with the board's  
233 constitutional authority, the Utah Schools for the Deaf and the Blind:

234 (a) may provide services to students statewide:

235 (i) who are deaf, blind, or deafblind; or

236 (ii) who are neither deaf, blind, nor deafblind, if allowed under rules of the board  
237 established pursuant to Section 53A-25b-301; and

238 (b) shall serve as the designated LEA for a student and assume the responsibilities of  
239 providing services as prescribed through the student's IEP or Section 504 accommodation plan  
240 when the student's LEA of record, parent or legal guardian, and the Utah Schools for the Deaf  
241 and the Blind determine that the student be placed at the Utah Schools for the Deaf and the  
242 Blind.



243 (3) When the Utah Schools for the Deaf and the Blind becomes a student's designated  
244 LEA, the LEA of record and the Utah Schools for the Deaf and the Blind shall ensure that all  
245 rights and requirements regarding individual student assessment, eligibility, services,  
246 placement, and procedural safeguards provided through the Individuals with Disabilities  
247 Education Act, 20 U.S.C. Sec. 1400 et seq. and Section 504 of the Rehabilitation Act of 1973,  
248 as amended, remain in force.

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

252 Section 5. Section **53A-25b-104** is enacted to read:

253 **53A-25b-104. Corporate powers.**

254 (1) The Utah Schools for the Deaf and the Blind is a public corporation with perpetual  
255 succession and a corporate seal.

256 (2) The Utah Schools for the Deaf and the Blind may:

257 (a) sue and be sued;

258 (b) contract and be contracted with;

259 (c) take and hold by purchase, gift, devise, or bequest real and personal property  
260 required for its uses; and

261 (d) convert property, if not suitable for its use, into other property or money.

262 (3) The property of the Utah Schools for the Deaf and the Blind is exempt from taxes  
263 and assessments.

264 Section 6. Section **53A-25b-105** is enacted to read:

265 **53A-25b-105. Applicability of statutes to the Utah Schools for the Deaf and the**  
266 **Blind.**

267 (1) The Utah Schools for the Deaf and the Blind is subject to Title 53A, State System  
268 of Public Education, and other state laws applicable to public schools, except as otherwise  
269 provided by this chapter.

270 (2) The following provisions of Title 53A, State System of Public Education, do not  
271 apply to the Utah Schools for the Deaf and the Blind:

272 (a) provisions governing the budgets, funding, or finances of school districts or charter  
273 schools; and

- 274 (b) provisions governing school construction.
- 275 (3) Except as provided in this chapter, the Utah Schools for the Deaf and the Blind is
- 276 subject to state laws governing state agencies, including:
- 277 (a) Title 51, Chapter 5, Funds Consolidation Act;
- 278 (b) Title 51, Chapter 7, State Money Management Act;
- 279 (c) Title 52, Chapter 4, Open and Public Meetings Act;
- 280 (d) Title 63A, Utah Administrative Services Code;
- 281 (e) Title 63G, Chapter 2, Government Records Access and Management Act;
- 282 (f) Title 63G, Chapter 4, Administrative Procedures Act;
- 283 (g) Title 63G, Chapter 6, Utah Procurement Code;
- 284 (h) Title 63J, Chapter 1, Budgetary Procedures Act;
- 285 (i) Title 63J, Chapter 2, Revenue Procedures and Control Act; and
- 286 (j) Title 67, Chapter 19, Utah State Personnel Management Act.
- 287 Section 7. Section **53A-25b-201** is enacted to read:

**Part 2. Governance**

**53A-25b-201. Authority of the State Board of Education.**

- 290 (1) The State Board of Education is the governing board of the Utah Schools for the
- 291 Deaf and the Blind.
- 292 (2) (a) The board shall appoint a superintendent for the Utah Schools for the Deaf and
- 293 the Blind.
- 294 (b) (i) Except as provided in Subsection (2)(b)(ii), the superintendent shall:
- 295 (A) hold an administrative/supervisory license;
- 296 (B) have demonstrated success in administration of education programs;
- 297 (C) have demonstrated skill in organizational management; and
- 298 (D) have a knowledge of special education practice and law.
- 299 (ii) The board may grant a letter of authorization permitting a person with outstanding
- 300 professional qualifications, including management experience and skills consistent with the
- 301 mission of the Utah Schools for the Deaf and the Blind, to be appointed as superintendent.
- 302 (c) The board shall establish the salary for the superintendent.
- 303 (3) (a) The board shall:
- 304 (i) appoint members of the Advisory Council for the Utah Schools for the Deaf and the

305 Blind; and

306 (ii) receive and consider the recommendations and advice of the advisory council.

