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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Martell Menlove, Ph.D.
Chief Executive Officer

DATE: August 8, 2014

ACTION: R277-800 *Utah Schools for the Deaf and the Blind*
(Continuation and Amendment)

Background:

R277-800 *Utah Schools for the Deaf and the Blind* describes the responsibility of the USOE and USDB to provide services to students who are blind/visually impaired, deaf/hard of hearing, or deafblind. This rule is amended to provide updates regarding assessments.

Key Points:

The amendments to R277-800 provide changes to the alternate assessment used in Utah beginning in 2014-2015 and alignment with revised Special Education Rules and the revised Interagency Agreement between USOE, USDB, and LEAs, which describes responsibility and cost for USDB provided services to LEAs. As a result, portions of the previous rule describing responsibility and cost for USDB services (which have been included in the Interagency Agreement), have been removed.

Anticipated Action:

It is proposed that the Standards and Assessment Committee consider approving R277-800, as amended, on first reading and, if approved by the Committee, the Board consider approving R277-800, as amended on second reading.

Contact: Judy Park, 801-538-7550
Glenna Gallo, 801-538-7757

1 **R277. Education, Administration.**

2 **R277-800. Utah Schools for the Deaf and the Blind.**

3 **R277-800-1. Definitions.**

4 A. "Accessible media producer" means companies or
5 agencies that create fully-accessible specialized,
6 student-ready formats for curriculum materials, such as
7 Braille, large print, audio, or digital books.

8 B. "Advisory Council" means the Advisory Council for the
9 Utah Schools for the Deaf and the Blind with members,
10 responsibilities, and other provisions under Section 53A-25b-
11 203 and R277-800-4.

12 C. "Assessment" means the process of documenting, usually
13 in measurable terms, knowledge, skills, attitudes and
14 abilities pertaining to the fields of vision and hearing.
15 These assessments may include the following areas of focus:

16 (1) valid, reliable and appropriate assessments given to
17 determine eligibility for placement and services by a team of
18 qualified professionals and the student's parent(s);

19 (2) functional assessments accomplished by observation
20 and measurement of daily living skills and functional use of
21 vision or hearing;

22 (3) academic evaluations as part of the Utah Performance
23 Assessment System for Students (U-PASS), [~~crit~~erion reference
24 tests (CRTs), ~~or the Utah~~including an [A]alternative
25 [A]assessment with appropriate accommodations as indicated on
26 the individualized education program (IEP).

27 D. "Board" means the Utah State Board of Education.

28 E. "Campus-Based Program" means a program provided by
29 USDB that offers an alternative to an outreach program for
30 students who are blind or visually impaired, deaf or hard of
31 hearing, or deafblind (ages three to 22). Services are
32 provided by qualified USDB staff at a USDB site.

33 F. "The Chafee Amendment to the Copyright Act, 17 U.S.C.
34 Section 121" (Chafee Amendment) is a federal law that allows

35 an authorized entity to reproduce or distribute copyrighted
36 materials in specialized formats for students who are blind or
37 have other print disabilities without the need to obtain
38 permission of the copyright owner. Authorized entities are
39 governmental or nonprofit organizations that have a primary
40 mission to provide copyrighted works in specialized formats
41 for students who are blind or have other print disabilities.

42 G. "Child Find" means activities and strategies designed
43 to locate, evaluate, and identify individuals eligible for
44 services under the IDEA.

45 H. "Consultation" means a meeting for discussion or the
46 seeking of advice.

47 I. "Designated LEA" means the local education agency
48 assigned by a student's IEP or Section 504 team to have
49 primary responsibility for ensuring that all rights and
50 requirements regarding individual student assessment,
51 eligibility services and procedural safeguards are satisfied
52 consistent with the Individuals with Disabilities Education
53 Act (IDEA) 20 U.S.C. 1400, Part B, or Section 504 of the
54 Rehabilitation Act of 1973.

55 J. "Deafblindness" or "deafblind" means written
56 verification provided by a medical professional stating that
57 an individual has concomitant hearing and visual impairments,
58 the combination of which causes such severe communication and
59 other developmental and educational needs that they cannot be
60 accommodated in special education programs solely for students
61 with deafness or students with blindness. The definition of
62 deafblindness also includes the provisions of 53A-25b-102 and
63 301.

64 K. "Educational Resource Center" (ERC) is a center under
65 the direction of the USDB that provides information,
66 technology, and instructional materials to assist Utah
67 children with sensory impairments in progressing in the
68 curriculum. It is also the mission of the ERC to facilitate

69 access to materials, information, and training for teachers
70 and parents of children with sensory impairments.

71 L. "Hearing impairment/deafness" ('hard of hearing' for
72 purposes of this rule) is defined as follows:

73 (1) Hearing impairment is an impairment in hearing,
74 whether permanent or fluctuating, that adversely affects a
75 student's educational performance but that is not included
76 under the definition of deafness.

77 (2) Deafness is a hearing impairment that is so severe
78 that the student is impaired in processing linguistic
79 information through hearing, with or without amplification,
80 and that adversely affects a student's educational
81 performance.

82 M. "Local education agency" (LEA) means an agency that
83 has administrative control and direction for public education.
84 School districts, charter schools, and the USDB are LEAs.

85 N. "National Instructional Materials Access Center
86 (NIMAC) is a central national repository that receives file
87 sets in the NIMAS from publishers to maintain, catalogue, and
88 house for future reference file sets for states to use with
89 students who have print disabilities and require accessible
90 alternate formats.

91 O. "National Instructional Materials Accessibility
92 Standard" (NIMAS) means the electronic standard that enables
93 all producers of alternate formats for students with print
94 disabilities to work from one standard format available from
95 publishers for this purpose.

