

115TH CONGRESS
1ST SESSION

S. 2087

To promote and ensure delivery of high-quality special education and related services to students with visual disabilities or who are deaf or hard of hearing or deaf-blind through instructional methodologies meeting their unique learning needs, to enhance accountability for the provision of such services, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 2017

Mr. MARKEY (for himself and Mrs. CAPITO) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To promote and ensure delivery of high-quality special education and related services to students with visual disabilities or who are deaf or hard of hearing or deaf-blind through instructional methodologies meeting their unique learning needs, to enhance accountability for the provision of such services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CON-**
 2 **TENTS.**

3 (a) **SHORT TITLE.**—This Act may be cited as the
 4 “Alice Cogswell and Anne Sullivan Macy Act”.

5 (b) **REFERENCES.**—Except as otherwise expressly
 6 provided, whenever in this Act an amendment or repeal
 7 is expressed in terms of an amendment to, or repeal of,
 8 a section or other provision, the reference shall be consid-
 9 ered to be made to a section or other provision of the Indi-
 10 viduals with Disabilities Education Act (20 U.S.C. 1400
 11 et seq.).

12 (c) **TABLE OF CONTENTS.**—The table of contents for
 13 this Act is as follows:

- Sec. 1. Short title; references; table of contents.
- Sec. 2. Purposes.
- Sec. 3. Findings.

**TITLE I—IMPROVING THE EFFECTIVENESS OF SPECIAL EDU-
 CATION AND RELATED SERVICES FOR STUDENTS WHO ARE
 DEAF OR HARD OF HEARING**

Subtitle A—General Provisions

- Sec. 101. Identifying students who are deaf or hard of hearing.
- Sec. 102. State plans.
- Sec. 103. Evaluations.
- Sec. 104. Individualized education program team.
- Sec. 105. Consideration of special factors.
- Sec. 106. Monitoring.
- Sec. 107. Continuum of service delivery options.
- Sec. 108. Technical assistance for parents and educators of students who are
 deaf or hard of hearing.

**Subtitle B—Improving the Effectiveness of Early Intervention for Deaf or
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- Sec. 111. Qualified personnel.
- Sec. 112. Natural environment.
- Sec. 113. Content of plan.

Subtitle C—National Activities To Improve Education of Children With Disabilities

Sec. 121. Personnel development to improve services and results for children with disabilities.

TITLE II—IMPROVING THE EFFECTIVENESS OF SPECIAL EDUCATION AND RELATED SERVICES FOR STUDENTS WITH VISUAL DISABILITIES

Subtitle A—General Provisions

Sec. 201. Identifying students with visual disabilities.

Sec. 202. State plans.

Sec. 203. Evaluations.

Sec. 204. Consideration of special factors.

Sec. 205. Technical assistance for parents and educators of students with visual disabilities.

Subtitle B—Anne Sullivan Macy Center on Visual Disability and Educational Excellence

Sec. 211. Center establishment and mission.

Sec. 212. Administration; eligibility; governance; structure.

Sec. 213. Activities.

Sec. 214. Authorization of appropriations and carryover.

Sec. 215. Relationship to other programs and activities.

TITLE III—IMPROVING THE EFFECTIVENESS OF SPECIAL EDUCATION AND RELATED SERVICES FOR CHILDREN AND YOUTH WHO ARE DEAF-BLIND

Subtitle A—General Provisions

Sec. 301. Identifying children who are deaf-blind.

Sec. 302. Related services.

Sec. 303. State plans.

Sec. 304. Evaluations.

Sec. 305. Consideration of special factors.

Sec. 306. Technical assistance for parents and educators of children who are deaf-blind.

Sec. 307. Conforming regulations.

Subtitle B—Improving the Effectiveness of Early Intervention for Infants and Toddlers With Deaf-Blindness and Their Families

Sec. 311. Content of plan.

Subtitle C—National Activities To Improve the Education of Children With Disabilities

Sec. 321. Personnel development to improve services and results for children with disabilities; ensuring sufficient teachers of the deaf-blind and early intervention specialists.

1 SEC. 2. PURPOSES.

2 The purposes of this Act are as follows:

1 (1) To better ensure delivery of high-quality
2 special education and related services to students
3 with visual disabilities or who are deaf or hard of
4 hearing or who are deaf-blind through specialized in-
5 structional services and methodologies designed to
6 meet their unique language, communication, and
7 learning needs.

8 (2) To better ensure delivery of high-quality
9 early intervention services to infants and toddlers
10 who are deaf or hard of hearing or who are deaf-
11 blind and their families through specialized services
12 and methodologies designed to meet their unique
13 language, communication, and other developmental
14 needs.

15 (3) To foster the proliferation of research sup-
16 porting the development and evaluation of effective
17 and innovative assessments and instructional meth-
18 odologies consonant with the unique learning needs
19 of students with visual disabilities.

20 (4) To enhance accountability for the provision
21 of such services.

22 (5) To support the development of personnel
23 serving students with visual disabilities or who are
24 deaf or hard of hearing or who are deaf-blind.

1 **SEC. 3. FINDINGS.**

2 The Congress finds the following:

3 (1) When American author, Mark Twain, im-
4 mortalized Helen Keller’s teacher, Anne Sullivan
5 Macy, with the moniker “the miracle worker”, his
6 words, though meant as praise, reflect the mis-
7 conception that educating individuals with disabil-
8 ities is a nearly insurmountable task requiring ex-
9 traordinary feats performed by gifted and saintly
10 persons. Rather, the work of teaching children with
11 disabilities can and does occur when committed and
12 qualified but everyday special educators are properly
13 prepared and supported to practice their professions.
14 Yet, the educational systems within which they act
15 must also be held accountable for results.

16 (2) In 1817, Thomas Hopkins Gallaudet and a
17 deaf teacher, Laurent Clerc, opened the first Amer-
18 ican school for deaf students—the American School
19 for the Deaf—with young Alice Cogswell as its first
20 pupil. Ultimately the school grew into a national in-
21 stitution and the mother of many other schools. As
22 Alice demonstrated, deaf and hard of hearing chil-
23 dren can learn and achieve to high levels when they
24 have full access to language and communication; are
25 taught by professionals with specialized training;
26 and have access to educational placements that rec-

1 ognize and provide for their language, communica-
2 tion, social-emotional, and academic needs.

3 (3) Deaf and hard of hearing children who are
4 identified early and receive appropriate early inter-
5 vention from specialized, qualified providers achieve
6 higher language and communication outcomes. How-
7 ever, currently, early intervention services typically
8 are not provided in a timely manner and severe
9 shortages of specialized early intervention profes-
10 sionals result in many deaf and hard of hearing chil-
11 dren not reaching their developmental potential.
12 Similarly, research demonstrates that students with
13 visual disabilities are among the highest performing
14 students with disabilities in terms of academic
15 achievement, and yet they are among the least em-
16 ployed, even after successful accomplishment of post-
17 secondary academic objectives.

18 (4) Likewise, children who are deaf-blind have
19 the same capacity to learn and achieve as any other
20 children. However, they must have ongoing access to
21 the same environmental and educational information
22 that their sighted and hearing peers can access auto-
23 matically. These children require direct learning ex-
24 periences, including hands-on experiences and in-
25 tense involvement in educational routines and activi-

1 ties. They must receive specialized direct instruction
2 in their preferred mode of communication in a range
3 of academic and functional areas.