307 (b) The board is not obligated to follow the recommendations of the advisory council.

308 (4) The board shall approve the annual budget and expenditures of the Utah Schools

309 for the Deaf and the Blind.

310 Section 8. Section **53A-25b-202** is enacted to read:

311 **53A-25b-202. Authority and duties of the superintendent.**

312 The superintendent shall:

313 (1) serve as the chief executive officer of the Utah Schools for the Deaf and the Blind;

314 (2) subject to the approval of the board, appoint an associate superintendent to

315 administer the Utah School for the Deaf based on:

316 (a) demonstrated competency as an expert educator of deaf persons; and

317 (b) knowledge of school management and the instruction of deaf persons;

318 (3) subject to the approval of the board, appoint an associate superintendent to

319 administer the Utah School for the Blind based on:

320 (a) demonstrated competency as an expert educator of blind persons; and

321 (b) knowledge of school management and the instruction of blind persons, including an  
322 understanding of the unique needs and education of deafblind persons;

323 (4) establish policies for student conduct and procedures for due process, consistent  
324 with federal and state statutes;

325 (5) establish policies and procedures for reporting child abuse in accordance with

326 Section 62A-4a-403; and

327 (6) establish procedures to ensure effective communication and relationships with  
328 school districts, charter schools, other state agencies, and the community.

329 Section 9. Section **53A-25b-203** is enacted to read:

330 **53A-25b-203. Advisory Council for the Utah Schools for the Deaf and the Blind.**

331 (1) (a) There is created the Advisory Council for the Utah Schools for the Deaf and the  
332 Blind composed of at least six, but no more than 11, voting members appointed by the board.

333 (b) The advisory council shall include:

334 (i) two members who are blind;

335 (ii) two members who are deaf; and

- 336 (iii) two members who are deafblind or parents of a deafblind child.
- 337 (c) The board may appoint other advisory council members who have an interest in and
- 338 knowledge of the needs and education of students who are deaf, blind, or deafblind.
- 339 (2) The board may remove a council member for cause.
- 340 (3) The board shall makes rules in accordance with Title 63G, Chapter 3, Utah
- 341 Administrative Rulemaking Act, regarding the operation of the advisory council, including
- 342 rules:
  - 343 (a) specifying the term of membership for advisory council members;
  - 344 (b) establishing procedures for filling a vacancy on the advisory council; and
  - 345 (c) establishing procedures for dismissing an advisory council member.
  - 346 (4) An advisory council member may receive per diem and expenses incurred in the
  - 347 performance of the member's official duties at the rates established by the Division of Finance
  - 348 under Sections 63A-3-106 and 63A-3-107.
  - 349 (5) The advisory council shall meet at least ten times per year.
  - 350 (6) (a) The advisory council shall elect a chair and vice chair from its membership.
  - 351 (b) The advisory council may elect other officers from its membership.
  - 352 (c) The advisory council officers shall serve one-year terms.
  - 353 (7) A majority of the advisory council constitutes a quorum for the transaction of
  - 354 business.
  - 355 (8) The board shall assign a staff member from the Utah State Office of Education and
  - 356 the superintendent to act as liaisons between the board and the advisory council.
  - 357 (9) The advisory council shall:
    - 358 (a) advise and make recommendations to the board, superintendent, and associate
    - 359 superintendents regarding:
      - 360 (i) staff positions;
      - 361 (ii) policy;
      - 362 (iii) budgets; and
      - 363 (iv) operations;
      - 364 (b) advise the board, superintendent, and associate superintendents as to the needs of
      - 365 those who are deaf, blind, or deafblind and of appropriate programs and services to address
      - 366 individual needs consistent with state and federal laws, rules, and regulations; and

367 (c) advise and make recommendations to the board regarding the continued  
368 employment of the superintendent and associate superintendents.

369 (10) The board shall receive and consider the advice and recommendations of the  
370 advisory council but is not obligated to follow that advice or adopt the recommendations.

371 Section 10. Section **53A-25b-301** is enacted to read:

372 **Part 3. Services and Educational Programs**

373 **53A-25b-301. Eligibility for services of the Utah Schools for the Deaf and the**  
374 **Blind.**

375 (1) Except as provided in Subsections (3) and (4), a person is eligible to receive  
376 services of the Utah Schools for the Deaf and the Blind if the person is:

377 (a) a resident of Utah;

378 (b) younger than 22 years of age;

379 (c) referred to the Utah Schools for the Deaf and the Blind by the person's school  
380 district of residence or a local early intervention program; and

381 (d) identified as deaf, blind, or deafblind through:

382 (i) the special education eligibility determination process; or

383 (ii) the Section 504 eligibility determination process.