96 P. "Outreach program" is a program provided by the USDB
97 that offers an alternative to a campus-based program for
98 students who are blind or visually impaired, deaf or hard of
99 hearing, or deafblind (ages three to 22). Services are
100 provided at a student's resident school or at a designated
101 school by a qualified teacher of the blind or visually
102 impaired, deaf or hard of hearing, or deafblind.

103 Q. "Related services" means those supportive services
104 that are necessary for the appropriate implementation of the
105 IEP. These may include but are not limited to speech
106 pathology, audiology, low vision services, orientation and
107 mobility, school counselor, transportation, school nurse,
108 occupational therapy, or physical therapy.

109 R. "Section 504 accommodation plan" required by Section
110 504 of the Rehabilitation Act of 1973 means a plan designed to
111 accommodate an individual who has been determined, as a result
112 of an evaluation, to have a physical or mental impairment that
113 substantially limits one or more major life activities.

114 S. "Technical assistance" means assistance to public
115 education employees or licensed educators, and parents and
116 families in significant areas of need by someone who has the
117 expertise necessary to give council and training in designated
118 areas.

119 T. "USDB" means the Utah Schools for the Deaf and the
120 Blind.

121 U. "USOE" means the Utah State Office of Education.

122 V. "Utah State Instructional Materials Access Center
123 (USIMAC) is a center that receives NIMAS electronic file sets
124 and produces them in the accessible alternate format required
125 by students with print disabilities.

126 W. Visual impairment (including blindness) is an
127 impairment in vision that, even with correction, adversely
128 affects a student's educational performance. The term includes
129 both partial sight and blindness that adversely affects a
130 student's educational performance.

131 X. "WPU" means weighted pupil unit, the basic unit used
132 to calculate the amount of state funds for which a school
133 district or charter school is eligible.

134 **R277-800-2. Authority and Purpose.**

135 A. This rule is authorized by Utah Constitution Article

136 X, Section 3 which vests general control and supervision of
137 public education in the Board, Section 53A-25B-201 which
138 describes the authority of the Board regarding the USDB,
139 Section 53A-25b-203 which directs the Board to appoint
140 Advisory Council members and assign a USOE staff member as a
141 liaison between the Board and the Advisory Council, Section
142 53A-25b-302 which directs the Board to establish entrance
143 policies and procedures to be considered, consistent with
144 IDEA, for student placement recommendations at the USDB,
145 Section 53A-25b-501 to establish USIMAC and outline
146 collaboration and operating procedures for USIMAC and USDB
147 resources, and Section 53A-1-401(3) which allows the Board to
148 adopt rules in accordance with its responsibilities.

149 B. The purpose of this rule is to provide standards and
150 procedures for the operation of the USDB and the USDB outreach
151 programs and services.

152 **R277-800-3. Board Authority Over and Support for USDB.**

153 A. Consistent with Section 53A-25b-201, [F]the Board is
154 the governing board of the USDB.

155 B. The USDB superintendent, appointed consistent with
156 Section 53A-25b-201(2), is subject to the direction of the
157 Board and its executive officer, the State Superintendent of
158 Public Instruction.

159 C. The Board shall appoint the USDB superintendent on the
160 basis of outstanding qualifications.

161 (1) The USDB superintendent's term of office is for two
162 years and until a successor is appointed and qualified.

163 (2) The Board shall set the USDB superintendent's
164 compensation for services.

165 (3) The USDB superintendent shall have, at a minimum, an
166 annual evaluation, as directed by the Board.

167 (4) The USDB superintendent qualifications shall be
168 established by the Board.

169 (5) The duties of the USDB superintendent shall be
170 established by the Board.

171 D. The Board shall direct the USOE to support, provide
172 assistance, and work cooperatively with the USDB in providing
173 services to designated Utah students.

174 E. The Board shall assign a liaison to provide
175 appropriate supervision to the USDB to ensure compliance with
176 the law.

177 F. The Board and USOE staff, as assigned, shall assist
178 the USDB, ~~and~~ its superintendent, and associate
179 superintendents in adopting policies and preparing an annual
180 budget that are consistent with the law.

181 (1) The Board shall approve the annual budget and
182 expenditures of USDB.

183 (2) The USDB superintendent shall, subject to the
184 approval of the Board, appoint an associate superintendent to
185 administer the Utah School for the Deaf and an associate
186 superintendent to administer the Utah School for the Blind.
187 Qualifications of the associate superintendents shall be
188 aligned with the requirements of Section 53A-25b-201.

189 (3) The USDB superintendent and associates may hire staff
190 and teachers as needed for the USDB. The Board shall license
191 and provide credentials for ~~[F]~~ teachers and related service
192 providers ~~[shall be appropriately licensed and credentialed or~~
193 ~~both]~~ for ~~[their]~~ employees' specific assignments ~~[-and support~~
194 ~~staff properly trained and supervised for their assignment]~~.

195 (4) In employment practices and decisions, the USDB and
196 the USDB superintendent shall maintain the accreditation of
197 the USDB school and programs.

198 (5) The USDB superintendent and associates shall
199 communicate regularly and effectively with the USOE and
200 provide a written report to the Board at least annually in
201 adequate time prior to the November legislative interim
202 meeting or as requested by the Board.