4 (5) Students who are deaf, hard of hearing, or
5 deaf-blind require more language and communica-
6 tion access and support to acquire skills than they
7 are currently receiving. It has been the Department
8 of Education's position since 1992 that "[a]ny edu-
9 cational setting that does not meet the communica-
10 tion and related needs of a child who is deaf does
11 not allow for the provision of [a Free Appropriate
12 Public Education] and cannot be considered the
13 [Least Restrictive Environment] for that child".

14 (6) Moreover, a principal way that sighted,
15 hearing students acquire knowledge and skills is
16 through incidental learning, naturally observing oth-
17 ers and the environment. Deficits in incidental learn-
18 ing leave students with sensory disabilities behind in
19 an array of skill areas. In addition to core aca-
20 demics, deaf and hard of hearing students, for exam-
21 ple, must also receive specialized instruction and
22 services designed to maximize their capacity to learn
23 effectively and live productively and independently.
24 Similarly, students who are blind or visually im-
25 paired must also receive instruction in the expanded

1 core curriculum, a comprehensive array of special-
2 ized instruction and services maximizing the capacity
3 of students with visual disabilities to learn effectively
4 and live productively and independently.

5 (7) The widespread use by States of the Indi-
6 viduals with Disabilities Education Act's disability
7 categories has led to a sizable undercount of stu-
8 dents with sensory disabilities and, consequently, a
9 lack of recognition of the extent of the systemic need
10 for the delivery of appropriate instructional services
11 meeting their unique needs. This occurs in large
12 measure because students with sensory disabilities
13 who also have additional disabilities are frequently
14 formally classified as having multiple disabilities.
15 Consequently, their vision, hearing, or concomitant
16 vision and hearing disabilities and related support
17 needs are not fully acknowledged.

18 (8) Children who are deaf-blind should receive
19 one-to-one services from interveners, who have train-
20 ing and specialized skills in deaf-blindness.
21 Intervenors play a critical role in the provision of a
22 Free and Appropriate Public Education, because
23 they provide access to the information these children
24 need in order to learn and develop concepts, to facili-
25 tate their communication development and inter-

1 actions in their preferred mode of communication,
 2 and to promote their social and emotional well-being.

3 (9) A national resource in visual disabilities is
 4 needed to supplement the work of State and local
 5 educational agencies through student enrichment ac-
 6 tivities; to support teachers of students with visual
 7 impairments and related services personnel through
 8 state-of-the-art continuing education opportunities;
 9 and to spur the further advancement of instructional
 10 services for students with visual disabilities through
 11 scientific research and evidence-based best practices.

12 **TITLE I—IMPROVING THE EF-**
 13 **FECTIVENESS OF SPECIAL**
 14 **EDUCATION AND RELATED**
 15 **SERVICES FOR STUDENTS**
 16 **WHO ARE DEAF OR HARD OF**
 17 **HEARING**

18 **Subtitle A—General Provisions**

19 **SEC. 101. IDENTIFYING STUDENTS WHO ARE DEAF OR**
 20 **HARD OF HEARING.**

21 (a) SERVING ALL CHILDREN WHO ARE DEAF OR
 22 HARD OF HEARING REGARDLESS OF CLASSIFICATION.—
 23 Section 612(a)(3) (20 U.S.C. 1412(a)(3)) is amended by
 24 adding at the end the following:

1 “(C) SERVING CHILDREN WHO ARE DEAF
2 OR HARD OF HEARING.—When a State classi-
3 fies children by disability, the State, in com-
4 plying with this subsection, identifies, locates,
5 and evaluates children who are deaf or hard of
6 hearing and who are, or may be, classified in a
7 disability category other than hearing impair-
8 ment and provides (without prejudice to such
9 classification) special education and related
10 services to such children, including such serv-
11 ices determined appropriate based on proper
12 evaluation as would be provided to children
13 classified in the State as deaf or hard of hear-
14 ing.”.

15 (b) DATA COLLECTION AND REPORTING.—Section
16 618 (20 U.S.C. 1418) is amended by adding at the end
17 the following:

18 “(e) ACCOUNTING FOR DEAF AND HARD OF HEAR-
19 ING STUDENTS.—In addition to the data collection and
20 reporting requirements of subsections (a) through (d) and
21 subject to such provisions, the State and the Secretary of
22 the Interior shall, with respect to children classified in a
23 disability category other than hearing impairment or deaf-
24 ness, include the number and percentage of such children

1 in each disability category who are also deaf or hard of
2 hearing.”.

3 (c) CHILD WITH A DISABILITY.—Section
4 602(3)(A)(i) (20 U.S.C. 1401(3)(A)(i)) is amended by
5 striking “hearing impairments (including deafness),
6 speech” and inserting “who is deaf or hard of hearing,
7 or with speech”.

8 **SEC. 102. STATE PLANS.**

9 Section 612 (20 U.S.C. 1412) is amended by adding
10 at the end the following:

11 “(g) ADDENDUM CONCERNING STUDENTS WHO ARE
12 DEAF OR HARD OF HEARING.—

13 “(1) IN GENERAL.—Notwithstanding the provi-
14 sions of subsection (c), a State shall not be consid-
15 ered in compliance with this section unless, not later
16 than two years after the date of the enactment of
17 the Alice Cogswell and Anne Sullivan Macy Act, the
18 State files with the Secretary a written addendum to
19 the plan required by this section describing how the
20 State ensures that—

21 “(A) children who are deaf or hard of
22 hearing (regardless of the State’s use of dis-
23 ability categories or the extent to which deaf or
24 hard of hearing children may be classified in
25 disability categories other than hearing impair-

1 ment or deafness) are evaluated by qualified
2 professionals, using valid and reliable assess-
3 ments, for such children's need for instruction
4 and services meeting their unique language and
5 communication, literacy, academic, social and
6 related learning needs, including instruction
7 which may be needed by children without dis-
8 abilities or with other disabilities but which
9 must be specifically designed, modified, or deliv-
10 ered to meet the unique language and commu-
11 nication and academic and related learning
12 needs of children who are deaf or hard of hear-
13 ing;

14 “(B) there is sufficient availability of per-
15 sonnel within the State qualified to provide the
16 evaluation and instruction described in subpara-
17 graph (A) to all children within the State re-
18 quiring such instruction; and

19 “(C) all children who are deaf or hard of
20 hearing within the State who need special edu-
21 cation and related services, whether or not such
22 children have other disabilities, receive such in-
23 struction and are not being served solely in ac-
24 cordance with section 504 of the Rehabilitation
25 Act of 1973 (29 U.S.C. 794).