384 (2) (a) In diagnosing a person younger than age three who is deafblind, the following  
385 information may be used:

386 (i) ophthalmological and audiological documentation;

387 (ii) functional vision or hearing assessments and evaluations; or

388 (iii) informed clinical opinion conducted by a person with expertise in deafness,  
389 blindness, or deafblindness.

390 (b) Informed clinical opinion shall be:

391 (i) included in the determination of eligibility when documentation is incomplete or not  
392 conclusive; and

393 (ii) based on pertinent records related to the person's current health status and medical  
394 history, an evaluation and observations of the person's level of sensory functioning, and the  
395 needs of the family.

396 (3) (a) A student who qualifies for special education shall have services and placement  
397 determinations made through the IEP process.

398 (b) A student who qualifies for accommodations under Section 504 shall have services  
 399 and placement determinations made through the Section 504 team process.

400 (c) A parent or legal guardian of a child who is deaf, blind, or deafblind shall make the  
 401 final decision regarding placement of the child in a Utah Schools for the Deaf and the Blind  
 402 program or in a school district or charter school program subject to special education federal  
 403 regulations regarding due process.

404 (4) (a) A nonresident may receive services of the Utah Schools for the Deaf and the  
 405 Blind in accordance with rules of the board.

406 (b) The rules shall require the payment of tuition for services provided to a  
 407 nonresident.

408 (5) (a) The board shall make rules in accordance with this chapter and Title 63G,  
 409 Chapter 3, Utah Administrative Rulemaking Act, that determine the eligibility of students to be  
 410 served by the Utah Schools for the Deaf and the Blind.

411 (b) The board may make rules to allow a resident of Utah who is ~~H→~~ [younger than 22 years  
 412 of age and who is] ~~←H~~ neither deaf, blind, nor deafblind to receive services of the Utah Schools for  
 413 the Deaf and the Blind ~~H→~~ if the student:

413a (i) is younger than 22 years of age and has an IEP; or

413b (ii) is younger than 19 years of age ~~←H~~ .

414 Section 11. Section **53A-25b-302** is enacted to read:

415 **53A-25b-302. Entrance policies and procedures.**

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

420 Section 12. Section **53A-25b-303** is enacted to read:

421 **53A-25b-303. Educational programs.**

422 (1) The Utah Schools for the Deaf and the Blind shall provide an educational program  
 423 for a student:

424 (a) based on assessments of the student's abilities; and

425 (b) in accordance with the student's IEP or Section 504 accommodation plan.

426 (2) If a student's ability to access the core curriculum is impaired primarily due to a  
 427 severe sensory loss, the Utah Schools for the Deaf and the Blind shall provide an educational  
 428 program that will enable the student, with accommodations, to access the core curriculum.

429           (3) The Utah Schools for the Deaf and the Blind shall provide instruction in Braille to  
430 students who are blind as required by Chapter 25a, Blind Persons' Literacy Rights and  
431 Education Act.

432           Section 13. Section **53A-25b-304** is enacted to read:

433           **53A-25b-304. U-PASS testing and reporting.**

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

437           (2) By November 30 of each year, through 2011, the Utah Schools for the Deaf and the  
438 Blind shall report to the board and the Education Interim Committee the following data:

439           (a) number of students served;

440           (b) services provided;

441           (c) student participation in state assessments;

442           (d) academic achievement of students; and

443           (e) the impact on enrollment at the Utah Schools for the Deaf and the Blind resulting  
444 from statutory changes regarding eligibility.

445           Section 14. Section **53A-25b-305** is enacted to read:

446           **53A-25b-305. Collaboration with Department of Health.**

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

450           Section 15. Section **53A-25b-306** is enacted to read:

451           **53A-25b-306. Programs for deafblind individuals -- State deafblind education**  
452 **specialist.**

453           (1) The board shall adopt policies and programs for providing appropriate educational  
454 services to individuals who are deafblind.

455           (2) Except as provided in Subsection (4), the board shall designate an employee of the  
456 Utah State Office of Education who holds a deafblind certification or equivalent training and  
457 expertise to:

458           (a) act as a resource coordinator for the board on public education programs designed  
459 for individuals who are deafblind;

460 (b) facilitate the design and implementation of professional development programs to  
461 assist school districts, charter schools, and the Utah Schools for the Deaf and the Blind in  
462 meeting the educational needs of those who are deafblind; and

463 (c) facilitate the design of and assist with the implementation of one-on-one  
464 intervention programs in school districts, charter schools, and at the Utah Schools for the Deaf  
465 and the Blind for those who are deafblind, serving as a resource for, or team member of,  
466 individual IEP teams.