203 (6) The USDB report shall contain:
204 (a) a financial report;
205 (b) a report on the activities of the superintendent and
206 associate superintendents;
207 (c) a report on activities to involve parents and
208 constituency, including [~~school—district—and—charter~~
209 ~~school~~]LEA personnel and advocacy groups, in the governance of
210 the school and implementation of service delivery plans for
211 students with sensory impairments; and
212 (d) a report on student achievement including student
213 achievement data that provides longitudinal data for both
214 current and previous students served by USDB, graduation
215 rates, and students exiting USDB and their educational
216 placements after exiting.
217 (7) USDB shall ensure that each child/student served by
218 USDB is assigned a unique student identifier (SSID) to allow
219 for annual data collection and reporting of achievement of
220 current and past students.
221 (8) USDB shall provide the USOE with a listing of past
222 and current children/students, including the assigned unique
223 student identifier, served by USDB by September 1 of each year
224 to facilitate the required data collection.

225 **R277-800-4. USDB Advisory Council.**

226 A. The Board shall establish the Advisory Council for
227 USDB and appoint and support Advisory Council members as
228 directed in Section 53A-25b-201. [~~The purpose of the Advisory~~
229 ~~Council is to provide advice and recommendations to the Board~~
230 ~~and USDB administration regarding the instruction of students~~
231 ~~and the needs of children and students with sensory~~
232 ~~impairments served statewide by USDB.]~~

233 B. The Advisory Council shall have not more than 11
234 Board-appointed voting members and shall include members as
235 qualified under Section 53A-25b-201.

236 C. The Board shall appoint Advisory Council members
237 [~~shall be appointed~~]for two year terms and members may serve
238 no more than three consecutive terms. Advisory Council
239 members serve at the pleasure of the Board.

240 D. If an Advisory Council member resigns or is asked to
241 resign, the Board shall appoint another member in a timely
242 manner by seeking nominations.

243 E. The Board shall assist the Advisory Council in
244 developing and passing by-laws establishing procedures for
245 nominating and recommending dismissal of Advisory Council
246 members, and setting ethical standards for Advisory Council
247 members.

248 (1) The bylaws shall include operating procedures for the
249 Advisory Council; and

250 (2) the bylaws may allow for representation on the
251 Advisory Council of constituencies within the USDB community.

252 F. Advisory Council membership and school community
253 council membership:

254 (1) Members of the Advisory Council may serve as school
255 community council members under Section 53A-1a-108(4) and
256 R277-491.

257 (2) The USDB school community council and election
258 process shall be consistent with Section 53A-1a-108 and R277-
259 491.

260 (3) The USDB may implement electronic voting and consider
261 encouraging school community council participation through
262 electronic meetings and technology that facilitate
263 participation of parents of USDB students in voting and school
264 community council meetings.

265 **R277-800-5. USDB or Student's District of Residence/Charter**
266 **School as Designated LEA.**

267 A. To be eligible to receive services from the USDB, a
268 student must be a resident of Utah and meet requirements of

269 Section 53A-25b-301.

270 B. A student's [~~placement at USDB, in a school/school~~
271 ~~district or charter school shall be determined by the~~
272 ~~student's~~]IEP under IDEA or Section 504 accommodation plan
273 shall determine a student's placement at the USDB, in a school
274 district/school or charter school. USDB services for students
275 who are school-age shall be limited to those on an IEP or
276 Section 504 accommodation plan.

277 C. Consistent with Section 53A-25b-301(3)(c), an IEP team
278 or Section 504 team shall determine the appropriate placement
279 for each blind, deaf or deafblind student consistent with IDEA
280 using the Blind/Visually Impaired Guidelines, Deaf/Hard of
281 Hearing Guidelines, or Deafblind Guidelines, as guidance. The
282 USDB Guidelines are hereby incorporated by reference and
283 included with this rule.

284 D. It is the responsibility of the student's district of
285 residence or charter school to conduct Child Find under R277-
286 800-1F, and to convene the initial IEP or Section 504 team
287 meeting in order to determine a student's placement.

288 (1) [~~A representative from the student's district of~~
289 ~~residence or charter school and a representative from the USDB~~
290 ~~shall be invited to the~~]A student's initial IEP or Section 504
291 accommodation plan meeting shall include a representative from
292 the student's district of residence or charter school and a
293 representative from the USDB.

294 (2) The LEA shall consider the parental preference[~~shall~~
295 ~~be considered~~] in the IEP or Section 504 accommodation plan
296 process consistent with Section 53A-25b-301(3)(c). The final
297 placement decision, as documented on the IEP or Section 504
298 accommodation plan, shall document a free appropriate public
299 education (FAPE) for the student and shall not be determined
300 solely by parent preference.

301 E. When USDB is the designated LEA, USDB has full
302 responsibility for all services defined in the IEP/Section 504

303 accommodation plan. A representative from the district of
304 residence or charter school remains a required member of the
305 IEP or Section 504 accommodation team.

306 F. When the district of residence or charter school is
307 the LEA designated to provide services to a student with an
308 IEP or Section 504 accommodation plan, the district of
309 residence or charter school has the responsibility for
310 providing instruction and services for the student except that
311 the USDB may be designated by the team as a related service
312 provider. The USDB remains a required member of the student's
313 IEP or 504 accommodation plan team.

314 G. The IEP or Section 504 accommodation plan shall
315 clearly define what services are to be provided by the related
316 service provider(s).

317 H. The IEP or Section 504 team shall determine the
318 designated LEA for student placement.

319 I. Parent complaints regarding student placement at
320 district of residence or USDB:

321 (1) If a parent is dissatisfied with a student's
322 placement at USDB or district of residence or charter school,
323 the parent may access dispute resolution procedures,
324 consistent with Utah State Board of Education Special
325 Education Rules, [~~August 2007~~ November 2013].

326 (2) If a student's IEP or Section 504 accommodation plan
327 provides for services to be provided by both the USDB and
328 district of residence, or for the USDB and district of
329 residence to share responsibility for serving a student, the
330 parent may access dispute resolution procedures consistent
331 with Utah State Board of Education Special Education Rules,
332 [~~August 2007~~ November 2013].

