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

Mr. Markey (for himself and Mrs. Capito) introduced the following bill; which was read twice and referred to the Committee on

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Alice Cogswell and Anne Sullivan Macy Act”.

(b) References.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(c) Table of Contents.—The table of contents for 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 EDUCATION 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 Hard of Hearing Infants and Toddlers and Their Families

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) To better ensure delivery of high-quality special education and related services to students with visual disabilities or who are deaf or hard of hearing or who are deaf-blind through specialized instructional services and methodologies designed to meet their unique language, communication, and learning needs.

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

(3) To foster the proliferation of research supporting the development and evaluation of effective and innovative assessments and instructional methodologies consonant with the unique learning needs of students with visual disabilities.

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

(5) To support the development of personnel serving students with visual disabilities or who are deaf or hard of hearing or who are deaf-blind.
SEC. 3. FINDINGS.

The Congress finds the following:

(1) When American author, Mark Twain, immortalized Helen Keller’s teacher, Anne Sullivan Macy, with the moniker “the miracle worker”, his words, though meant as praise, reflect the misconception that educating individuals with disabilities is a nearly insurmountable task requiring extraordinary feats performed by gifted and saintly persons. Rather, the work of teaching children with disabilities can and does occur when committed and qualified but everyday special educators are properly prepared and supported to practice their professions. Yet, the educational systems within which they act must also be held accountable for results.

(2) In 1817, Thomas Hopkins Gallaudet and a deaf teacher, Laurent Clerc, opened the first American school for deaf students—the American School for the Deaf—with young Alice Cogswell as its first pupil. Ultimately the school grew into a national institution and the mother of many other schools. As Alice demonstrated, deaf and hard of hearing children can learn and achieve to high levels when they have full access to language and communication; are taught by professionals with specialized training; and have access to educational placements that rec-
recognize and provide for their language, communication, social-emotional, and academic needs.

(3) Deaf and hard of hearing children who are identified early and receive appropriate early intervention from specialized, qualified providers achieve higher language and communication outcomes. However, currently, early intervention services typically are not provided in a timely manner and severe shortages of specialized early intervention professionals result in many deaf and hard of hearing children not reaching their developmental potential. Similarly, research demonstrates that students with visual disabilities are among the highest performing students with disabilities in terms of academic achievement, and yet they are among the least employed, even after successful accomplishment of post-secondary academic objectives.

(4) Likewise, children who are deaf-blind have the same capacity to learn and achieve as any other children. However, they must have ongoing access to the same environmental and educational information that their sighted and hearing peers can access automatically. These children require direct learning experiences, including hands-on experiences and intense involvement in educational routines and activi-
ties. They must receive specialized direct instruction in their preferred mode of communication in a range of academic and functional areas.

(5) Students who are deaf, hard of hearing, or deaf-blind require more language and communication access and support to acquire skills than they are currently receiving. It has been the Department of Education’s position since 1992 that “[a]ny educational setting that does not meet the communication and related needs of a child who is deaf does not allow for the provision of [a Free Appropriate Public Education] and cannot be considered the [Least Restrictive Environment] for that child”.

(6) Moreover, a principal way that sighted, hearing students acquire knowledge and skills is through incidental learning, naturally observing others and the environment. Deficits in incidental learning leave students with sensory disabilities behind in an array of skill areas. In addition to core academics, deaf and hard of hearing students, for example, must also receive specialized instruction and services designed to maximize their capacity to learn effectively and live productively and independently. Similarly, students who are blind or visually impaired must also receive instruction in the expanded
core curriculum, a comprehensive array of specialized instruction and services maximizing the capacity of students with visual disabilities to learn effectively and live productively and independently.

(7) The widespread use by States of the Individuals with Disabilities Education Act’s disability categories has led to a sizable undercount of students with sensory disabilities and, consequently, a lack of recognition of the extent of the systemic need for the delivery of appropriate instructional services meeting their unique needs. This occurs in large measure because students with sensory disabilities who also have additional disabilities are frequently formally classified as having multiple disabilities. Consequently, their vision, hearing, or concomitant vision and hearing disabilities and related support needs are not fully acknowledged.