467 (3) The board may authorize and approve the costs of an employee of the Utah State  
468 Office of Education to obtain a deafblind certification or equivalent training and expertise to  
469 qualify for the position described in Subsection (2).

470 (4) The board may contract with a third party for the services required under  
471 Subsection (2).

472 Section 16. Section **53A-25b-307** is enacted to read:

473 **53A-25b-307. Educational Enrichment Program for Hearing and Visually**  
474 **Impaired Students -- Funding for the program.**

475 (1) There is established the Educational Enrichment Program for Hearing and Visually  
476 Impaired Students.

477 (2) The purpose of the program is to provide opportunities that will, in a family  
478 friendly environment, enhance the educational services required for deaf, blind, or deafblind  
479 students.

480 (3) The advisory council shall design and implement the program, subject to the  
481 approval by the board.

482 (4) The program shall be funded from the interest and dividends derived from the  
483 permanent funds created for the Utah Schools for the Deaf and the Blind pursuant to Section 12  
484 of the Utah Enabling Act and distributed by the director of the School and Institutional Trust  
485 Lands Administration under Section 53C-3-103.

486 Section 17. Section **53A-25b-401** is enacted to read:

487 **Part 4. Employees**

488 **53A-25b-401. Educators exempt from Department of Human Resource**  
489 **Management rules -- Collective bargaining agreement.**

490 (1) Educators employed by the Utah Schools for the Deaf and the Blind are exempt



491 from mandatory compliance with rules of the Department of Human Resource Management.

492 (2) The board may enter into a collective bargaining agreement to establish  
493 compensation and other personnel policies with educators employed by the Utah Schools for  
494 the Deaf and the Blind to replace rules of the Department of Human Resource Management.

495 (3) A collective bargaining agreement made under Subsection (2) is subject to the same  
496 requirements that are imposed on local school boards by Section 53A-3-411.

497 Section 18. Section **53A-25b-402** is enacted to read:

498 **53A-25b-402. Annual salary adjustments for educators.**

499 (1) Subject to future budget constraints, the Legislature shall annually appropriate  
500 money to the board for the salary adjustments described in this section, including step and lane  
501 changes.

502 (2) The board shall include in its annual budget request for the Utah Schools for the  
503 Deaf and the Blind an amount of money sufficient to adjust educators' salaries as described in  
504 Subsection (3) and fund step and lane changes.

505 (3) (a) The board shall determine the salary adjustment specified in Subsection (2) by:

506 (i) calculating a weighted average salary adjustment for nonadministrative licensed  
507 staff adopted by the school districts of the state, with the average weighted by the number of  
508 teachers in each school district; and

509 (ii) increasing the weighted average salary adjustment by 10% in any year in which  
510 teachers of the Utah Schools for the Deaf and the Blind are not ranked in the top ten in 20-year  
511 earnings when compared to earnings of teachers in the school districts of the state.

512 (b) In calculating a weighted average salary adjustment for nonadministrative licensed  
513 staff adopted by the school districts of the state under Subsection (3)(a), the board shall exclude  
514 educator salary adjustments provided pursuant to Section 53A-17a-153.

515 (4) From money appropriated to the board for salary adjustments, the board shall adjust  
516 the salary schedule applicable to educators at the school each year.

517 Section 19. Section **53A-25b-501** is enacted to read:

518 **Part 5. Utah State Instructional Materials Access Center**

519 **53A-25b-501. Instructional Materials Access Center -- Board to make rules.**

520 (1) The Utah State Office of Education shall collaborate with the Utah Schools for the  
521 Deaf and the Blind, school districts, and charter schools in establishing the Utah State

522 Instructional Materials Access Center to provide students with print disabilities access to  
523 instructional materials in alternate formats in a timely manner.

524 (2) The board shall make rules, in accordance with Title 63G, Chapter 3, Utah  
525 Administrative Rulemaking Act, to:

526 (a) establish the Utah State Instructional Materials Access Center;

527 (b) define how the Educational Resource Center at the Utah Schools for the Deaf and  
528 the Blind shall collaborate in the operation of the Utah State Instructional Materials Access  
529 Center;

530 (c) specify procedures for the operation of the Utah State Instructional Materials  
531 Access Center, including procedures to:

532 (i) identify students who qualify for instructional materials in alternate formats; and

533 (ii) distribute and store instructional materials in alternate formats;

534 (d) establish the contribution of school districts and charter schools towards the cost of  
535 instructional materials in alternate formats; and

536 (e) require textbook publishers, as a condition of contract, to provide electronic file sets  
537 in conformance with the National Instructional Materials Accessibility Standard.