333 **R277-800-6. LEA and Board Interagency Agreement.**

334 A. The Board, USOE, and LEAs, with assistance from the
335 USDB, shall develop an Interagency Agreement that further

336 explains roles, services, and financial obligations to
337 students and participating entities and a basic process for
338 resolving disagreements among the parties to the Agreement.

339 B. The Board shall also designate a USOE arbitrator or a
340 panel of arbitrators to resolve disagreements among the USOE,
341 the USDB, and LEAs regarding services to blind, visually
342 impaired, deaf, hard of hearing, and deafblind students in
343 order to provide services. The Board may make this
344 appointment when a disagreement arises.

345 C. The Interagency Agreement shall detail eligibility for
346 USDB services, cost, if any, for the provision of USDB
347 services and accessible materials.

348 [~~R277-800-7. USDB Programs and Services-Student Eligibility.~~

349 ~~— A. The USDB shall provide services and resources only for~~
350 ~~students who are deaf, blind or deafblind.~~

351 ~~— (1) A student with multiple disabilities whose~~
352 ~~disabilities include blindness, deafness or deafblindness may~~
353 ~~receive USDB services consistent with the student's IEP.~~

354 ~~— (2) Non-disabled preschool-age children may participate~~
355 ~~in USDB funded preschool programs consistent with the~~
356 ~~requirements of IDEA that students with disabilities must be~~
357 ~~served in the least restrictive environment and that groups or~~
358 ~~classes of students with disabilities must include non-~~
359 ~~disabled peers. Non-disabled children participating in these~~
360 ~~programs shall pay fees or tuition or both in order to~~
361 ~~participate.~~

362 ~~— B. When the USDB is the designated LEA, the USDB shall~~
363 ~~provide all appropriate services to the student consistent~~
364 ~~with the student's IEP or Section 504 accommodation plan.~~
365 ~~Services may include:~~

366 ~~— (1) USDB instructional supports:~~

367 ~~— (a) assessments for eligibility, placement, and~~
368 ~~educational programming and evaluation;~~

369 ~~—— (b) Utah Augmentative Communication Team (UAAACT)~~
370 ~~assessments to determine assistive technology needs;~~
371 ~~—— (c) augmentative communication devices;~~
372 ~~—— (d) assistive technology as needed;~~
373 ~~—— (e) educational technology as needed;~~
374 ~~—— (f) access to ERC;~~
375 ~~—— (g) extended school year as determined by the IEP team;~~
376 ~~—— (2) USDB related services to support student needs:~~
377 ~~—— (a) audiology services as needed;~~
378 ~~—— (b) behavior intervention;~~
379 ~~—— (c) low vision services;~~
380 ~~—— (d) nursing;~~
381 ~~—— (e) occupational therapy;~~
382 ~~—— (f) orientation and mobility;~~
383 ~~—— (g) psychology;~~
384 ~~—— (h) physical therapy;~~
385 ~~—— (i) speech and language therapy;~~
386 ~~—— (j) social work as needed;~~
387 ~~—— (k) transportation, consistent with the USDB~~
388 ~~transportation policy.~~
389 ~~—— (3) Services for students who are deaf/hard of hearing:~~
390 ~~—— (a) American Sign Language/English bilingual instruction;~~
391 ~~—— (b) auditory/oral instruction;~~
392 ~~—— (c) auditory therapy;~~
393 ~~—— (d) cued speech transliteration;~~
394 ~~—— (e) American Sign Language interpretation;~~
395 ~~—— (f) oral transliteration.~~
396 ~~—— (4) Services for students who are blind/visually~~
397 ~~impaired:~~
398 ~~—— (a) Braille instruction;~~
399 ~~—— (b) instruction in the expanded core curriculum;~~
400 ~~—— (c) environmental awareness;~~
401 ~~—— (d) orientation and mobility support.~~
402 ~~—— (5) Services for students who are deafblind:~~

403 ~~—— (a) deafblind consultant;~~
404 ~~—— (b) communication intervener.~~
405 ~~—— C. When the USDB is determined by the IEP or Section 504~~
406 ~~accommodation plan team to act as the outreach program~~
407 ~~provider, the USDB shall provide technical assistance,~~
408 ~~consultation, and professional development on issues related~~
409 ~~to sensory disabilities available to LEAs from the USDB at no~~
410 ~~charge. Services consistent with the student's IEP or Section~~
411 ~~504 accommodation plan may include:~~
412 ~~—— (1) assessments for eligibility, placement, and~~
413 ~~educational programming and evaluation;~~
414 ~~—— (2) assistive and educational technology;~~
415 ~~—— (3) technology demonstration labs;~~
416 ~~—— (4) transition planning;~~
417 ~~—— (5) audiology services as needed;~~
418 ~~—— (6) instructional strategies;~~
419 ~~—— (7) instructional materials;~~
420 ~~—— (8) Braille or large print or both;~~
421 ~~—— (9) communication methodologies;~~
422 ~~—— (10) accommodations as necessary for educational gain;~~
423 ~~—— (11) modifications as necessary for educational gain;~~
424 ~~—— (12) educational interventions;~~
425 ~~—— (13) low vision services;~~
426 ~~—— (14) occupational therapy;~~
427 ~~—— (15) physical therapy;~~
428 ~~—— (16) psychology;~~
429 ~~—— (17) speech/language pathology;~~
430 ~~—— (18) vision and hearing screening;~~
431 ~~—— (19) interpreter training.~~
432 ~~—— D. The following services shall be provided by the USDB~~
433 ~~to the LEA of a student with sensory disabilities at no cost~~
434 ~~to the LEA:~~
435 ~~—— (1) deafblind services (as determined through the IEP):~~
436 ~~—— (a) consultation with the student's teacher, parent and~~

