

1 **R277. Education, Administration.**

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

3 **R277-800-1. Authority~~;~~ and Purpose~~, and Oversight Category~~.**

4 (1) This rule is authorized by:

5 (a) Utah Constitution Article X, Section 3, which vests general control and
6 supervision over public education in the Board;

7 (b) Section 53E-8-204 which authorizes the Board to make rules regarding the
8 administration of the Utah Schools for the Deaf and the Blind;

9 (c) Section 53E-8-402, which directs the Board to establish entrance policies
10 and procedures to be considered, consistent with the IDEA, for student placement
11 recommendations at the USDB;

12 (d) Section 53E-8-409, which directs the Board to establish the USIMAC and
13 outline collaboration and operating procedures for USIMAC and USDB resources; and

14 (e) Subsection 53E-3-401(4), which allows the Board to make rules to execute
15 the Board's duties and responsibilities under the Utah Constitution and state law.

16 (2) The purpose of this rule is to provide standards and procedures for the
17 operation of the USDB and the USDB outreach programs and services.

18 ~~[(3) This Rule R277-800 is categorized as Category 4 as described in Rule~~
19 ~~R277-111.]~~

20

21 **R277-800-2. Definitions.**

22 (1) "Accessible media producer" means a company or agency that ~~[creates fully-~~
23 ~~accessible, specialized, student-ready formats for curriculum materials]~~ converts
24 educational materials into formats that are accessible to individuals who require
25 alternative formats, such as:

26 (a) Braille;

27 (b) large print;

28 (c) audiobooks; or

29 (d) digital books.

30 (2) "Advisory Council" means the advisory council for the Utah Schools for the
31 Deaf and the Blind described in Section 538-E-206.

32 ~~[(2)](3)(a)~~ "Assessment" means the process of documenting, usually in
33 measurable terms, knowledge, skills, attitudes, and abilities pertaining to the fields of
34 vision and hearing.

35 (b) An assessment may include the following areas of focus:

36 (i) a valid, reliable and appropriate assessment given to determine eligibility for
37 placement and services by a team of qualified professionals and a student's parent or
38 guardian;

39 (ii) a functional assessment accomplished by observation and measurement of
40 daily living skills and functional use of vision or hearing, or both; and

41 (iii) academic evaluations as part of the Statewide School Accountability System,
42 including an alternate assessment with appropriate accommodations as indicated on a
43 student's IEP.

44 ~~[(3)](4)(a)~~ "Campus-based program" means a program provided by USDB that
45 offers an alternative to an outreach program for students, ages three to 22, who are
46 blind or visually impaired, deaf or hard of hearing, or deafblind.

47 (b) Under a campus-based program, services are provided by qualified USDB
48 staff at a USDB site.

49 ~~[(4)](5)(a)~~ "The Chafee Amendment to the Copyright Act" or the "Chafee
50 Amendment" is a federal law, 17 U.S.C. 121, that allows an authorized entity to
51 reproduce or distribute copyrighted materials in ~~[specialized]~~accessible formats for
52 eligible students who are blind or have other print disabilities without the need to obtain
53 permission of the copyright owner.

54 (b) Authorized entities under the Chafee Amendment include governmental
55 agencies or nonprofit organizations that have a primary mission to provide copyrighted
56 works in ~~[specialized]~~accessible formats for students who are blind or have other print
57 disabilities.

58 ~~[(5)]~~(6) "Child Find" means activities and strategies designed to locate, evaluate,
59 and identify individuals eligible for services under the IDEA.

60 ~~[(6)]~~(7) "Consultation" means a meeting for discussion or seeking advice.

61 ~~[(7) "Designated LEA" means the local education agency assigned by a
62 student's IEP or Section 504 team to have primary responsibility for ensuring that all
63 rights and requirements regarding individual student assessment, eligibility services,
64 and procedural safeguards are satisfied consistent with the IDEA.]~~

65 (8) "Deafblindness" or "deafblind" means written verification provided by a
66 medical professional stating that an individual has concomitant hearing and visual
67 impairments, the combination of which causes such severe communication and other
68 developmental and educational needs that they cannot be accommodated in special
69 education programs solely for students with deafness or students with blindness.

70 (9) "Deafness" is a hearing impairment that is so severe that the student is
71 impaired in processing linguistic information through hearing, with or without
72 amplification, and that adversely affects a student's educational performance.