538 Section 20. Section **63I-4-102** is amended to read:

539 **63I-4-102. Definitions.**

540 (1) (a) "Activity" means to provide a good or service.

541 (b) "Activity" includes to:

542 (i) manufacture a good or service;

543 (ii) process a good or service;

544 (iii) sell a good or service;

545 (iv) offer for sale a good or service;

546 (v) rent a good or service;

547 (vi) lease a good or service;

548 (vii) deliver a good or service;

549 (viii) distribute a good or service; or

550 (ix) advertise a good or service.

551 (2) (a) Except as provided in Subsection (2)(b), "agency" means:

552 (i) the state; or

553 (ii) an entity of the state including a department, office, division, authority,  
554 commission, or board.

555 (b) "Agency" does not include:

556 (i) the Legislature;

557 (ii) an entity or agency of the Legislature;

558 (iii) the state auditor;

559 (iv) the state treasurer;

560 (v) the Office of the Attorney General;

561 (vi) the Dairy Commission created in Title 4, Chapter 22, Dairy Promotion Act;

562 (vii) the Heber Valley Railroad Authority created in Title 9, Chapter 3, Part 3, Heber  
563 Valley Historic Railroad Authority;

564 (viii) the Utah Science Center Authority created in Title 9, Chapter 3, Part 4, Utah  
565 Science Center Authority;

566 (ix) the Utah Housing Corporation created in Title 9, Chapter 4, Part 9, Utah Housing  
567 Corporation Act;

568 (x) the Utah State Fair Corporation created in Title 9, Chapter 4, Part 11, Utah State  
569 Fair Corporation Act;

570 (xi) the Workers' Compensation Fund created in Title 31A, Chapter 33, Workers'  
571 Compensation Fund;

572 (xii) the Utah State Retirement Office created in Title 49, Chapter 11, Utah State  
573 Retirement Systems Administration;

574 [~~xviii~~] (xiii) a charter school chartered by the State Charter School Board under Title  
575 53A, Chapter 1a, Part 5, The Utah Charter Schools Act[-];

576 (xiv) the Utah Schools for the Deaf and the Blind created in Title 53A, Chapter 25b,  
577 Utah Schools for the Deaf and the Blind;

578 [~~xvi~~] (xv) an institution of higher education as defined in Section 53B-3-102;

579 [~~xiii~~] (xvi) the School and Institutional Trust Lands Administration created in Title  
580 53C, Chapter 1, Part 2, School and Institutional Trust Lands Administration;

581 [~~xiv~~] (xvii) the Utah Communications Agency Network created in Title 63C, Chapter  
582 7, Utah Communications Agency Network Act; or

583 [~~xv~~] (xviii) the Utah Capital Investment Corporation created in Title 63M, Chapter 1,

584 Part 12, Utah Venture Capital Enhancement Act[;].

585 [~~xvii) a school established under Title 53A, Chapter 25, Schools for the Deaf and~~  
586 ~~Blind; or]~~

587 (3) "Agency head" means the chief administrative officer of an agency.

588 (4) "Board" means the Privatization Policy Board created in Section 63I-4-201.

589 (5) "Commercial activity" means to engage in an activity that can be obtained in whole  
590 or in part from a private enterprise.

591 (6) "Local entity" means:

592 (a) a political subdivision of the state, including a:

593 (i) county;

594 (ii) city;

595 (iii) town;

596 (iv) local school district;

597 (v) local district; or

598 (vi) special service district;

599 (b) an agency of an entity described in this Subsection (6), including a department,  
600 office, division, authority, commission, or board; and

601 (c) an entity created by an interlocal cooperative agreement under Title 11, Chapter 13,  
602 Interlocal Cooperation Act, between two or more entities described in this Subsection (6).

603 (7) "Private enterprise" means a person that for profit:

604 (a) manufactures a good or service;

605 (b) processes a good or service;

606 (c) sells a good or service;

607 (d) offers for sale a good or service;

608 (e) rents a good or service;

609 (f) leases a good or service;

610 (g) delivers a good or service;

611 (h) distributes a good or service; or

612 (i) advertises a good or service.

613 (8) "Privatize" means that an activity engaged in by an agency is transferred so that a  
614 private enterprise engages in the activity including a transfer by:

- 615 (a) contract;
- 616 (b) transfer of property; or
- 617 (c) another arrangement.

618 Section 21. Section **67-19-12** is amended to read:

619 **67-19-12. State pay plans -- Applicability of section -- Exemptions -- Duties of the**  
620 **executive director.**

621 (1) (a) This section, and the rules adopted by the department to implement this section,  
622 apply to each career and noncareer employee not specifically exempted under Subsection (2).

623 (b) If not exempted under Subsection (2), an employee is considered to be in classified  
624 service.