1 “(2) CONTENTS.—In preparing the addendum
2 described in paragraph (1), the State shall—

3 “(A) specifically address how the State
4 meets the needs of deaf and hard of hearing
5 students to support appropriate, measurable
6 progress in language development, including
7 American Sign Language and spoken English
8 with or without visual supports, and including
9 the provision of school-related opportunities for
10 direct communications with peers and profes-
11 sional personnel in the child’s language and op-
12 portunities for direct instruction in the child’s
13 language, as well as instruction in audiology,
14 age appropriate career education, communica-
15 tion and language, social skills, functional skills
16 for academic success, self-determination and ad-
17 vocacy (including preparation for transition to
18 work or higher education), social emotional
19 skills, technology, and support for the student
20 through family education; and

21 “(B) consult with individuals and organiza-
22 tions with expertise in the education of children
23 who are deaf or hard of hearing, including par-
24 ents, schools for the deaf, consumer and advo-
25 cacy organizations, State commissions of the

1 deaf, researchers, teachers of students who are
2 deaf or hard of hearing, and others the State
3 may identify.”.

4 **SEC. 103. EVALUATIONS.**

5 Section 614(b) (20 U.S.C. 1414(b)) is amended by
6 adding at the end the following:

7 “(7) CHILDREN WHO ARE DEAF OR HARD OF
8 HEARING.—

9 “(A) IN GENERAL.—In conducting the as-
10 sssments prescribed in paragraph (3)(B), chil-
11 dren who are deaf or hard of hearing (including
12 children who may have additional disabilities)
13 shall be evaluated on language and communica-
14 tion proficiency levels, including expressive, re-
15 ceptive, and pragmatic skills, and ability to ac-
16 cess grade level content in the student’s pri-
17 mary language, including American Sign Lan-
18 guage and spoken English with or without vis-
19 ual supports or hearing assistance technology,
20 and written English. Determination of the need
21 for special education and related services shall
22 include evaluation of such children’s unique
23 learning needs, including needs for direct com-
24 munication, without an intermediary such as an
25 interpreter, with peers and professionals in the

1 child’s primary language, including American
2 Sign Language and spoken English with or
3 without visual supports, and instruction which
4 may be needed by students without disabilities
5 or with other disabilities but which must be spe-
6 cifically designed, modified, or delivered to meet
7 the unique learning needs of students who are
8 deaf or hard of hearing.

9 “(B) CONTENT OF EVALUATIONS.—The
10 evaluations described in subparagraph (A) shall,
11 at a minimum, include evaluations assessing the
12 need for services and settings to assist the child
13 in developing or maintaining age appropriate
14 language and communication levels in the stu-
15 dent’s primary language, including American
16 Sign Language and spoken English with or
17 without visual supports, social development, lit-
18 eracy instruction, instruction in assistive tech-
19 nology proficiency, self sufficiency and inter-
20 action self-determination, socialization, recre-
21 ation and fitness, and independent living skills,
22 and age appropriate career education.”.

23 **SEC. 104. INDIVIDUALIZED EDUCATION PROGRAM TEAM.**

24 Section 614(d)(1)(B) (20 U.S.C. 1414(d)(1)(B)) is
25 amended—

1 (1) in clause (v), by striking “(vi);” and insert-
2 ing “(vii);”;

3 (2) in clause (vi), by striking “and” at the end;

4 (3) by redesignating clause (vii) as clause (viii);

5 and

6 (4) by inserting after clause (vi) the following:

7 “(vii) at the discretion of the parent
8 or the agency, a representative of a State-
9 operated, State-supported, or State-aided
10 school for the deaf; and”.

11 **SEC. 105. CONSIDERATION OF SPECIAL FACTORS.**

12 Section 614(d)(3)(B)(iv) (20 U.S.C.

13 1414(d)(3)(B)(iv)) is amended to read as follows:

14 “(iv) in the case of a child who is deaf
15 or hard of hearing, provide for—

16 “(I) the child’s language and
17 communication needs, opportunities
18 for direct communications, without an
19 intermediary such as an interpreter,
20 with peers and professional personnel
21 in the child’s primary language, in-
22 cluding American Sign Language and
23 spoken English with or without visual
24 supports, academic level, and full
25 range of needs, including opportuni-

1 ties for direct instruction in the
2 child’s language; and
3 “(II) instruction meeting the
4 child’s unique learning needs, includ-
5 ing services and settings to assist the
6 child in developing or maintaining age
7 appropriate language and communica-
8 tion levels in the student’s primary
9 language, including American Sign
10 Language and spoken English with or
11 without visual supports, literacy in-
12 struction, and instruction which may
13 be needed by students without disabil-
14 ities or with other disabilities but
15 which must be specifically designed,
16 modified, or delivered to meet the
17 unique learning needs of students who
18 are deaf or hard of hearing. Such in-
19 struction includes assistive technology
20 proficiency, self sufficiency and inter-
21 action, self-determination, socializa-
22 tion, independent living skills, and age
23 appropriate career education;”.

1 **SEC. 106. MONITORING.**

2 Section 616(a) (20 U.S.C. 1416(a)) is amended by
3 adding at the end the following:

4 “(5) ENHANCED MONITORING OF SERVICES
5 FOR CERTAIN STUDENTS.—In carrying out the re-
6 sponsibilities of this subsection, the Secretary shall
7 specifically monitor compliance with paragraphs (3)
8 and (5) of section 612(a), section 614(b), and
9 clauses (iii) and (iv) of section 614(d)(3)(B), and
10 shall regularly report findings to the Congress.”.

11 **SEC. 107. CONTINUUM OF SERVICE DELIVERY OPTIONS.**

12 (a) ENSURING CONTINUUM AVAILABILITY.—Section
13 612(a)(5) (20 U.S.C. 1412(a)(5)) is amended by adding
14 at the end the following:

15 “(C) CONTINUUM OF ALTERNATIVE
16 PLACEMENTS.—The State shall ensure that a
17 full continuum of alternative placements is
18 available to meet the needs of children with dis-
19 abilities for special education and related serv-
20 ices. Such continuum must include instruction
21 in regular classes, special classes, special
22 schools, home instruction, and instruction in
23 hospitals and institutions, and must make pro-
24 vision for supplementary services (such as re-
25 source room or itinerant instruction) to be pro-

1 vided in conjunction with regular class place-
2 ment.”.

3 (b) MAINTENANCE OF SPECIALIZED SERVICES AND
4 SETTINGS FOR STUDENTS WITH SENSORY DISABIL-
5 ITIES.—Section 612(a)(18) (20 U.S.C. 1412(a)(18)) is
6 amended by adding at the end the following:

7 “(E) MAINTAINING A CONTINUUM OF
8 PLACEMENT OPTIONS.—A State’s closure of a
9 special school serving children who are blind or
10 a special school serving children who are deaf
11 (or the consolidation or merger of such school
12 with another school), shall be considered a re-
13 duction of the State’s financial support for spe-
14 cial education and related services within the
15 meaning of subparagraph (A).”.

16 **SEC. 108. TECHNICAL ASSISTANCE FOR PARENTS AND EDU-**
17 **CATORS OF STUDENTS WHO ARE DEAF OR**
18 **HARD OF HEARING.**

19 Section 616 (20 U.S.C. 1416) is amended by adding
20 at the end the following:

21 “(j) MAINTAINING CURRENT DEAF STUDENTS EDU-
22 CATION SERVICE POLICY GUIDANCE.—The Secretary
23 shall ensure that not later than one year after the date
24 of the enactment of the Alice Cogswell and Anne Sullivan
25 Macy Act (and periodically thereafter but at least within

1 five-year intervals), policy guidance concerning the provi-
 2 sion of special education and related services to deaf and
 3 hard of hearing students (published in the Federal Reg-
 4 ister on October 30, 1992 (57 Fed. Reg. 49274)) is re-
 5 viewed and updated (with particular attention to expla-
 6 nation of relevant amendments to this Act or to its imple-
 7 menting regulations) and is published in the Federal Reg-
 8 ister.”.