73 (10) "Designated LEA" means the local education agency assigned by a
74 student's IEP or Section 504 team to have primary responsibility for ensuring that all
75 rights and requirements regarding individual student assessment, eligibility services,
76 and procedural safeguards are satisfied consistent with the IDEA.

77 ~~[(10)]~~(11) "Educational Resource Center" or "ERC" is a center under the
78 direction of the USDB that:

79 (a) provides information, technology, and instructional materials to assist
80 children who are deaf, hard of hearing, blind, visually impaired, and deafblind in
81 progressing in the curriculum; and

82 (b) facilitates access to materials, information, and training for teachers and
83 parents of children who are deaf, hard of hearing, blind, visually impaired, and
84 deafblind.

85 [(41)](12) "Extension classroom" means a classroom provided by an LEA where
86 USDB provides a full-time classroom teacher and related services to students who
87 remain enrolled in the LEA's general education programs.

88 [(42)](13) "Hearing loss" is an impairment in hearing, whether permanent or
89 fluctuating, that adversely affects a student's educational performance, but that is not
90 included under the definition of deafness.

91 [(43)](14) "National Instructional Materials Access Center" or "NIMAC" is a
92 central national repository that receives file sets in the NIMAS from publishers to
93 maintain, catalog, and house for future reference file sets for states to use with students
94 who have print disabilities and require educational materials in accessible alternate
95 formats.

96 [(44)](15) "National Instructional Materials Accessibility Standard" or "NIMAS"
97 means the electronic standard that enables all producers of alternate formats for
98 students with print disabilities to work from one standard format available from
99 publishers for this purpose.

100 [(45)](16)(a) "Outreach program" is a program provided by the USDB that offers
101 an alternative to a campus-based program for students ages three to 22 who are blind
102 or visually impaired, deaf or hard of hearing, or deafblind.

103 (b) In an outreach program, services are provided at a student's resident school
104 or at a designated school by a qualified teacher of the blind or visually impaired, deaf or
105 hard of hearing, or deafblind.

106 [(46)](17)(a) "Related services" means transportation and such developmental,
107 corrective, and other supportive services as are required to assist a student with
108 disability to benefit from special education.

109 (b) Related services may include:

110 (i) speech-language pathology services;

111 (ii) audiology services;

112 (iii) interpreting services;

113 (iv) psychological services;

- 114 (v) physical and occupational therapy;
- 115 (vi) recreation, including therapeutic recreation;
- 116 (vii) early identification and assessment of disabilities in students;
- 117 (viii) counseling services, including rehabilitation counseling;
- 118 (ix) orientation and mobility services;
- 119 (x) health services and school nursing services;
- 120 (xi) social work services in schools;
- 121 (xii) parent counseling and training; or
- 122 (xiii) low vision services.

123 ~~[(17)]~~(18) "Section 504 accommodation plan" means a plan required by Section
124 504 of the Rehabilitation Act of 1973, which is designed to accommodate an individual
125 who has been determined, as a result of an evaluation, to have a physical or mental
126 impairment that substantially limits one or more major life activities.

127 ~~[(18)]~~(19) "Technical assistance" means assistance to public education
128 employees, licensed educators, parents, and families in significant areas of need by
129 someone who has the expertise necessary to give council and training in designated
130 areas.

131 ~~[(19)]~~(20) "Utah State Instructional Materials Access Center" or "USIMAC"
132 means a ~~[center]~~ center housed at USDB that receives NIMAS electronic file sets and
133 other non-SBN educational materials provided by LEAs in Utah, and produces them in
134 the accessible alternate format required by students with print disabilities.

135 ~~[(20)]~~(21)(a) "Visual impairment," is an impairment in vision that, even with
136 correction, adversely affects a student's educational performance.

137 (b) "Visual impairment" includes both partial sight and blindness that adversely
138 affect a student's educational performance.

139 ~~[(21)]~~(22) "Weighted pupil unit" or "WPU" means the basic unit used to calculate
140 the amount of state funds for which a school district or charter school is eligible.

141

142 **R277-800-3. Operation of USDB.**

143 (1) Consistent with Section 53E-8-204, the Board is the governing board of the
144 USDB.

145 (2) ~~[The USDB superintendent, appointed consistent with Subsection 53E-8-~~
146 ~~204(2), is subject to the direction of the Board and the Superintendent].~~ The
147 Superintendent with the approval of the Board, shall appoint and supervise the USDB
148 superintendent, who reports directly to the Superintendent.