625 (2) The following employees are exempt from this section:

626 (a) members of the Legislature and legislative employees;

627 (b) members of the judiciary and judicial employees;

628 (c) elected members of the executive branch and their direct staff who meet career  
629 service exempt criteria as defined in Subsection 67-19-15(1)(k);

630 (d) [~~certificated~~] employees of the State Board of Education who are licensed by the  
631 State Board of Education;

632 (e) officers, faculty, and other employees of state institutions of higher education;

633 (f) employees in any position that is determined by statute to be exempt from this  
634 Subsection (2);

635 (g) employees in the Office of the Attorney General;

636 (h) department heads and other persons appointed by the governor pursuant to statute;

637 (i) employees of the Department of Community and Culture whose positions are  
638 designated as executive/professional positions by the executive director of the Department of  
639 Community and Culture with the concurrence of the executive director;

640 (j) employees of the Governor's Office of Economic Development whose positions are  
641 designated as executive/professional positions by the director of the office; [~~and~~]

642 (k) employees of the Medical Education Council[-]; and

643 (l) educators as defined by Section 53A-25b-102 who are employed by the Utah  
644 Schools for the Deaf and the Blind.

645 (3) (a) The executive director shall prepare, maintain, and revise a position

646 classification plan for each employee position not exempted under Subsection (2) to provide  
647 equal pay for equal work.

648 (b) Classification of positions shall be based upon similarity of duties performed and  
649 responsibilities assumed, so that the same job requirements and the same salary range may be  
650 applied equitably to each position in the same class.

651 (c) The executive director shall allocate or reallocate the position of each employee in  
652 classified service to one of the classes in the classification plan.

653 (d) (i) The department shall conduct periodic studies and desk audits to provide that the  
654 classification plan remains reasonably current and reflects the duties and responsibilities  
655 assigned to and performed by employees.

656 (ii) The executive director shall determine the schedule for studies and desk audits after  
657 considering factors such as changes in duties and responsibilities of positions or agency  
658 reorganizations.

659 (4) (a) With the approval of the governor, the executive director shall develop and  
660 adopt pay plans for each position in classified service.

661 (b) The executive director shall design each pay plan to achieve, to the degree that  
662 funds permit, comparability of state salary ranges to salary ranges used by private enterprise  
663 and other public employment for similar work.

664 (c) The executive director shall adhere to the following in developing each pay plan:

665 (i) Each pay plan shall consist of sufficient salary ranges to permit adequate salary  
666 differential among the various classes of positions in the classification plan.

667 (ii) (A) The executive director shall assign each class of positions in the classification  
668 plan to a salary range and shall set the width of the salary range to reflect the normal growth  
669 and productivity potential of employees in that class.

670 (B) The width of the ranges need not be uniform for all classes of positions in the plan,  
671 but each range shall contain merit steps in increments of 2.75% salary increases.

672 (iii) (A) The executive director shall issue rules for the administration of pay plans.

673 (B) The rules may provide for exceptional performance increases and for a program of  
674 incentive awards for cost-saving suggestions and other commendable acts of employees.

675 (C) The executive director shall issue rules providing for salary adjustments.

676 (iv) Merit step increases shall be granted, if funds are available, to employees who

677 receive a rating of "successful" or higher in an annual evaluation of their productivity and  
678 performance.

679 (v) By October 31 of each year, the executive director shall submit market  
680 comparability adjustments to the director of the Governor's Office of Planning and Budget for  
681 consideration to be included as part of the affected agency's base budgets.

682 (vi) By October 31 of each year, the executive director shall recommend a  
683 compensation package to the governor.

684 (vii) (A) Adjustments shall incorporate the results of a total compensation market  
685 survey of salary ranges and benefits of a reasonable cross section of comparable benchmark  
686 positions in private and public employment in the state.

687 (B) The survey may also study comparable unusual positions requiring recruitment in  
688 other states.

689 (C) The executive director may cooperate with other public and private employers in  
690 conducting the survey.

691 (viii) (A) The executive director shall establish criteria to assure the adequacy and  
692 accuracy of the survey and shall use methods and techniques similar to and consistent with  
693 those used in private sector surveys.

694 (B) Except as provided under Section 67-19-12.3, the survey shall include a reasonable  
695 cross section of employers.

696 (C) The executive director may cooperate with or participate in any survey conducted  
697 by other public and private employers.

698 (D) The executive director shall obtain information for the purpose of constructing the  
699 survey from the Division of Workforce Information and Payment Services and shall include  
700 employer name, number of persons employed by the employer, employer contact information  
701 and job titles, county code, and salary if available.