437 ~~the student;~~
438 ~~—— (b) communication intervener.~~
439 ~~—— (2) orientation and mobility;~~
440 ~~—— (3) diagnostic services:~~
441 ~~—— (a) Utah Augmentative Communication Team (UAAACT)~~
442 ~~assessments to determine assistive technology needs;~~
443 ~~—— (b) deafblind state assessment and coaching team.~~
444 ~~—— E. The following designated services shall be available~~
445 ~~from USDB at no charge for LEAs with less than three percent~~
446 ~~of the total Utah student population:~~
447 ~~—— (1) outreach teacher:~~
448 ~~—— (a) sensory-specific services to students:~~
449 ~~—— (i) instruction;~~
450 ~~—— (ii) assessments for eligibility, placement, and~~
451 ~~educational programming and evaluation;~~
452 ~~—— (iii) monitoring of student progress.~~
453 ~~—— (b) supports to classroom teacher:~~
454 ~~—— (i) consultation;~~
455 ~~—— (ii) technical assistance.~~
456 ~~—— (2) Related services to support the student:~~
457 ~~—— (a) audiology;~~
458 ~~—— (b) low vision services.~~
459 ~~—— (3) The USOE shall designate annually the LEAs that meet~~
460 ~~the three percent eligibility standards for specific~~
461 ~~identified services.~~
462 ~~—— F. LEAs may contract with USDB to provide the following~~
463 ~~services, if qualified personnel are available:~~
464 ~~—— (1) outreach teacher;~~
465 ~~—— (2) related services;~~
466 ~~—— (3) ASL interpretation;~~
467 ~~—— (4) assessment;~~
468 ~~—— (5) assistive and educational technology instruction.~~
469 ~~—— G. The following materials are available to LEAs on loan~~
470 ~~from the USDB. The duration of the loan and immediate~~

471 ~~availability of resources may vary:~~
472 ~~—— (1) ERC:~~
473 ~~—— (a) textbooks (Braille, large print):~~
474 ~~—— (b) teaching aids;~~
475 ~~—— (c) library materials;~~
476 ~~—— (d) professional library;~~
477 ~~—— (e) described and captioned media.~~
478 ~~—— (2) technology loan programs (limited to 30 days):~~
479 ~~—— (a) assistive and adaptive technology loan program;~~
480 ~~—— (b) related services technology loan program.~~
481 ~~—— (3) The USDB shall develop a policy and process for~~
482 ~~publishing annually a list of materials available for loan,~~
483 ~~LEAs to whom materials may be loaned, and loan periods.~~
484 ~~—— (a) The policy shall emphasize communication among LEAs~~
485 ~~and the USDB about availability of resources. Resources shall~~
486 ~~be determined by a student's IEP or Section 504 accommodation~~
487 ~~plan; the origin of the resources may be determined between an~~
488 ~~LEA and the USDB.~~
489 ~~—— (b) The USDB shall develop a protocol for use in~~
490 ~~reviewing and ordering materials not immediately available~~
491 ~~when requested, as part of a student's education program.~~
492 ~~—— (c) Students/parents/guardians are on notice that~~
493 ~~materials are loaned for the use of the student for a~~
494 ~~designated period for educational purposes. If loaned~~
495 ~~materials are lost, stolen, or damaged intentionally or due to~~
496 ~~student negligence, the student/parent/guardian shall be~~
497 ~~responsible to reimburse the LEA or USDB for the costs of the~~
498 ~~materials.~~

499 ~~**R277-800-8. Payment by LEAs for USDB Services Beyond USDB**~~
500 ~~**Obligation.**~~

501 ~~—— A. Certain services provided by USDB personnel, employees~~
502 ~~or contract employees are identified in R277-800-7 and shall~~
503 ~~be provided to LEAs at no cost consistent with the student's~~

504 ~~IEP or Section 504 accommodation plan.~~
505 ~~—— B. Other services and resources may be available to LEAs~~
506 ~~from the USDB for a reasonable charge or fee paid by the LEA,~~
507 ~~to the extent of resources or personnel available. These~~
508 ~~services include:~~
509 ~~—— (1) outreach teachers;~~
510 ~~—— (2) related services;~~
511 ~~—— (3) American Sign Language;~~
512 ~~—— (4) student assessment; and~~
513 ~~—— (5) assistive and educational technology instruction.~~
514 ~~—— C. The USOE, USDB and LEAs shall determine appropriate~~
515 ~~fees, consistent statewide, for services subject to review by~~
516 ~~the Board, and notice to LEAs and parents of children~~
517 ~~currently receiving services from the USDB. The USDB shall~~
518 ~~review and publish its fee schedule for services to LEAs~~
519 ~~annually.]~~

520 **R277-800-[9]7. Assessment of USDB Students with Visual and**
521 **Hearing Impairments Served in LEAs of Residence.**

522 A. ~~[Students shall be assessed]~~Appropriate specialists
523 shall assess students consistent with Section 53A-1-601 et
524 seq., R277-402, R277-700, R277-705, IDEA, Section 504 of the
525 Rehabilitations Act, and Section 53A-25B-304.