149 (3) ~~[The USDB superintendent shall serve subject to the following:~~

150 ~~——(a) the USDB superintendent's term of office is for two years and until a~~
151 ~~successor is appointed;~~

152 ~~——(b) the Board shall set the USDB superintendent's compensation for services;~~

153 ~~——(c) the USDB superintendent shall have, at a minimum, an annual evaluation, as~~
154 ~~directed by the Board;~~

155 ~~——(d) the USDB superintendent qualifications shall be established by the Board;~~
156 ~~and~~

157 ~~——(e) the duties of the USDB superintendent shall be established by the Board.]~~ In

158 accordance with 53E-8-201, USDB is created as an agency of the Board and a single
159 public school agency which includes:

160 _____ (a) the Utah School for the Deaf;

161 _____ (b) the Utah School for the Blind;

162 _____ (c) programs for students who are deafblind; and

163 _____ (d) the Parent Infant Program.

164 (4) The Superintendent shall provide assistance, and work cooperatively with the
165 USDB in providing services to designated Utah students.

166 ~~[(5) The Superintendent shall assign a liaison to provide appropriate supervision~~
167 ~~to the USDB to ensure compliance with the law.]~~

168 ~~[(6)]~~ (5) The Superintendent shall assist the USDB, its superintendent, and
169 associate superintendents in adopting policies and preparing an annual budget that are
170 consistent with the law.

171 ~~[(7)]~~ (6) The Board shall approve the annual budget and expenditures of USDB.

172 ~~[(8)]~~(7)(a) The USDB superintendent shall, subject to the approval of the Board,
173 appoint an associate superintendent to administer the Utah School for the Deaf and an
174 associate superintendent to administer the Utah School for the Blind.

175 (b) Qualifications of a USDB associate superintendent shall be aligned with the
176 requirements of Section 53E-8-204.

177 ~~[(9)]~~(8)(a) The USDB superintendent and associate superintendents may hire
178 staff and teachers as needed for the USDB.

179 (b) Educators and related service providers shall be appropriately licensed and
180 credentialed for their specific assignments.

181 ~~[(10)]~~(9) In employment practices and decisions, the USDB superintendent shall
182 maintain the accreditation of the USDB school and programs.

183 ~~[(11)]~~(10) The USDB superintendent and associate superintendents shall
184 communicate regularly and effectively with the Board and provide a written report to the
185 Board ~~[at least]~~ annually in ~~[adequate time before the November legislative interim~~
186 ~~meeting,]~~ sufficient time for inclusion in the Superintendent's Annual Report, or at such
187 other time as requested by the Board.

188 ~~[(12)]~~(11) The USDB report shall include the data required by Subsection 53E-8-
189 204~~[(6)]~~(5)(b) and 53E-8-207.

190 ~~[(13)]~~(12) USDB shall ensure that each child or student served by USDB is
191 assigned a unique student identifier (SSID) to allow for annual data collection and
192 reporting of achievement of current and past students.

193 ~~[(14)]~~(13) USDB shall provide the Superintendent with a listing of past and
194 current children or students, including the assigned unique student identifier, served by
195 USDB by September 1 of each year to facilitate the required data collection.

196 ~~[(15)]~~(14) ~~[The USDB Advisory Council shall fulfill the role of a school community~~
197 ~~council in accordance with Section R277-477-3]~~ Consistent with Section 53E-8-206, the
198 USDB Advisory Council shall:

199 (a) serve as a school community council;

200 (b) make recommendations to the Board regarding USDB programs and
201 services;
202 (c) consult on entrance policies and procedures; and
203 (d) in accordance with Section 53E-8-407 make recommendations regarding
204 educational enrichment programs for the Blind and Visually Impaired and Deaf and
205 Hard of Hearing students.

206 (15)(a) USDB shall, on October 1 of each year, determine the number of
207 students:

208 (i) for whom USDB serves as the designated LEA;
209 (ii) who receive services in the student's LEA of record with support from USDB;
210 (iii) who receive services from both USDB and the student's LEA of record; and
211 (iv) who participate in any other program provided or facilitated by USDB.

212 (b) USDB shall annually report to the Board.