(8) Children who are deaf-blind should receive one-to-one services from interveners, who have training and specialized skills in deaf-blindness. Interveners play a critical role in the provision of a Free and Appropriate Public Education, because they provide access to the information these children need in order to learn and develop concepts, to facilitate their communication development and inter-
actions in their preferred mode of communication, and to promote their social and emotional well-being.

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

TITLE I—IMPROVING THE EFFECTIVENESS OF SPECIAL EDUCATION 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.

(a) SERVING ALL CHILDREN WHO ARE DEAF OR HARD OF HEARING REGARDLESS OF CLASSIFICATION.—

Section 612(a)(3) (20 U.S.C. 1412(a)(3)) is amended by adding at the end the following:
“(C) SERVING CHILDREN WHO ARE DEAF OR HARD OF HEARING.—When a State classifies children by disability, the State, in complying with this subsection, identifies, locates, and evaluates children who are deaf or hard of hearing and who are, or may be, classified in a disability category other than hearing impairment and provides (without prejudice to such classification) special education and related services to such children, including such services determined appropriate based on proper evaluation as would be provided to children classified in the State as deaf or hard of hearing.”.

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

“(e) ACCOUNTING FOR DEAF AND HARD OF HEARING STUDENTS.—In addition to the data collection and reporting requirements of subsections (a) through (d) and subject to such provisions, the State and the Secretary of the Interior shall, with respect to children classified in a disability category other than hearing impairment or deafness, include the number and percentage of such children
in each disability category who are also deaf or hard of
hearing.”.

(c) Child With a Disability.—Section
602(3)(A)(i) (20 U.S.C. 1401(3)(A)(i)) is amended by
striking “hearing impairments (including deafness),
speech” and inserting “who is deaf or hard of hearing,
or with speech”.

SEC. 102. STATE PLANS.

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

“(g) Addendum Concerning Students Who Are
Deaf or Hard of Hearing.—

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

“(A) children who are deaf or hard of
hearing (regardless of the State’s use of dis-
ability categories or the extent to which deaf or
hard of hearing children may be classified in
disability categories other than hearing impair-
ment or deafness) are evaluated by qualified professionals, using valid and reliable assessments, for such children’s need for instruction and services meeting their unique language and communication, literacy, academic, social and related learning needs, including instruction which may be needed by children without disabilities or with other disabilities but which must be specifically designed, modified, or delivered to meet the unique language and communication and academic and related learning needs of children who are deaf or hard of hearing;

“(B) there is sufficient availability of personnel within the State qualified to provide the evaluation and instruction described in subparagraph (A) to all children within the State requiring such instruction; and

“(C) all children who are deaf or hard of hearing within the State who need special education and related services, whether or not such children have other disabilities, receive such instruction and are not being served solely in accordance with section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).
“(2) CONTENTS.—In preparing the addendum described in paragraph (1), the State shall—

“(A) specifically address how the State meets the needs of deaf and hard of hearing students to support appropriate, measurable progress in language development, including American Sign Language and spoken English with or without visual supports, and including the provision of school-related opportunities for direct communications with peers and professional personnel in the child’s language and opportunities for direct instruction in the child’s language, as well as instruction in audiology, age appropriate career education, communication and language, social skills, functional skills for academic success, self-determination and advocacy (including preparation for transition to work or higher education), social emotional skills, technology, and support for the student through family education; and

“(B) consult with individuals and organizations with expertise in the education of children who are deaf or hard of hearing, including parents, schools for the deaf, consumer and advocacy organizations, State commissions of the
deaf, researchers, teachers of students who are
deaf or hard of hearing, and others the State
may identify.”

SEC. 103. EVALUATIONS.