9 **Subtitle B—Improving the Effec-**
 10 **tiveness of Early Intervention**
 11 **for Deaf or Hard of Hearing In-**
 12 **fant and Toddlers and Their**
 13 **Families**

14 **SEC. 111. QUALIFIED PERSONNEL.**

15 Section 632(4)(F) (20 U.S.C. 1432(4)(F)) is amend-
 16 ed—

17 (1) in clause (xi), by striking “and” at the end;

18 (2) in clause (xii), by adding “and” at the end;

19 and

20 (3) by adding at the end the following:

21 “(xiii) teachers of infants and toddlers

22 with sensory disabilities;”.

23 **SEC. 112. NATURAL ENVIRONMENT.**

24 Section 632(4)(G) (20 U.S.C. 1432(4)(G)) is amend-
 25 ed to read as follows:

1 “(G) to the maximum extent appropriate,
2 are provided in—

3 “(i) natural environments, including
4 the home and, for infants and toddlers
5 with sensory disabilities, such as deafness,
6 blindness, or deaf-blindness, including—

7 “(I) specialized schools, centers,
8 and other programs where the child’s
9 language, including American Sign
10 Language and spoken English with or
11 without visual supports, is the pri-
12 mary language and mode of commu-
13 nication; or

14 “(II) any other environment
15 where services meeting unique needs
16 are available; and

17 “(ii) community settings in which chil-
18 dren without disabilities participate;”.

19 **SEC. 113. CONTENT OF PLAN.**

20 Section 636(d)(3) (20 U.S.C. 1436(d)(3)) is amended
21 by striking the semicolon at the end and inserting the fol-
22 lowing: “and—

23 “(A) in the case of an infant or toddler
24 who is deaf or hard of hearing, a statement of
25 the ongoing language and communication as-

1 assessment that will be provided to the child, lan-
 2 guage and communication development goals
 3 commensurate with the child’s cognitive abili-
 4 ties, the language and communication access
 5 that will be provided, including ongoing oppor-
 6 tunities for direct language learning and com-
 7 munication access to peers, early intervention
 8 service providers, and other professional per-
 9 sonnel in the child’s language, including Amer-
 10 ican Sign Language and spoken English with or
 11 without visual supports, and the support and
 12 instruction that will be provided to families to
 13 learn and support the child’s language and
 14 communication mode; and”.

15 **Subtitle C—National Activities To**
 16 **Improve Education of Children**
 17 **With Disabilities**

18 **SEC. 121. PERSONNEL DEVELOPMENT TO IMPROVE SERV-**
 19 **ICES AND RESULTS FOR CHILDREN WITH DIS-**
 20 **ABILITIES.**

21 (a) LICENSING OF EDUCATIONAL INTERPRETERS.—
 22 Section 662(c)(2)(E) (20 U.S.C. 1462(c)(2)(E)) is
 23 amended to read as follows:

24 “(E) Preparing personnel to be qualified
 25 educational interpreters, as licensed by the ap-

1 appropriate licensing body, to assist children with
 2 low incidence disabilities, particularly deaf and
 3 hard of hearing children, in school and school
 4 related activities, and deaf and hard of hearing
 5 infants and toddlers and preschool children in
 6 early intervention and preschool programs.”.

7 (b) ENSURING SUFFICIENT TEACHERS OF THE DEAF
 8 AND EARLY INTERVENTION SPECIALISTS.—Section
 9 662(c)(2) (20 U.S.C. 1462(c)(2)), as amended by sub-
 10 section (a), is further amended—

11 (1) by redesignating subparagraphs (F) and
 12 (G) as subparagraphs (G) and (H), respectively; and

13 (2) by inserting after subparagraph (E) the fol-
 14 lowing:

15 “(F) Preparing personnel to be qualified
 16 teachers of the deaf and early intervention spe-
 17 cialists, to assist—

18 “(i) children with low incidence dis-
 19 abilities, particularly deaf and hard of
 20 hearing children, to develop age appro-
 21 priate language, including American Sign
 22 Language and spoken English with or
 23 without visual supports, and age appro-
 24 priate literacy skills in school and school
 25 related activities; and

1 “(ii) deaf and hard of hearing infants
2 and toddlers and preschool children in
3 early intervention and preschool pro-
4 grams.”.

5 **TITLE II—IMPROVING THE EF-**
6 **FECTIVENESS OF SPECIAL**
7 **EDUCATION AND RELATED**
8 **SERVICES FOR STUDENTS**
9 **WITH VISUAL DISABILITIES**
10 **Subtitle A—General Provisions**

11 **SEC. 201. IDENTIFYING STUDENTS WITH VISUAL DISABIL-**
12 **ITIES.**

13 (a) SERVING ALL CHILDREN WITH VISUAL DISABIL-
14 ITIES REGARDLESS OF CLASSIFICATION.—Section
15 612(a)(3) (20 U.S.C. 1412(a)(3)), as amended by section
16 101 of this Act, is further amended at the end by adding
17 the following:

18 “(D) SERVING CHILDREN WITH VISUAL
19 DISABILITIES.—When a State classifies children
20 by disability, the State, in complying with this
21 subsection, identifies, locates, and evaluates
22 children with visual disabilities who are, or may
23 be, classified in a disability category other than
24 blindness and provides (without prejudice to
25 such classification) special education and re-

1 lated services to such children, including such
2 services determined appropriate based on prop-
3 er evaluation as would be provided to children
4 classified in the State as having blindness.”.

5 (b) DATA COLLECTION AND REPORTING.—Section
6 618 (20 U.S.C. 1418), as amended by section 101 of this
7 Act, is further amended by adding at the end the fol-
8 lowing:

9 “(f) ACCOUNTING FOR VISUAL DISABILITIES.—In
10 addition to the data collection and reporting requirements
11 of subsections (a) through (d) and subject to such provi-
12 sions, the State and the Secretary of the Interior shall,
13 with respect to children classified in a disability category
14 other than blindness, include the number and percentage
15 of such children in each disability category who are also
16 blind or otherwise have visual disabilities.”.

17 **SEC. 202. STATE PLANS.**

18 Section 612 (20 U.S.C. 1412), as amended by section
19 102 of this Act, is further amended at the end by adding
20 the following:

21 “(h) ADDENDUM CONCERNING STUDENTS WITH
22 VISUAL DISABILITIES.—

23 “(1) IN GENERAL.—Notwithstanding the provi-
24 sions of subsection (c), a State shall not be consid-
25 ered in compliance with this section unless, not later

1 than 2 years after the date of the enactment of the
2 Alice Cogswell and Anne Sullivan Macy Act, the
3 State files with the Secretary a written addendum to
4 the plan required by this section describing how the
5 State ensures that—

6 “(A) children with visual disabilities (re-
7 gardless of the State’s use of disability cat-
8 egories or the extent to which children with vis-
9 ual disabilities may be classified in disability
10 categories other than blindness) are evaluated
11 for such children’s need for instruction and
12 services meeting their unique academic and re-
13 lated learning needs, including instruction
14 which may be needed by children without dis-
15 abilities or with other disabilities but which
16 must be specifically designed, modified, or deliv-
17 ered to meet the unique academic and related
18 learning needs of children with visual disabil-
19 ities;

20 “(B) there is sufficient availability of per-
21 sonnel within the State qualified to provide the
22 instruction described in subparagraph (A) to all
23 children within the State requiring such in-
24 struction; and

1 “(C) all children with visual disabilities
2 within the State who need special education and
3 related services, whether or not such children
4 have other disabilities, receive such instruction
5 and are not being served solely in accordance
6 with section 504 of the Rehabilitation Act of
7 1973 (29 U.S.C. 794).