526 B. The USDB shall establish an assessment policy and
527 guidelines to implement required assessments and address:

528 (1) appropriate, complete and timely evaluations of
529 students;

530 (2) procedures for administration of assessments in
531 addition to those required by the law, as determined by IEPs,
532 Section 504 accommodation plans, and individual teachers;

533 (3) complete and accurate required assessments available
534 to eligible students consistent with state and ~~[school~~
535 ~~district]~~LEA assessment timelines and availability of
536 materials for non-disabled students;

537 (4) staff [~~training~~]professional development and
538 preparation on appropriate administration of assessments and
539 reporting of assessment results; and

540 (5) procedures to ensure appropriate interpretation of
541 assessments and results for parents and use of assessment
542 results by USDB personnel.

543 **R277-800-[10]8. Outreach Programs.**

544 A. The USDB and [~~school districts or charter~~
545 ~~schools~~]LEAs may negotiate to share the costs for providing
546 more efficient, cost-effective, and convenient services to
547 students who are deaf, blind, or deafblind in public school
548 classrooms in locations other than the USDB campus.

549 B. [~~School districts or charter schools~~]LEAs shall
550 provide:

551 (1) classroom(s);

552 (2) basic instructional materials;

553 (3) physical education, music, media, school lunch, and
554 other programs and services, consistent with those programs
555 and services provided to other students within the [~~school~~
556 ~~district or charter school~~]LEA;

557 (4) administrative support;

558 (5) basic secretarial services;

559 (6) special education related services.

560 C. The USDB shall provide:

561 (1) classroom instructors, including aides;

562 (2) instructional materials specific to the disability of
563 the students.

564 D. LEAs may reassign [~~F~~]the responsibilities of the USDB
565 and a school district or charter school [~~may be reassigned~~] as
566 negotiated between the [~~school district or charter school~~]LEAs
567 and the USDB.

568 E. An [~~school district or charter school~~]LEA shall claim
569 the state WPU if the [~~school district or charter school~~]LEA

570 provides all items or services identified in R277-800-~~[10]~~8B.

571 **R277-800-~~[11]~~9. USDB Fiscal Procedures.**

572 A. The USDB shall keep fiscal, program, and accounting
573 records as required by the Board and shall submit reports
574 required by the Board.

575 B. The USDB shall follow state standards for fiscal
576 procedures, auditing, and accounting, consistent with Section
577 53A-25b-105.

578 C. The USDB is a public state entity under the direction
579 of the Board and as such is subject to state laws [~~identified~~
580 ~~in]and exemptions consistent with Section 53A-25b-105~~
581 ~~[including State Money Management Act, Open and Public~~
582 ~~Meetings Act, Risk Management, State Building Board and~~
583 ~~Division of Facilities Construction and Management,~~
584 ~~Information Technology Services, Archives and Records~~
585 ~~Services, Utah Procurement Code, Budgetary Procedures Act, and~~
586 ~~Utah State Personnel Management Act].~~

587 D. The USDB shall prepare and present an annual budget to
588 the Board that includes no more than a five percent carryover
589 of any one fund, including reimbursement funds from federal
590 programs.

591 E. The USOE shall recover [F] federal reimbursement funds
592 (IDEA and Medicaid)~~[shall be recovered]~~ quarterly during the
593 year. The USOE shall identify [R] reimbursement amounts~~[shall~~
594 ~~be identified]~~ in the current year's or no later than the
595 subsequent year's budget.

596 F. The revenue from the USDB staff shall use federal land
597 grant designated for the maintenance of the School for the
598 Blind and for the School for the Deaf~~[shall be used]~~ solely
599 for the benefit of USDB students~~[and t]~~. The recommended or
600 designated use of the fund is subject to review by the Board.

601 **R277-800-~~[12]~~10. Utah State Instructional Materials Access**

602 **Center (USIMAC) .**

603 A. The Board authorizes the establishment of the USIMAC
604 to produce core instructional materials in alternative formats
605 to ensure that all students with print disabilities qualified
606 under the Chafee Amendment receive their materials in a timely
607 manner.

608 B. The USIMAC shall provide materials for all students
609 with print disabilities who are qualified under the Chafee
610 Amendment or otherwise eligible through an IEP or Section 504
611 accommodation plan.

612 C. The USOE shall oversee the operations of the USIMAC.

613 D. The USDB is the fiscal agent and operates the USIMAC
614 to the extent of funds received annually from the Utah
615 Legislature and the USOE.

616 E. LEAs may purchase accessible instructional materials
617 using their own funding or request the production of
618 accessible instructional materials in alternate formats from
619 the USIMAC in accordance with established opt in procedures to
620 ensure timely access for students with print disabilities.

621 F. For LEA textbook requests submitted by April 1 of the
622 preceding school year, the USIMAC shall provide the textbook
623 in the requested alternate format by the beginning of the
624 following school year.

625 G. The USDB ERC shall serve as the repository and
626 distribution center for the USIMAC.

627 H. Operation of the USIMAC

628 (1) Qualifying students: A student qualifies for
629 accessible instructional materials from the USIMAC (Braille,
630 audio, large print, digital formats) following LEA
631 determination that the student has a print disability in
632 accordance with the Chafee Amendment, IDEA, or Section 504 of
633 the Rehabilitation Act.

634 (2) Costs for developing core instructional materials:

635 (a) An LEA shall request [F] textbooks for blind, vision

636 impaired or deafblind students served by the USDB or LEAs
637 [~~shall be requested by the LEA~~] consistent with the student's
638 IEP or Section 504 accommodation plan.

639 (b) When an LEA requests a core instructional textbook
640 that was published before August 2006, the USIMAC shall
641 conduct a search for the textbook within existing resources;
642 [~~and,~~] if available, the USIMAC shall send the textbook
643 [~~shall be sent~~] to the ERC for distribution to the LEA.

644 (i) If the textbook is not available within existing
645 resources, the USIMAC will conduct a search to determine if
646 the textbook is available for purchase through another source.