702 (E) The department shall acquire and protect the needed records in compliance with the  
703 provisions of Section 35A-4-312.

704 (ix) The establishing of a salary range is a nondelegable activity and is not appealable  
705 under the grievance procedures of Sections 67-19-30 through 67-19-32, Title 67, Chapter 19a,  
706 Grievance and Appeal Procedures, or otherwise.

707 (x) The governor shall:

708 (A) consider salary adjustments recommended under Subsection (4)(c)(vi) in preparing  
709 the executive budget and shall recommend the method of distributing the adjustments;

710 (B) submit compensation recommendations to the Legislature; and

711 (C) support the recommendation with schedules indicating the cost to individual  
712 departments and the source of funds.

713 (xi) If funding is approved by the Legislature in a general appropriations act, the  
714 adjustments take effect on the July 1 following the enactment.

715 (5) (a) The executive director shall regularly evaluate the total compensation program  
716 of state employees in the classified service.

717 (b) The department shall determine if employee benefits are comparable to those  
718 offered by other private and public employers using information from:

719 (i) the most recent edition of the Employee Benefits Survey Data conducted by the U.S.  
720 Chamber of Commerce Research Center; or

721 (ii) the most recent edition of a nationally recognized benefits survey.

722 (6) (a) The executive director shall submit proposals for a state employee  
723 compensation plan to the governor by October 31 of each year, setting forth findings and  
724 recommendations affecting employee compensation.

725 (b) The governor shall consider the executive director's proposals in preparing budget  
726 recommendations for the Legislature.

727 (c) The governor's budget proposals to the Legislature shall include a specific  
728 recommendation on employee compensation.

729 Section 22. Section **67-19-15** is amended to read:

730 **67-19-15. Career service -- Exempt positions -- Schedules for civil service**  
731 **positions -- Coverage of career service provisions.**

732 (1) Except as otherwise provided by law or by rules and regulations established for  
733 federally aided programs, the following positions are exempt from the career service provisions  
734 of this chapter:

735 (a) the governor, members of the Legislature, and all other elected state officers,  
736 designated as Schedule AA;

737 (b) appointed executives and board or commission executives enumerated in Section  
738 67-22-2, and commissioners designated as Schedule AB;



- 739 (c) all employees and officers in the office and at the residence of the governor,  
740 designated as Schedule AC;
- 741 (d) employees who are in a confidential relationship to an agency head or  
742 commissioner and who report directly to, and are supervised by, a department head,  
743 commissioner, or deputy director of an agency or its equivalent, designated as Schedule AD;
- 744 (e) unskilled employees in positions requiring little or no specialized skill or training,  
745 designated as Schedule AE;
- 746 (f) part-time professional noncareer persons who are paid for any form of medical and  
747 other professional service and who are not engaged in the performance of administrative duties,  
748 designated as Schedule AF;
- 749 (g) employees in the Office of the Attorney General who are under their own career  
750 service pay plan under Sections 67-5-7 through 67-5-13, designated as Schedule AG;
- 751 (h) teaching staff of all state institutions [~~and patients and inmates employed in state~~  
752 ~~institutions~~], including educators as defined by Section 53A-25b-102 who are employed by the  
753 Utah Schools for the Deaf and the Blind, designated as Schedule AH;
- 754 (i) persons appointed to a position vacated by an employee who has a right to return  
755 under federal or state law or policy, designated as Schedule AI;
- 756 (j) noncareer employees compensated for their services on a seasonal or contractual  
757 basis who are hired for limited periods of less than nine consecutive months or who are  
758 employed on less than 1/2 time basis, designated as Schedule AJ;
- 759 (k) those employees in a personal and confidential relationship to elected officials,  
760 designated as Schedule AK;
- 761 (l) employees appointed to perform work of a limited duration not exceeding two years  
762 or to perform work with time-limited funding, designated as Schedule AL;
- 763 (m) employees of the Department of Community and Culture whose positions are  
764 designated as executive/professional positions by the executive director of the Department of  
765 Community and Culture with the concurrence of the executive director, and employees of the  
766 Governor's Office of Economic Development whose positions are designated as  
767 executive/professional positions by the director of the office, designated as Schedule AM;
- 768 (n) employees of the Legislature, designated as Schedule AN;
- 769 (o) employees of the judiciary, designated as Schedule AO;