8 “(2) CONTENTS.—In preparing the addendum
9 described in paragraph (1), the State shall—

10 “(A) specifically address how the State
11 meets the needs of students with visual disabili-
12 ties for instruction in communication and pro-
13 ductivity (including Braille instruction and as-
14 sistive technology proficiency), self sufficiency
15 and interaction (including orientation and mo-
16 bility, self-determination, sensory efficiency, so-
17 cialization, recreation and fitness, and inde-
18 pendent living skills), and age appropriate ca-
19 reer education;

20 “(B) describe both the methods to be used
21 within the State to properly evaluate students’
22 need for low vision devices and the process by
23 which such devices will be provided to each stu-
24 dent for whom such devices are determined ap-
25 propriate by the IEP Team; and

1 “(C) consult with individuals and organiza-
2 tions with expertise in the education of children
3 with visual disabilities, including parents, con-
4 sumer and advocacy organizations, and teachers
5 of students with visual impairments and others
6 the State may identify.”.

7 **SEC. 203. EVALUATIONS.**

8 Section 614(b) (20 U.S.C. 1414(b)), as amended by
9 section 103 of this Act, is further amended by adding at
10 the end the following new paragraph:

11 “(8) VISUAL DISABILITIES.—

12 “(A) IN GENERAL.—In conducting the as-
13 sessments prescribed in paragraph (3)(B), de-
14 termination of the need of children with visual
15 disabilities (including children who may have
16 additional disabilities) for special education and
17 related services shall include evaluation of such
18 children’s unique learning needs, including
19 needs for instruction which may be needed by
20 students without disabilities or with other dis-
21 abilities but which must be specifically de-
22 signed, modified, or delivered to meet the
23 unique learning needs of students with visual
24 disabilities.

1 “(B) CONTENT OF EVALUATIONS.—The
 2 evaluations described in subparagraph (A) shall,
 3 at a minimum, include evaluations assessing the
 4 need for instruction in assistive technology pro-
 5 ficiency (inclusive of low vision devices), self
 6 sufficiency and interaction (including orienta-
 7 tion and mobility, self-determination, sensory
 8 efficiency, socialization, recreation and fitness,
 9 and independent living skills), and age-appro-
 10 prium career education.”.

11 **SEC. 204. CONSIDERATION OF SPECIAL FACTORS.**

12 Section 614(d)(3)(B)(iii) (20 U.S.C.
 13 1414(d)(3)(B)(iii)) is amended by striking the semicolon
 14 and inserting the following: “and provide instruction meet-
 15 ing the child’s unique learning needs, including instruction
 16 that—

17 “(I) may be needed by students
 18 without disabilities or with other dis-
 19 abilities but which shall be specifically
 20 designed, modified, or delivered to
 21 meet the unique learning needs of stu-
 22 dents with visual disabilities; and

23 “(II) includes assistive tech-
 24 nology proficiency (inclusive of low vi-
 25 sion devices), self sufficiency and

1 interaction (including orientation and
2 mobility, self-determination, sensory
3 efficiency, socialization, recreation and
4 fitness, and independent living skills),
5 and age appropriate career edu-
6 cation;”.

7 **SEC. 205. TECHNICAL ASSISTANCE FOR PARENTS AND EDU-**
8 **CATORS OF STUDENTS WITH VISUAL DISABIL-**
9 **ITIES.**

10 Section 616 (20 U.S.C. 1416), as amended by section
11 108 of this Act, is further amended by adding at the end
12 the following:

13 “(k) MAINTAINING CURRENT POLICY GUIDANCE FOR
14 PARENTS AND EDUCATORS OF STUDENTS WITH VISUAL
15 DISABILITIES.—The Secretary shall ensure that not later
16 than 1 year after the date of the enactment of the Alice
17 Cogswell and Anne Sullivan Macy Act (and periodically
18 thereafter but at least within 5-year intervals), policy
19 guidance concerning the provision of special education and
20 related services to students with visual disabilities (last
21 published in the Federal Register on June 8, 2000 (65
22 Fed. Reg. 36586)) is reviewed and updated (with par-
23 ticular attention to explanation of relevant amendments
24 made by the Alice Cogswell and Anne Sullivan Macy Act

1 or to its implementing regulations) and is published in the
2 Federal Register.”.

3 **Subtitle B—Anne Sullivan Macy**
4 **Center on Visual Disability and**
5 **Educational Excellence**

6 **SEC. 211. CENTER ESTABLISHMENT AND MISSION.**

7 (a) ESTABLISHMENT.—There is established within
8 the Department of Education a national program named
9 the Anne Sullivan Macy Center on Visual Disability and
10 Educational Excellence (referred to in this subtitle as the
11 “Anne Sullivan Macy Center”), which shall carry out the
12 activities described in section 213 in furtherance of the
13 mission described in subsection (b).

14 (b) MISSION.—The mission of the program estab-
15 lished in subsection (a) is to better support students with
16 visual disabilities receiving special education and related
17 services to learn effectively and live productively and inde-
18 pendently through—

19 (1) development and dissemination of curricula,
20 courses, materials, and methods supporting the con-
21 tinuing education of personnel qualified under State
22 law to serve as teachers of students with visual im-
23 pairments and related services personnel serving
24 such children;

1 (2) support for the establishment of new pro-
2 grams within institutions of higher education to pre-
3 pare teachers of students with visual impairments to
4 serve students with visual disabilities who also have
5 additional disabilities;

6 (3) modeling local, regional, and national en-
7 richment projects open to students with visual dis-
8 abilities that are intended to supplement State edu-
9 cational agency and local educational agency provi-
10 sion of specialized instruction and services meeting
11 such students' unique learning needs; and

12 (4) research identifying, developing, and evalu-
13 ating valid assessments and effective interventions
14 measuring and addressing the unique needs of stu-
15 dents with visual disabilities, including need for in-
16 struction and services which may be needed by stu-
17 dents without disabilities or with other disabilities
18 but which must be specifically designed, modified, or
19 delivered to meet the unique learning needs of stu-
20 dents with visual disabilities. At a minimum, such
21 instruction and services include communication and
22 productivity (including braille instruction, and as-
23 sistive technology proficiency inclusive of low vision
24 devices), self sufficiency and interaction (including
25 orientation and mobility, self-determination, sensory

1 efficiency, socialization, recreation and fitness, and
2 independent living skills), and age appropriate career
3 education.