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

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

“(A) IN GENERAL.—In conducting the as-
sessments prescribed in paragraph (3)(B), chil-
dren who are deaf or hard of hearing (including
children who may have additional disabilities)
shall be evaluated on language and communica-
tion proficiency levels, including expressive, re-
ceptive, and pragmatic skills, and ability to ac-
cess grade level content in the student’s pri-
mary language, including American Sign Lan-
guage and spoken English with or without vis-
ual supports or hearing assistance technology,
and written English. Determination of the need
for special education and related services shall
include evaluation of such children’s unique
learning needs, including needs for direct com-
munication, without an intermediary such as an
interpreter, with peers and professionals in the
child’s primary language, including American Sign Language and spoken English with or without visual supports, and instruction which may be needed by students without disabilities or with other disabilities but which must be specifically designed, modified, or delivered to meet the unique learning needs of students who are deaf or hard of hearing.

“(B) CONTENT OF EVALUATIONS.—The evaluations described in subparagraph (A) shall, at a minimum, include evaluations assessing the need for services and settings to assist the child in developing or maintaining age appropriate language and communication levels in the student’s primary language, including American Sign Language and spoken English with or without visual supports, social development, literacy instruction, instruction in assistive technology proficiency, self sufficiency and interaction self-determination, socialization, recreation and fitness, and independent living skills, and age appropriate career education.”.

SEC. 104. INDIVIDUALIZED EDUCATION PROGRAM TEAM.

Section 614(d)(1)(B) (20 U.S.C. 1414(d)(1)(B)) is amended—
(1) in clause (v), by striking “(vi);” and inserting “(vii);”;

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

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

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

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

SEC. 105. CONSIDERATION OF SPECIAL FACTORS.

Section 614(d)(3)(B)(iv) (20 U.S.C. 1414(d)(3)(B)(iv)) is amended to read as follows:

“(iv) consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, provide for—

“(I) the child’s language and communication needs, opportunities for direct communications, without an intermediary such as an interpreter, with peers and professional personnel in the child’s primary language and communication mode, including American Sign Language and spoken lan-
guage with or without visual supports,
academic level, and full range of
needs, including opportunities for di-
rect instruction in the child’s lan-

“(II) instruction meeting the
child’s unique learning needs, includ-
ing services and settings to assist the
child in developing or maintaining age
appropriate language and communica-
tion levels in the student’s primary
language and communication mode,
including American Sign Language
and spoken language with or without
visual supports, literacy instruction,
and instruction which may be needed
by students without disabilities or
with other disabilities but which must
be specifically designed, modified, or
delivered to meet the unique learning
needs of students who are deaf or
hard of hearing. Such instruction in-
cludes assistive technology proficiency,
self sufficiency and interaction, self-
determination, socialization, inde-
pendent living skills, and age appropriate career education;”.

SEC. 106. MONITORING.

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

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

SEC. 107. CONTINUUM OF SERVICE DELIVERY OPTIONS.

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

“(C) CONTINUUM OF ALTERNATIVE PLACEMENTS.—The State shall ensure that a full continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services. Such continuum must include instruction in regular classes, special classes, special schools, home instruction, and instruction in hospitals and institutions, and must make pro-
vision for supplementary services (such as resource room or itinerant instruction) to be provided in conjunction with regular class placement.”.

(b) Maintenance of Specialized Services and Settings for Students With Sensory Disabilities.—Section 612(a)(18) (20 U.S.C. 1412(a)(18)) is amended by adding at the end the following:

“(E) Maintaining a Continuum of Placement Options.—A State’s closure of a special school serving children who are blind or a special school serving children who are deaf (or the consolidation or merger of such school with another school), shall be considered a reduction of the State’s financial support for special education and related services within the meaning of subparagraph (A).”.

SEC. 108. TECHNICAL ASSISTANCE FOR PARENTS AND EDUCATORS OF STUDENTS WHO ARE DEAF OR HARD OF HEARING.