- 770 (p) all judges in the judiciary, designated as Schedule AP;
- 771 (q) members of state and local boards and councils appointed by the governor and  
772 governing bodies of agencies, other local officials serving in an ex officio capacity, officers,  
773 faculty, and other employees of state universities and other state institutions of higher  
774 education, designated as Schedule AQ;
- 775 (r) employees who make statewide policy, designated as Schedule AR;
- 776 (s) any other employee whose appointment is required by statute to be career service  
777 exempt, designated as Schedule AS; [~~and~~]
- 778 (t) employees of the Department of Technology Services, designated as  
779 executive/professional positions by the executive director of the Department of Technology  
780 Services with the concurrence of the executive director, designated as Schedule AT[-]; and
- 781 (u) patients and inmates employed in state institutions, designated as Schedule AU.
- 782 (2) The civil service shall consist of two schedules as follows:
- 783 (a) (i) Schedule A is the schedule consisting of positions exempted by Subsection (1).  
784 (ii) Removal from any appointive position under Schedule A, unless otherwise  
785 regulated by statute, is at the pleasure of the appointing officers without regard to tenure.
- 786 (b) Schedule B is the competitive career service schedule, consisting of all positions  
787 filled through competitive selection procedures as defined by the executive director.
- 788 (3) (a) The executive director, after consultation with the heads of concerned executive  
789 branch departments and agencies and with the approval of the governor, shall allocate positions  
790 to the appropriate schedules under this section.
- 791 (b) Agency heads shall make requests and obtain approval from the executive director  
792 before changing the schedule assignment and tenure rights of any position.
- 793 (c) Unless the executive director's decision is reversed by the governor, when the  
794 executive director denies an agency's request, the executive director's decision is final.
- 795 (4) (a) Compensation for employees of the Legislature shall be established by the  
796 directors of the legislative offices in accordance with Section 36-12-7.
- 797 (b) Compensation for employees of the judiciary shall be established by the state court  
798 administrator in accordance with Section 78A-2-107.
- 799 (c) Compensation for officers, faculty, and other employees of state universities and  
800 institutions of higher education shall be established as provided in Title 53B, Chapters 1,

801 Governance, Powers, Rights, and Responsibilities, and 2, Institutions of Higher Education.

802 (d) Unless otherwise provided by law, compensation for all other Schedule A  
803 employees shall be established by their appointing authorities, within ranges approved by, and  
804 after consultation with the executive director of the Department of Human Resource  
805 Management.

806 (5) All employees of the Office of State Auditor, the Office of State Treasurer, and  
807 employees who are not exempt under this section are covered by the career service provisions  
808 of this chapter.

809 Section 23. **Repealer.**

810 This bill repeals:

811 Section 53A-25-101, **School for the Deaf.**

812 Section 53A-25-102, **Corporate powers.**

813 Section 53A-25-103, **Purposes -- Qualifications of pupils.**

814 Section 53A-25-104, **Governance and control by board of trustees -- Initial  
815 placement of children -- Individualized education programs.**

816 Section 53A-25-105, **Meetings of board.**

817 Section 53A-25-107, **Board powers -- Bylaws -- Contracts with instructors --  
818 Religious and political doctrine.**

819 Section 53A-25-108, **Appointment of superintendent and treasurer.**

820 Section 53A-25-109, **Qualifications and duties of superintendent -- Removal.**

821 Section 53A-25-110, **Fiscal year.**

822 Section 53A-25-111, **Annual salary adjustments for school employees -- Benefits.**

823 Section 53A-25-201, **School for the Blind.**

824 Section 53A-25-202, **Corporate powers.**

825 Section 53A-25-203, **Governance and control by board of trustees -- Initial  
826 placement of children -- Individualized education programs.**

827 Section 53A-25-204, **Subject to same laws as School for Deaf.**

828 Section 53A-25-205, **Purposes -- Qualifications of pupils.**

829 Section 53A-25-206, **Instruction of adults with visual impairments.**

830 Section 53A-25-301, **Establishment of council -- Membership.**

831 Section 53A-25-302, **Appointment and terms of council members -- Powers --**

832 **Expenses.**

833           Section **53A-25-303, Council meetings -- Officers.**

834           Section **53A-25-304, Duties of council.**

835           Section **53A-25-305, Dual sensory impairment disability education specialist.**

836           Section **53A-25-306, Educational Enrichment Program for Hearing and Visually**

837 **Impaired Students -- Funding for the program.**

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**H.B. 296 1st Sub. (Buff) - Schools for the Deaf and Blind Amendments**

**Fiscal Note**

2009 General Session  
State of Utah

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**State Impact**

Enactment of this bill will require an ongoing appropriation of \$490,000 to fund the Utah State Instructional Materials Access Center. The cost of an additional associate superintendent position, estimated at \$120,000 ongoing, is offset within the bill by the repeal of Utah Code Title 53A-25-108, which includes a treasurer position.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
Uniform School Fund	\$0	\$490,000	\$490,000	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$490,000</b>	<b>\$490,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.