4 **SEC. 212. ADMINISTRATION; ELIGIBILITY; GOVERNANCE;**
5 **STRUCTURE.**

6 (a) ADMINISTRATION.—To carry out the provisions
7 of section 211, the Secretary of Education shall enter into
8 a contract or cooperative agreement (of no less than 5
9 years in duration) with a consortium of entities described
10 in subsection (b) which shall, with oversight by the Sec-
11 retary, have primary responsibility for administering the
12 program described in this subtitle. The Secretary shall
13 have ongoing authority to enter into such contracts or co-
14 operative agreements.

15 (b) ELIGIBILITY.—The consortium of entities de-
16 scribed in subsection (a) shall include—

17 (1) at least two national nonprofit organizations
18 with demonstrated experience publishing materials,
19 offering direct professional development opportuni-
20 ties, and disseminating course curricula supporting
21 the preparation or continuing education of teachers
22 of students with visual impairments and related
23 services personnel;

24 (2) at least one national nonprofit organization
25 (which may include a special school serving students

1 who are blind) with demonstrated experience directly
2 serving students with visual disabilities (including
3 students who may or may not have additional dis-
4 abilities) through in-person instruction and services
5 meeting their unique learning needs;

6 (3) at least one institution of higher education
7 that—

8 (A) has consistently maintained for at
9 least 10 years a program of instruction pre-
10 paring teachers of students with visual impair-
11 ments or orientation and mobility instructors;
12 and

13 (B) offers a program of doctoral study in
14 special education; and

15 (4) any other entity or entities with which the
16 entities described in paragraphs (1), (2), and (3)
17 choose to partner (with approval of the Secretary).

18 (c) GOVERNANCE.—As part of the Secretary’s over-
19 sight responsibilities, the Secretary shall appoint an advi-
20 sory board (of no more than 12 individual members who
21 do not have a concurrent fiscal, fiduciary, or employment
22 relationship with any of the entities comprising the consor-
23 tium described in subsection (b)) which shall advise the
24 Secretary and such consortium of entities with respect to
25 strategic planning and annual program performance. The

1 advisory board shall be comprised of individuals with per-
2 sonal or professional experience with the needs of students
3 with visual disabilities and shall include parents of stu-
4 dents with visual disabilities, administrators of special
5 education programs, and representatives of national orga-
6 nizations of individuals who are blind or visually impaired.
7 The Secretary is authorized to compensate the members
8 of the advisory board for reasonable expenses incurred for
9 travel related to in-person meetings of the advisory board
10 which shall occur no more frequently than three times
11 within a calendar year. The provisions of the Federal Ad-
12 visory Committee Act shall not apply to meetings or other
13 activities of the advisory board. Prior to the appointment
14 of any individual to the advisory board, the Secretary shall
15 consult with such consortium of entities which may also
16 nominate individuals to the Secretary for advisory board
17 membership.

18 (d) STRUCTURE.—The Secretary, as part of the con-
19 tract or cooperative agreement described in subsection (a),
20 shall ensure that such contract or cooperative agreement
21 specifies any and all necessary fiscal and other responsibil-
22 ities between and among the entities described in sub-
23 section (b) whom shall propose such responsibilities to the
24 Secretary in an application for award of such contract or

1 cooperative agreement containing such information as the
2 Secretary may require.

3 **SEC. 213. ACTIVITIES.**

4 Subject to the provisions of this subtitle, the Anne
5 Sullivan Macy Center on Visual Disability and Edu-
6 cational Excellence is authorized—

7 (1) to conduct or fund original quantitative and
8 qualitative research and publish or otherwise dis-
9 seminate such research;

10 (2) to conduct or fund in-person and on-line
11 continuing education opportunities for teachers of
12 students with visual impairments and related serv-
13 ices personnel specifically trained to meet the unique
14 learning needs of such students, and prepare, pub-
15 lish, or otherwise disseminate supporting materials;

16 (3) to conduct or fund in-person or online en-
17 richment projects for students with visual disabilities
18 (including those who may also have additional dis-
19 abilities) to offer direct instruction and services in-
20 tended to improve the capacity of such students to
21 learn effectively and live both productively and inde-
22 pendently for the purpose of—

23 (A) supplementing the availability of such
24 instruction and services offered by State edu-

1 cational agencies and local educational agencies;
2 and

3 (B) evaluating, through appropriate quan-
4 titative and qualitative methods, the effective-
5 ness of instruction and services offered by such
6 projects;

7 (4) to fund, in accordance with regulations oth-
8 erwise applicable to personnel preparation programs
9 supported under part D of the Individuals with Dis-
10 abilities Education Act (20 U.S.C. 1450 et seq.), the
11 establishment of programs within institutions of
12 higher education preparing teachers of students with
13 visual impairments (which have not been previously
14 funded under such part) to specifically prepare such
15 teachers to provide expert instruction to students
16 with visual disabilities who also have additional dis-
17 abilities; and

18 (5) to enter into cooperative agreements, con-
19 tracts, or grants (or other arrangements which may
20 be permitted by the Secretary) with nonprofit orga-
21 nizations possessing demonstrable expertise and ex-
22 perience serving students with visual disabilities or
23 the professionals trained to work with such students,
24 institutions of higher education, State educational
25 agencies, local educational agencies, public and pri-

1 vate specialized schools serving students with visual
2 disabilities, and consortia of such entities, for the
3 purpose of carrying out activities authorized in this
4 subsection that are not otherwise directly conducted,
5 in whole or in part, by the Anne Sullivan Macy Cen-
6 ter.

7 **SEC. 214. RELATIONSHIP TO OTHER PROGRAMS AND AC-**
8 **TIVITIES.**

9 (a) **MAXIMIZING RESOURCES.**—No funds made avail-
10 able pursuant to this subtitle may be used to fund pro-
11 grams or activities otherwise concurrently funded under
12 part D of the Individuals with Disabilities Education Act.

13 (b) **COORDINATION OF RESEARCH.**—The Secretary
14 shall ensure that research activities authorized and carried
15 out pursuant to this title are conducted or funded in co-
16 ordination as appropriate with the National Center for
17 Special Education Research and other divisions within the
18 Department of Education responsible for research activi-
19 ties.

20 (c) **RELATIONSHIP TO SERVICES OFFERED BY THE**
21 **AMERICAN PRINTING HOUSE FOR THE BLIND.**—Nothing
22 in this subtitle shall be construed to limit or otherwise con-
23 dition the use of any funds appropriated pursuant to the
24 Act entitled “An Act to Promote the Education of the
25 Blind”, approved March 3, 1879 (20 U.S.C. 101 et seq.),

1 and no funds made available pursuant to this subtitle shall
2 be used by any State educational agency or local edu-
3 cational agency to supplant the use of funds appropriated
4 under such Act.