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

“(j) Maintaining Current Deaf Students Education Service Policy Guidance.—The Secretary shall ensure that not later than one year after the date
of the enactment of the Alice Cogswell and Anne Sullivan
Maey Act (and periodically thereafter but at least within
five-year intervals), policy guidance concerning the provi-
sion of special education and related services to deaf and
hard of hearing students (published in the Federal Reg-
ister on October 30, 1992 (57 Fed. Reg. 49274)) is re-
viewed and updated (with particular attention to expla-
nation of relevant amendments to this Act or to its imple-
menting regulations) and is published in the Federal Reg-
ister.”

Subtitle B—Improving the Effectiveness of Early Intervention
for Deaf or Hard of Hearing Infants and Toddlers and Their
Families

SEC. 111. QUALIFIED PERSONNEL.

Section 632(4)(F) (20 U.S.C. 1432(4)(F)) is amend-
ed—
(1) in clause (xi), by striking “and” at the end;
(2) in clause (xii), by adding “and” at the end;
and
(3) by adding at the end the following:
“(xiii) teachers of infants and toddlers
with sensory disabilities;”.
SEC. 112. NATURAL ENVIRONMENT.

Section 632(4)(G) (20 U.S.C. 1432(4)(G)) is amended to read as follows:

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

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

“(I) specialized schools, centers, and other programs where the child’s language, including American Sign Language and spoken English with or without visual supports, is the primary language and mode of communication; or

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

“(ii) community settings in which children without disabilities participate;”.

SEC. 113. CONTENT OF PLAN.

Section 636(d)(3) (20 U.S.C. 1436(d)(3)) is amended by striking the semicolon at the end and inserting the following: “and—
“(A) in the case of an infant or toddler who is deaf or hard of hearing, a statement of the ongoing language and communication assessment that will be provided to the child, language and communication development goals commensurate with the child’s cognitive abilities, the language and communication access that will be provided, including ongoing opportunities for direct language learning and communication access to peers, early intervention service providers, and other professional personnel in the child’s language, including American Sign Language and spoken English with or without visual supports, and the support and instruction that will be provided to families to learn and support the child’s language and communication mode; and”.
Subtitle C—National Activities To Improve Education of Children With Disabilities

SEC. 121. PERSONNEL DEVELOPMENT TO IMPROVE SERVICES AND RESULTS FOR CHILDREN WITH DISABILITIES.

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

“(E) Preparing personnel to be qualified educational interpreters, as licensed by the appropriate licensing body, to assist children with low incidence disabilities, particularly deaf and hard of hearing children, in school and school related activities, and deaf and hard of hearing infants and toddlers and preschool children in early intervention and preschool programs.”.

(b) ENSURING SUFFICIENT TEACHERS OF THE DEAF AND EARLY INTERVENTION SPECIALISTS.—Section 662(c)(2) (20 U.S.C. 1462(c)(2)), as amended by subsection (a), is further amended—

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

(2) by inserting after subparagraph (E) the following:
“(F) Preparing personnel to be qualified teachers of the deaf and early intervention specialists, to assist—

“(i) children with low incidence disabilities, particularly deaf and hard of hearing children, to develop age appropriate language, including American Sign Language and spoken English with or without visual supports, and age appropriate literacy skills in school and school related activities; and

“(ii) deaf and hard of hearing infants and toddlers and preschool children in early intervention and preschool programs.”.

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.

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

“(D) SERVING CHILDREN WITH VISUAL DISABILITIES.—When a State classifies children by disability, the State, in complying with this subsection, identifies, locates, and evaluates children with visual disabilities who are, or may be, classified in a disability category other than blindness and provides (without prejudice to such classification) special education and related services to such children, including such services determined appropriate based on proper evaluation as would be provided to children classified in the State as having blindness.”.

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

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

SEC. 202. STATE PLANS.