213 (c) the Board shall ensure reconciliation and consistency of data reported under
214 this subsection:

215 (i) student counts described in subsection (15)(a), categorized by eligibility type
216 and LEA of record;

217 (ii) the type and extent of services provided; and

218 (iii) for students receiving mixed services, the division of educational time
219 between service delivery systems.

220

221 **R277-800-4. USDB or Student's District of Residence or Charter School as**
222 **Designated LEA.**

223 (1) To be eligible to receive free services from the USDB, a student must meet
224 the requirements of Section 53E-8-401.

225 (2)(a) A student's IEP or Section 504 accommodation plan shall determine a
226 student's placement at the USDB, in a district school or charter school.

227 (b) USDB shall limit its services for students who are school-age to those on an
228 IEP or Section 504 accommodation plan except as otherwise provided for the
229 enrollment of hearing siblings under R277-800-9.

230 (3) Consistent with Subsection 53E-8-401(3), an IEP team or Section 504 team
231 shall determine the appropriate placement for each blind, deaf, or deafblind student
232 consistent with Board Special Education Rules incorporated by reference in Section
233 R277-750-2.

234 (4)(a) It is the responsibility of the student's district of residence or charter school
235 to conduct Child Find, and to convene the initial IEP or Section 504 team meeting to
236 determine a student's placement.

237 (b) A student's initial IEP or Section 504 accommodation plan meeting shall
238 include a representative from the student's district of residence or charter school and a
239 representative from the USDB.

240 (5)(a) If USDB is the designated LEA for a student, USDB has full responsibility
241 for all services defined in the student's IEP or Section 504 accommodation plan.

242 (b) Notwithstanding USDB's designation as LEA for a student, a representative
243 from the district of residence or charter school remains a required member of the IEP or
244 Section 504 accommodation plan team.

245 (c) when USDB is designated as the LEA for a student consistent with 53E-8-
246 201(2)(b), USDB and the student's LEA of record shall enter into an educational
247 partnership agreement that:

248 (i) provides for USDB to report academic performance to the LEA of record; and

249 (ii) ensures that the LEA of record monitors the student's academic performance.

250 (6) If a district of residence or charter school is the LEA designated to provide
251 services to a student with an IEP or Section 504 accommodation plan, the district of
252 residence or charter school has the responsibility for providing instruction and services
253 for the student except that the USDB:

254 (a) may be designated by the team as a related service provider; and

255 (b) remains a required member of the student's IEP or 504 accommodation plan
256 team.

257 (7) A student's IEP or Section 504 accommodation plan shall clearly define what
258 services are to be provided by a related service provider.

259 (8) The IEP or Section 504 accommodation plan team shall determine the
260 designated LEA for student placement.

261 (9) If a parent is dissatisfied with a student's placement at USDB, the student's
262 district of residence, or charter school, the parent may access dispute resolution
263 procedures, consistent with Utah State Board of Education Special Education Rules,
264 adopted by the Board in Section R277-750-2

265 (10) If a student's IEP or Section 504 accommodation plan provides for services
266 to be provided by both the USDB and the student's district of residence, or for the USDB
267 and district of residence to share responsibility for serving a student, a parent may
268 access dispute resolution procedures consistent with Utah State Board of Education
269 Special Education Rules, adopted by the Board in Section R277-750-2.

270 (11) Beginning July 1, 2027, if USDB is designated as the LEA for a student, the
271 student's LEA of record shall:

272 (i) include the student in the LEA's average daily membership; and

273 (ii) remit 95% of applicable per pupil state and federal funding associated with the
274 student to USDB.

275

276 **R277-800-5. Assessment of USDB Students Served in LEAs of Residence.**

277 (1) An appropriate specialist shall assess a student who may be deaf, hard of
278 hearing, blind, visually impaired, or deafblind using statewide assessment results and in
279 compliance with Board rule and state and federal law.

280 (2) The USDB shall establish an assessment policy and guidelines to implement
281 required assessments, which address:

282 (a) appropriate, complete, and timely evaluations of students;

283 (b) procedures for administration of assessments in addition to those required by
284 the law, as determined by IEPs, Section 504 accommodation plans, and individual
285 teachers;

286 (c) complete and accurate required assessments available to eligible students
287 consistent with state and LEA assessment timelines and availability of materials for non-
288 disabled students;

289 (d) staff professional development and preparation on appropriate administration
290 of assessments and reporting of assessment results; and

291 (e) procedures to ensure appropriate interpretation and use of assessments and
292 results for parents and USDB personnel.