5 (d) RELATIONSHIP TO FUNDING FOR NATIONAL
6 CENTER ON DEAF-BLINDNESS, STATE DEAF-BLIND
7 PROJECTS, AND THE HELEN KELLER NATIONAL CEN-
8 TER.—The Secretary shall ensure that any activities con-
9 ducted or funded by the Anne Sullivan Macy Center di-
10 rectly serving individuals who are deaf-blind are coordi-
11 nated as appropriate with the National Center on Deaf-
12 Blindness, State deaf-blind projects, and the Helen Keller
13 National Center. No funds made available pursuant to this
14 title may be used to support or supplant activities that
15 are otherwise the sole responsibility of the National Center
16 on Deaf-Blindness and State deaf-blind projects pursuant
17 to sections 663(d)(1)(A) and 682(d)(1)(A) of the Individ-
18 uals with Disabilities Education Act (20 U.S.C.
19 1463(d)(1)(A); 20 U.S.C. 1482(d)(1)(A)). No funds made
20 available pursuant to this title may be used to support
21 activities that are otherwise the sole responsibility of the
22 Helen Keller National Center or may be used to supplant
23 funds for such Center.

24 (e) WORK PRODUCT.—All matter produced by the
25 Anne Sullivan Macy Center shall be the property of the

1 United States Government, except that entities comprising
2 the consortium of entities described in section 212(b) shall
3 be individually free, within the terms of the contract or
4 cooperative agreement described in section 212(a), to re-
5 produce, or author copyrighted derivative works, using
6 such matter.

7 **SEC. 215. DEFINITIONS.**

8 In this subtitle:

9 (1) IDEA TERMS.—The terms “institution of
10 higher education”, “local educational agency”, “re-
11 lated services”, “special education”, and “State edu-
12 cational agency” have the meanings given the terms
13 in section 602 of the Individuals with Disabilities
14 Education Act (20 U.S.C. 1401).

15 (2) SECRETARY.—The term “Secretary” means
16 the Secretary of Education.

17 **SEC. 216. AUTHORIZATION OF APPROPRIATIONS AND CAR-**
18 **RYOVER.**

19 (a) AUTHORIZATION OF APPROPRIATIONS.—To carry
20 out the provisions of this subtitle, there are authorized to
21 be appropriated such sums as may be necessary, provided
22 that for the fiscal year immediately following the date of
23 enactment of this Act and for each succeeding fiscal year,
24 the amount appropriated shall be an amount equal to no
25 less than 0.2 percent of funds appropriated in the previous

1 fiscal year for grants to States under part B of the Indi-
 2 viduals with Disabilities Education Act (20 U.S.C. 1411
 3 et seq.).

4 (b) CARRYOVER.—Funds appropriated pursuant to
 5 subsection (a) that have not been expended during the fis-
 6 cal year for which they were appropriated shall remain
 7 available in the subsequent fiscal year, provided that no
 8 more than 15 percent of a given fiscal year’s appropriation
 9 may be so carried over.

10 **TITLE III—IMPROVING THE EF-**
 11 **ECTIVENESS OF SPECIAL**
 12 **EDUCATION AND RELATED**
 13 **SERVICES FOR CHILDREN**
 14 **AND YOUTH WHO ARE DEAF-**
 15 **BLIND**

16 **Subtitle A—General Provisions**

17 **SEC. 301. IDENTIFYING CHILDREN WHO ARE DEAF-BLIND.**

18 (a) SERVING ALL CHILDREN WITH DEAF-BLIND-
 19 NESS REGARDLESS OF CLASSIFICATION.—Section
 20 612(a)(3) (20 U.S.C. 1412(a)(3)), as amended by sections
 21 101 and 201 of this Act, is further amended by adding
 22 at the end the following:

23 “(E) SERVING CHILDREN WITH DEAF-
 24 BLINDNESS.—When a State classifies children
 25 by disability, the State, in complying with this

1 subsection, identifies, locates and evaluates chil-
2 dren with concomitant vision and hearing losses
3 who are, or may be, classified in a disability
4 category other than deaf-blindness, meaning
5 concomitant hearing and visual impairments,
6 the combination of which causes severe commu-
7 nication and other developmental and edu-
8 cational needs that adversely affect a child's
9 educational performance (and including children
10 who are deaf-blind with additional disabilities),
11 and provides (without prejudice to such classi-
12 fication) special education and related services
13 to such children, including such services deter-
14 mined appropriate based on proper evaluation
15 as would be provided to children classified in
16 the State as having deaf-blindness.”.

17 (b) DATA COLLECTION AND REPORTING.—Section
18 618 (20 U.S.C. 1418), as amended by sections 101 and
19 201 of this Act, is further amended by adding at the end
20 the following:

21 “(g) ACCOUNTING FOR CHILDREN WITH DEAF-
22 BLINDNESS.—In addition to the data collection and re-
23 porting requirements of subsections (a) through (d) and
24 subject to such provisions, the State and the Secretary of
25 the Interior shall, with respect to children classified in a

1 disability category other than deaf-blindness, include the
 2 number and percentage of such children in each disability
 3 category who are also deaf-blind.”.

4 (c) CHILD WITH A DISABILITY.—Section
 5 602(3)(A)(i) (20 U.S.C. 1401(3)(A)(i)) is amended by in-
 6 serting “deaf-blindness,” after “visual impairments (in-
 7 cluding blindness),”.

8 **SEC. 302. RELATED SERVICES.**

9 Section 602(26)(A) (20 U.S.C. 1401(26)(A)) is
 10 amended—

11 (1) by striking “and medical services” and in-
 12 serting “, medical services”; and

13 (2) by inserting “, and intervener services,
 14 which are provided to children who are deaf-blind by
 15 a qualified intervener” after “for diagnostic and
 16 evaluation purposes only”.

17 **SEC. 303. STATE PLANS.**

18 Section 612 (20 U.S.C. 1412), as amended by sec-
 19 tions 102 and 202 of this Act, is further amended by add-
 20 ing at the end the following:

21 “(i) ADDENDUM CONCERNING CHILDREN WHO ARE
 22 DEAF-BLIND.—

23 “(1) IN GENERAL.—Notwithstanding the provi-
 24 sions of subsection (c), a State shall not be consid-
 25 ered in compliance with this section unless, not later

1 than two years after the date of the enactment of
2 the Alice Cogswell and Anne Sullivan Macy Act, the
3 State files with the Secretary a written addendum to
4 the plan required by this section describing how the
5 State ensures that—

6 “(A) children with deaf-blindness (regard-
7 less of the State’s use of disability categories or
8 the extent to which children with deaf-blindness
9 may be classified in disability categories other
10 than deaf-blindness) are evaluated by qualified
11 professionals including teachers of deaf-blind,
12 using valid and reliable assessments, for such
13 children’s need for instruction and services
14 meeting their unique language and communica-
15 tion, literacy, academic, social, and related
16 learning needs, including instruction which may
17 be needed by children without disabilities or
18 with other disabilities but which must be spe-
19 cifically designed, modified, or delivered to meet
20 the unique language and communication, aca-
21 demic, and related learning needs of children
22 with deaf-blindness;

23 “(B) there is sufficient availability of per-
24 sonnel, including teachers of the deaf-blind and
25 interveners, within the State qualified to pro-

1 vide the evaluation, instruction, and services de-
2 scribed in subparagraph (A) to all children
3 within the State requiring such instruction; and

4 “(C) all children with deaf-blindness within
5 the State who need special education and re-
6 lated services, whether or not such children
7 have other disabilities, receive such instruction
8 and are not being served solely in accordance
9 with section 504 of the Rehabilitation Act of
10 1973 (29 U.S.C. 794).