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

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

“(1) IN GENERAL.—Notwithstanding the provisions of subsection (c), a State shall not be considered in compliance with this section unless, not later than 2 years after the date of the enactment of the Alice Cogswell and Anne Sullivan Macy Act, the State files with the Secretary a written addendum to the plan required by this section describing how the State ensures that—

“(A) children with visual disabilities (regardless of the State’s use of disability categories or the extent to which children with visual disabilities may be classified in disability categories other than blindness) are evaluated for such children’s need for instruction and services meeting their unique academic and related learning needs, including instruction which may be needed by children without dis-
abilities or with other disabilities but which must be specifically designed, modified, or delivered to meet the unique academic and related learning needs of children with visual disabilities;

“(B) there is sufficient availability of personnel within the State qualified to provide the instruction described in subparagraph (A) to all children within the State requiring such instruction; and

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

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

“(A) specifically address how the State meets the needs of students with visual disabilities for instruction in communication and productivity (including Braille instruction and assistive technology proficiency), self sufficiency and interaction (including orientation and mo-
bility, self-determination, sensory efficiency, socialization, recreation and fitness, and independent living skills), and age appropriate career education;

“(B) describe both the methods to be used within the State to properly evaluate students’ need for low vision devices and the process by which such devices will be provided to each student for whom such devices are determined appropriate by the IEP Team; and

“(C) consult with individuals and organizations with expertise in the education of children with visual disabilities, including parents, consumer and advocacy organizations, and teachers of students with visual impairments and others the State may identify.”.

SEC. 203. EVALUATIONS.

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

“(8) VISUAL DISABILITIES.—

“(A) IN GENERAL.—In conducting the assessments prescribed in paragraph (3)(B), determination of the need of children with visual disabilities (including children who may have
additional disabilities) for special education and related services shall include evaluation of such children’s unique learning needs, including needs for instruction which may be needed by students without disabilities or with other disabilities but which must be specifically designed, modified, or delivered to meet the unique learning needs of students with visual disabilities.

“(B) CONTENT OF EVALUATIONS.—The evaluations described in subparagraph (A) shall, at a minimum, include evaluations assessing the need for instruction in assistive technology proficiency (inclusive of low vision devices), self sufficiency and interaction (including orientation and mobility, self-determination, sensory efficiency, socialization, recreation and fitness, and independent living skills), and age-appropriate career education.”.

SEC. 204. CONSIDERATION OF SPECIAL FACTORS.

Section 614(d)(3)(B)(iii) (20 U.S.C. 1414(d)(3)(B)(iii)) is amended by striking the semicolon and inserting the following: “and provide instruction meeting the child’s unique learning needs, including instruction that—
“(I) may be needed by students without disabilities or with other disabilities but which shall be specifically designed, modified, or delivered to meet the unique learning needs of students with visual disabilities; and

“(II) includes assistive technology proficiency (inclusive of low vision devices), self sufficiency and interaction (including orientation and mobility, self-determination, sensory efficiency, socialization, recreation and fitness, and independent living skills), and age appropriate career education;”.

SEC. 205. TECHNICAL ASSISTANCE FOR PARENTS AND EDUCATORS OF STUDENTS WITH VISUAL DISABILITIES.

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

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

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

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

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

(b) **MISSION.**—The mission of the program established in subsection (a) is to better support students with visual disabilities receiving special education and related
services to learn effectively and live productively and independ-ently through—

(1) development and dissemination of curricula, courses, materials, and methods supporting the continuing education of personnel qualified under State law to serve as teachers of students with visual impairments and related services personnel serving such children;

(2) support for the establishment of new programs within institutions of higher education to prepare teachers of students with visual impairments to serve students with visual disabilities who also have additional disabilities;

(3) modeling local, regional, and national enrichment projects open to students with visual disabilities that are intended to supplement State educational agency and local educational agency provision of specialized instruction and services meeting such students’ unique learning needs; and

(4) research identifying, developing, and evaluating valid assessments and effective interventions measuring and addressing the unique needs of students with visual disabilities, including need for instruction and services which may be needed by students without disabilities or with other disabilities
but which must be specifically designed, modified, or
delivered to meet the unique learning needs of stu-
dents with visual disabilities. At a minimum, such
instruction and services include communication and
productivity (including braille instruction, and as-
sistive technology proficiency inclusive of low vision
devices), self sufficiency and interaction (including
orientation and mobility, self-determination, sensory
efficiency, socialization, recreation and fitness, and
independent living skills), and age appropriate career
education.