647 (ii) If the textbook is available through the American
648 Printing House for the Blind (APH), the USDB shall order the
649 textbook [~~shall be ordered~~] using state acquired federal funds
650 designated specifically for USIMAC materials and sent to the
651 ERC for distribution to the LEA.

652 (iii) If the textbook is not available from APH, but is
653 available from another accessible media producer, the textbook
654 shall be purchased and sent to the ERC for distribution to the
655 LEA.

656 (iv) If the textbook is not available for purchase, the
657 LEA shall provide a regular print hard copy of the textbook to
658 the USIMAC. [~~t~~] The USIMAC [will] shall then produce the
659 textbook and send it to the ERC for distribution.

660 [~~(A) The USIMAC shall purchase the LEA-requested textbook~~
661 ~~in accordance with copyright law. The cost of the student~~
662 ~~edition textbook shall be charged to the requesting LEA.]~~

663 ([~~B~~]y) The USIMAC shall produce the textbook in the LEA
664 requested alternate format in accordance with the cost sharing
665 outlined in the Interagency Agreement described in R277-800-6.

666 (c) The sharing of costs for purchases described in R277-
667 800-12 shall be outlined in the Interagency Agreement
668 described in R277-800-6.

669 (d) For textbooks published [~~since~~] after August 2006, the

670 USIMAC shall follow the same procedures outlined in R277-800-
671 12H(2)(b). If the USIMAC is unable to obtain the NIMAS file
672 set in a timely manner as a result of publisher negligence,
673 the Board shall authorize the USIMAC to seek damages from
674 publisher(s) as a result of the failure to meet contract
675 provisions.

676 (3) Textbook publishers required to meet NIMAS
677 requirements:

678 (a) All approved textbook contracts for the state of Utah
679 for instructional materials published [~~since~~]after August 2006
680 shall include a provision for making NIMAS file sets available
681 through the NIMAC in accordance with IDEA and USOE
682 Instructional Materials Contract timelines.

683 (b) If the USIMAC is unable to obtain the NIMAS file set
684 from the NIMAC because the publisher fails to provide the
685 NIMAS file set to the NIMAC in accordance with IDEA and USOE
686 Instructional Materials Contract timelines, the USIMAC shall
687 bill the textbook publisher the difference in the cost of
688 producing the alternate format textbook without benefit of the
689 NIMAS file set.

690 (c) [~~The p~~]ublishers shall be advised of the rule; the
691 Utah Instructional Materials Commission under R277-469 shall
692 not approve textbooks and materials from publishers that have
693 a pattern of not providing materials and textbooks for
694 students with disabilities in a timely manner, consistent with
695 the law and Board rules.

696 (d) LEAs shall [~~R~~]request [~~s for~~] and access audio books
697 [~~shall be accessed~~] through the USIMAC, as appropriate, or
698 through other sources. Membership required for other sources
699 is the responsibility of the LEA designated as the responsible
700 entity for serving the student in the IEP or Section 504
701 accommodation plan.