11 “(2) CONTENTS.—In preparing the addendum
12 described in paragraph (1), the State shall—

13 “(A) specifically address how the State
14 meets the needs of children with deaf-blindness
15 to support ongoing progress in language devel-
16 opment and in the child’s preferred mode of
17 communication, and including the provision of
18 school-related opportunities for direct commu-
19 nications with peers and professional personnel
20 in the child’s preferred mode of communication
21 and opportunities for direct instruction in (but
22 not limited to) concept development, functional
23 skills for academic success, self-determination
24 and advocacy, social-emotional skills, visual and
25 auditory sensory efficiency skills, orientation

1 and mobility, assistive technology proficiency,
2 independent living skills, age-appropriate career
3 education, and support for the student through
4 family education; and

5 “(B) consult with individuals and organiza-
6 tions with expertise in the education of children
7 with deaf-blindness including parents, con-
8 sumers, advocacy organizations, national and
9 State organizations focused on deaf-blindness,
10 and others the State may identify.”.

11 **SEC. 304. EVALUATIONS.**

12 Section 614(b) (20 U.S.C. 1414(b)), as amended by
13 sections 103 and 203 of this Act, is further amended by
14 adding at the end the following:

15 “(9) CHILDREN WHO ARE DEAF-BLIND.—

16 “(A) IN GENERAL.—In conducting the as-
17 sessments prescribed in paragraph (3)(B), chil-
18 dren who are deaf-blind (including children who
19 may have additional disabilities) shall be evalu-
20 ated on language and communication pro-
21 ficiency levels, including expressive, receptive,
22 and pragmatic skills, and ability to access grade
23 level content in the child’s preferred mode of
24 communication, including non-symbolic and
25 symbolic communication and tactile sign lan-

1 guage. Qualified personnel trained in deaf-
2 blindness, who communicate in the child’s pre-
3 ferred mode of communication, shall be actively
4 involved in assessments and evaluations. Also,
5 requirements included in paragraphs (7)(A) and
6 (8)(A) shall apply to children with deaf-blind-
7 ness.

8 “(B) CONTENT OF EVALUATIONS.—The
9 evaluations described in subparagraph (A) shall,
10 at a minimum, include evaluations assessing the
11 need for services and supports to assist children
12 who are deaf-blind in developing and maintain-
13 ing language and communication skills in their
14 preferred mode of communication, including
15 non-symbolic and symbolic communication and
16 tactile sign language. Other areas of evaluation
17 for children who are deaf-blind shall include
18 those found in paragraphs (7)(B) and (8)(B).”.

19 **SEC. 305. CONSIDERATION OF SPECIAL FACTORS.**

20 Section 614(d)(3)(B) (20 U.S.C. 1414(d)(3)(B)), as
21 amended by sections 105 and 204 of this Act, is further
22 amended—

23 (1) by redesignating clause (v) as clause (vi);

24 and

25 (2) by inserting after clause (iv) the following:

1 “(v) in the case of a child who is deaf-
 2 blind, provide for the child’s language and
 3 communication needs, including, but not
 4 limited to, tactile sign language, tactile and
 5 visual adaptations to sign and
 6 fingerspelling, and object and tangible
 7 symbol systems and apply the require-
 8 ments included in sections
 9 614(d)(3)(B)(iii) and 614(d)(3)(B)(iv) to
 10 each child with deaf-blindness; and”.

11 **SEC. 306. TECHNICAL ASSISTANCE FOR PARENTS AND EDU-**
 12 **CATORS OF CHILDREN WHO ARE DEAF-**
 13 **BLIND.**

14 Section 616 (20 U.S.C. 1416), as amended by sec-
 15 tions 108 and 205 of this Act, is further amended by add-
 16 ing at the end the following:

17 “(1) DEVELOPING POLICY GUIDANCE FOR PARENTS
 18 AND EDUCATORS OF CHILDREN WITH DEAF-BLIND-
 19 NESS.—The Secretary shall ensure that not later than one
 20 year after the date of the enactment of the Alice Cogswell
 21 and Anne Sullivan Macy Act policy guidance concerning
 22 the provision of special education and related services to
 23 children who are deaf-blind is developed (and periodically
 24 thereafter but at least within five-year intervals, updated),
 25 with particular attention to explanation of relevant amend-

1 ments to this Act or to its implementing regulations, and
2 is published in the Federal Register.”.

3 **SEC. 307. CONFORMING REGULATIONS.**

4 Section 617 (20 U.S.C. 1417) is amended by adding
5 at the end the following:

6 “(f) Not later than one year after the date of the
7 enactment of the Alice Cogswell and Anne Sullivan Macy
8 Act, the Secretary shall, after notice and comment, publish
9 regulations that provide definitions for ‘deaf-blindness’
10 and ‘intervener services’, as used in this title.”.

11 **Subtitle B—Improving the Effec-**
12 **tiveness of Early Intervention**
13 **for Infants and Toddlers With**
14 **Deaf-Blindness and Their Fami-**
15 **lies**

16 **SEC. 311. CONTENT OF PLAN.**

17 Section 636(d)(3) (20 U.S.C. 1436(d)(3)), as amend-
18 ed by section 113, is further amended by adding at the
19 end the following:

20 “(B) in the case of an infant or toddler
21 who is deaf-blind, a statement of the ongoing
22 language and communication assessment that
23 will be provided to the child, language and com-
24 munication development goals commensurate
25 with the child’s cognitive abilities, the language

1 and communication access that will be provided,
 2 including ongoing opportunities for direct lan-
 3 guage learning and communication access to
 4 peers, early intervention service providers, and
 5 other professional personnel trained in the
 6 child’s preferred mode of communication, and
 7 the support and instruction that will be pro-
 8 vided to families to learn and support the
 9 child’s language and communication mode and
 10 the child’s full range of needs;”.

11 **Subtitle C—National Activities To**
 12 **Improve the Education of Chil-**
 13 **dren With Disabilities**

14 **SEC. 321. PERSONNEL DEVELOPMENT TO IMPROVE SERV-**
 15 **ICES AND RESULTS FOR CHILDREN WITH DIS-**
 16 **ABILITIES; ENSURING SUFFICIENT TEACH-**
 17 **ERS OF THE DEAF-BLIND AND EARLY INTER-**
 18 **VENTION SPECIALISTS.**

19 Section 662(c)(2) (20 U.S.C. 1462(c)(2)), as amend-
 20 ed by section 121, is further amended—

21 (1) by redesignating subparagraphs (G) and
 22 (H) as subparagraphs (I) and (J), respectively; and

23 (2) by inserting after subparagraph (F) the fol-
 24 lowing:

1 “(G) Preparing personnel to be qualified
2 teachers of the deaf-blind and early intervention
3 specialists, to assist children with deaf-blindness
4 in schools and school related activities, as well
5 as toddlers and preschool children with deaf-
6 blindness in early intervention and preschool
7 programs, to develop communication and lit-
8 eracy skills, and to access, organize, and utilize
9 information about the environment and acquire
10 concepts essential for learning.

11 “(H) Preparing personnel to be qualified
12 interveners as individualized supports to assist
13 children with deaf-blindness in school and
14 school related activities, and infants and tod-
15 dlers and preschool children with deaf-blindness
16 in early intervention and preschool programs.”.

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