293

294 **R277-800-6. Extension Classrooms.**

295 (1) The USDB and an LEA may negotiate to share the costs for providing more
296 efficient, cost-effective, and convenient services to students who are deaf, blind, or
297 deafblind in extension classrooms in locations other than the USDB campus.

298 (2) If the USDB and an LEA enter into an agreement in accordance with
299 Subsection (1), the LEA shall provide:

300 (a) classrooms;

301 (b) basic instructional materials;

302 (c) physical education, music, media, school lunch, and other programs and
303 services, consistent with those programs and services provided to other students within
304 the LEA;

305 (d) administrative support;

306 (e) basic secretarial services;

307 (f) special education and related services; and

308 (g) IT support.

309 (3) If the USDB and an LEA enter into an agreement in accordance with
310 Subsection (1), the USDB shall provide:

311 (a) classroom instructors, including aides; and

312 (b) instructional materials specific to the disability of the students.

313 (4) An agreement pursuant to Subsection (1) may reassign the responsibilities of
314 the USDB and a school district or charter school as negotiated between the LEA and
315 the USDB.

316 (5) An LEA shall claim the state WPU if the LEA provides all items or services
317 identified in Subsection (2).

318

319 **R277-800-7. USDB Fiscal Procedures.**

320 (1) The USDB shall keep fiscal, program, and accounting records as required by
321 the Board and shall submit reports required by the Board.

322 (2) The USDB shall follow state standards for fiscal procedures, auditing, and
323 accounting, consistent with Subsection 53E-8-203(3).

324 (3) The USDB is an ~~public state entity~~ agency under the direction of the Board
325 and as such is subject to state laws and exemptions consistent with Section 53E-8-203.

326 (4)(a) The Superintendent shall recover federal reimbursement funds, IDEA, and
327 Medicaid quarterly during the year.

328 (b) The Superintendent shall identify reimbursement amounts in the current
329 year's budget, but in no event later than the subsequent year's budget.

330 (5)(a) The USDB shall use the revenue from the federal trust land grant
331 designated for the benefit of the blind and the deaf, solely for the benefit of deaf, blind,
332 and deafblind students.

333 (b) The recommended or designated use of federal trust land funds is subject to
334 review by the Board.

335 (6) USDB and LEAs shall comply with funding transfer requirements described in
336 Section R277-800-4(11)

337

338 **R277-800-8. Utah State Instructional Materials Access Center.**

339 (1) USIMAC shall acquire or produce core educational materials, including print
340 and digital textbooks and related core materials, in accessible formats to ensure that all

341 students eligible under the Chafee Amendment receive ~~their~~these materials in a timely
342 manner.

343 (2) The Superintendent shall oversee the operations of the USIMAC.

344 (3) The USDB is the fiscal agent and operates the USIMAC to the extent of
345 funds received annually from budgetary appropriations.

346 (4) An LEA may purchase or provide accessible educational materials from
347 another source using the LEA's own funding or request the production of accessible
348 educational materials in accessible formats from USIMAC in accordance with
349 established procedures to ensure timely access for eligible students.

350 (5)(a) USIMAC shall provide a textbook and related core educational materials in
351 an accessible format by the beginning of the school year if requested no later than April
352 1 of the preceding school year by an LEA.

353 (b) Notwithstanding Subsection (5)(a), if an LEA requests educational materials
354 in Braille, USIMAC will provide the first three volumes of a textbook by the beginning of
355 the school year, and will provide additional volumes ahead of the pacing guide
356 submitted by the LEA.

357 (6) The USDB Educational Resource Center shall serve as the repository and
358 distribution center for USIMAC.

359 (7) A student is eligible for accessible educational materials from USIMAC,
360 including Braille, audio, large print, or accessible PDFs, following an LEA determination
361 that the student is eligible in accordance with:

362 (a) the Chafee Amendment;

363 (b) IDEA; or

364 (c) Section 504 of the Rehabilitation Act.

365 (8) An LEA may request textbooks consisting of static text and images for
366 eligible students served by the USDB or the LEA consistent with a student's IEP or
367 Section 504 accommodation plan.