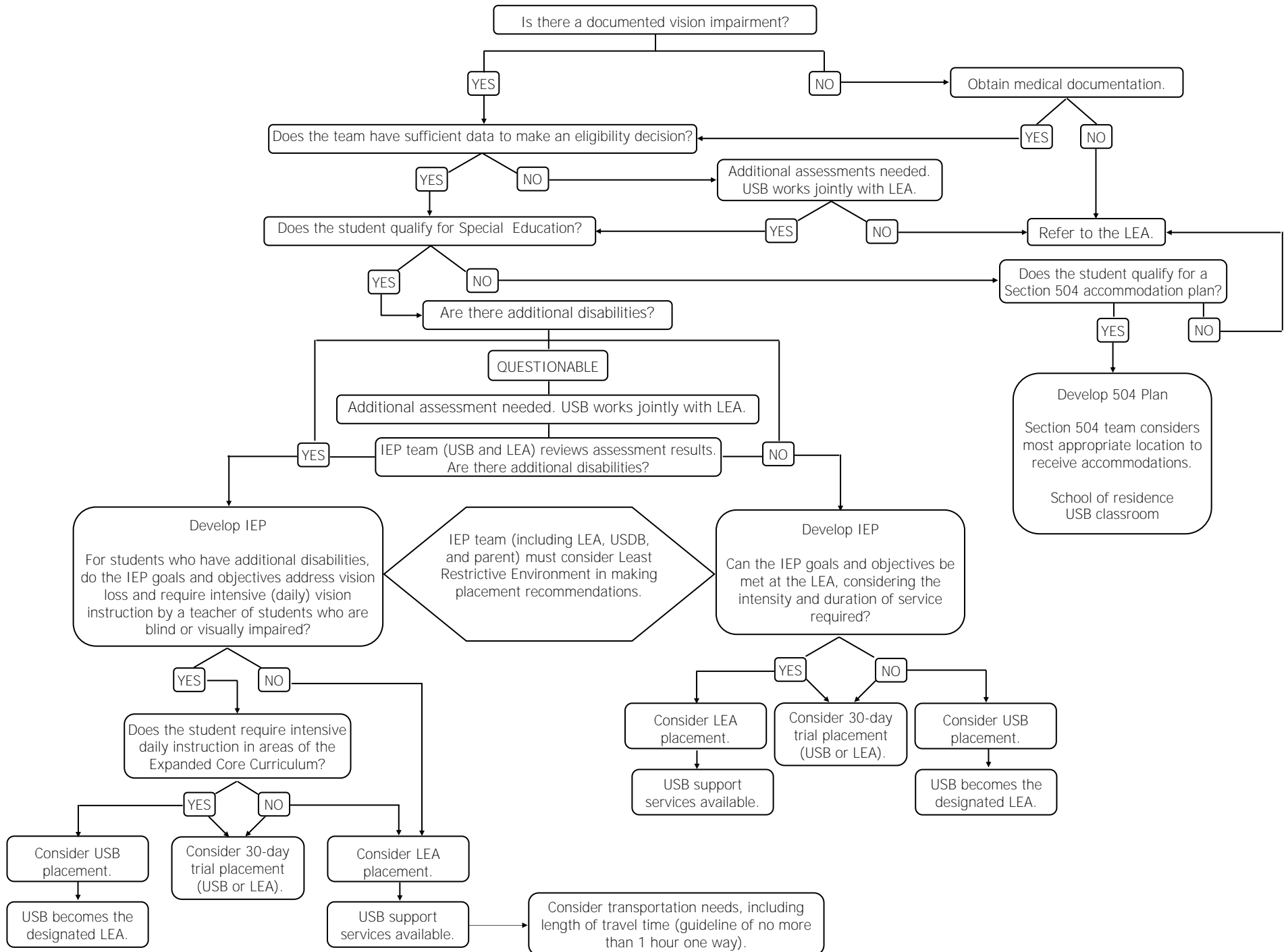
702 **KEY: educational administration**

703 Date of Enactment or Last Substantive Amendment: [~~July 9,~~
704 ~~2012]~~2014
705 Notice of Continuation: June 10, 2014
706 Authorizing, and Implemented or Interpreted Law: Art X Sec 3;
707 53A-25b-203; 53A-25b-302; 53A-25b-501; 53A-1-401(3)

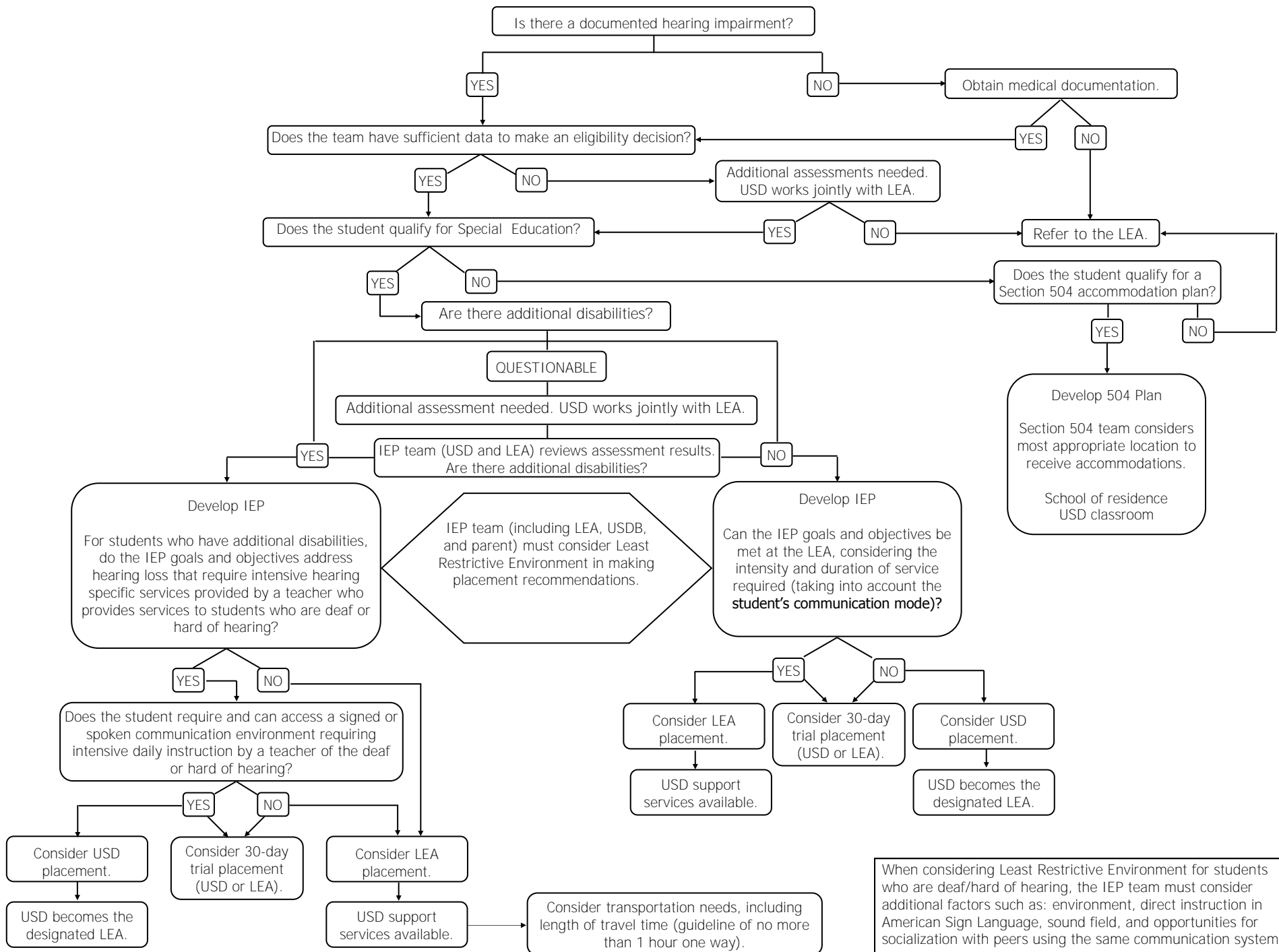
USDB GUIDELINES

EFFECTIVE DATE: 2014

Blind/Visually Impaired Guidelines



Deaf/Hard of Hearing Guidelines



Deafblind Guidelines