368 (9) When an LEA requests a core instructional textbook, USIMAC may:

369 (a) provide the textbook to the LEA from its existing inventory;

370 (b) purchase the textbook and provide the textbook to the LEA from another
371 source, which may include;

372 (i) the American Printing House for the Blind using state acquired federal funds
373 designated specifically for USIMAC materials; or

374 (ii) another accessible media producer; or

375 (c)(i) require the LEA to provide a regular hard print copy of the textbook, or
376 equivalent digital file in PDF format for digital print textbooks; and

377 (ii) produce and distribute the textbook in the needed accessible format.

378 (10)(a) An LEA ~~[or]~~ shall require a publisher ~~[shall]~~ to send hard copy and digital
379 textbooks and related core educational materials adopted by the LEA to the NIMAC in a
380 valid XML-based NIMAS format for use in the production of accessible formats such as
381 Braille, large print, and digital text.

382 (b)(i) Teacher-created educational materials, other than textbooks and related
383 educational materials approved by an LEA, are not eligible for submission to USIMAC.

384 (ii) An LEA is responsible to make materials described in Subsection (b)(i)
385 accessible and to provide the materials to students in a timely manner.

386 (11)(a) All approved textbook and digital textbook contracts for the state of Utah
387 for educational materials, textbooks, and related core printed materials shall include a
388 provision for making NIMAS file sets available through the NIMAC in accordance with
389 the IDEA and Board Instructional Materials Contract timelines.

390 ~~[(b) If USIMAC cannot obtain the NIMAS file set from the NIMAC because the~~
391 ~~publisher fails to timely provide the NIMAS file set to the NIMAC in accordance with the~~
392 ~~IDEA and Board Instructional Materials Contract timelines, USIMAC may:~~

393 ~~——(i) bill the textbook publisher the difference in the cost of producing the alternate~~
394 ~~format textbook without the benefit of the NIMAS file set; or~~

395 ~~——(ii) request authorization from the Board to seek damages from the publisher for~~
396 ~~failure to meet contract provisions.~~

397 ~~——(c) The Superintendent shall advise publishers of the provisions of this~~
398 ~~Subsection (11).]~~

399 ~~(d)~~(b) The Utah Instructional Materials Commission created under Rule R277-
400 469 may not approve textbooks and materials from publishers that have a pattern of not
401 providing materials and textbooks for students with disabilities in a timely manner,
402 consistent with the law and Board rules.

403 (12)(a) An LEA may request and access audiobooks through USIMAC, as
404 appropriate, or through other sources.

405 (b) Membership required for other sources is the responsibility of the LEA
406 designated as the responsible entity for serving the student in the IEP or Section 504
407 accommodation plan.

408

409 **R277-800-9. Enrollment of Siblings.**

410 (1) Subject to available funding, USDB may enroll the sibling of a student who is
411 deaf subject to the considerations set forth in this Section R277-800-9.

412 (2) A hearing sibling attending USDB retains all rights of a traditional public
413 school student.

414 (3) Enrollment of a hearing sibling is limited to:

415 (a) siblings of students who are enrolled in a campus program; and

416 (b) one hearing sibling per class.

417 (4) The USDB Superintendent shall evaluate the enrollment of a hearing sibling,
418 including:

419 (a) whether enrollment of the hearing sibling would be a benefit to:

420 (i) the student who is deaf;

421 (ii) the hearing sibling; and

422 (iii) the other students in the deaf program; and

423 (b) whether the hearing sibling has a record of behavior problems or other

424 conditions that would impede the development of the students who are deaf or hard of
425 hearing.

426 (5) If a parent enrolls a hearing sibling at USDB, the parent shall agree at the
427 time of registration:

428 (a) that enrollment for the hearing sibling is within the discretion of the school
429 and may be rescinded at any time with or without cause; and

430 (b) that the hearing sibling knows or is willing to learn American Sign Language
431 and embrace the Deaf culture while at school.

432

433 **R277-800-10. Capital Facilities.**

434 (1) The Board shall oversee the long-term planning, development, and review of
435 capital facilities for USDB in coordination with the Division of Facilities
436 Construction and Management, in accordance with Section 53E-8-205.

437 (2) Before seeking funding for new capital facilities, the Board shall conduct an
438 exhaustive review of available LEA facilities and consider opportunities for
439 shared space.

440 (3) The Board shall review and approve capital facility requests in a public
441 meeting before submission to the Legislature.

442

443 **KEY: educational administration**

444 **Date of Last Change: November 7, 2025**

445 **Notice of Continuation: August 19, 2021**

446 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401(4); 53E-**
447 **8-204; 53E-8-402; 53E-8-409**

448

449