SEC. 212. ADMINISTRATION; ELIGIBILITY; GOVERNANCE;
STRUCTURE.

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

(b) ELIGIBILITY.—The consortium of entities de-
scribed in subsection (a) shall include—
(1) at least two national nonprofit organizations with demonstrated experience publishing materials, offering direct professional development opportunities, and disseminating course curricula supporting the preparation or continuing education of teachers of students with visual impairments and related services personnel;

(2) at least one national nonprofit organization (which may include a special school serving students who are blind) with demonstrated experience directly serving students with visual disabilities (including students who may or may not have additional disabilities) through in-person instruction and services meeting their unique learning needs;

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

(A) has consistently maintained for at least 10 years a program of instruction preparing teachers of students with visual impairments or orientation and mobility instructors; and

(B) offers a program of doctoral study in special education; and
(4) any other entity or entities with which the entities described in paragraphs (1), (2), and (3) choose to partner (with approval of the Secretary).

(c) GOVERNANCE.—As part of the Secretary’s oversight responsibilities, the Secretary shall appoint an advisory board (of no more than 12 individual members who do not have a concurrent fiscal, fiduciary, or employment relationship with any of the entities comprising the consortium described in subsection (b)) which shall advise the Secretary and such consortium of entities with respect to strategic planning and annual program performance. The advisory board shall be comprised of individuals with personal or professional experience with the needs of students with visual disabilities and shall include parents of students with visual disabilities, administrators of special education programs, and representatives of national organizations of individuals who are blind or visually impaired. The Secretary is authorized to compensate the members of the advisory board for reasonable expenses incurred for travel related to in-person meetings of the advisory board which shall occur no more frequently than three times within a calendar year. The provisions of the Federal Advisory Committee Act shall not apply to meetings or other activities of the advisory board. Prior to the appointment of any individual to the advisory board, the Secretary shall
consult with such consortium of entities which may also
nominate individuals to the Secretary for advisory board
membership.

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

SEC. 213. ACTIVITIES.

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

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

(2) to conduct or fund in-person and on-line
continuing education opportunities for teachers of
students with visual impairments and related serv-
ices personnel specifically trained to meet the unique
learning needs of such students, and prepare, pub-
lish, or otherwise disseminate supporting materials;
(3) to conduct or fund in-person or online enrichment projects for students with visual disabilities (including those who may also have additional disabilities) to offer direct instruction and services intended to improve the capacity of such students to learn effectively and live both productively and independently for the purpose of—

(A) supplementing the availability of such instruction and services offered by State educational agencies and local educational agencies; and

(B) evaluating, through appropriate quantitative and qualitative methods, the effectiveness of instruction and services offered by such projects;

(4) to fund, in accordance with regulations otherwise applicable to personnel preparation programs supported under part D of the Individuals with Disabilities Education Act (20 U.S.C. 1450 et seq.), the establishment of programs within institutions of higher education preparing teachers of students with visual impairments (which have not been previously funded under such part) to specifically prepare such teachers to provide expert instruction to students
with visual disabilities who also have additional dis-
abilities; and

(5) to enter into cooperative agreements, con-
tracts, or grants (or other arrangements which may
be permitted by the Secretary) with nonprofit orga-
nizations possessing demonstrable expertise and ex-
perience serving students with visual disabilities or
the professionals trained to work with such students,
institutions of higher education, State educational
agencies, local educational agencies, public and pri-
ivate specialized schools serving students with visual
disabilities, and consortia of such entities, for the
purpose of carrying out activities authorized in this
subsection that are not otherwise directly conducted,
in whole or in part, by the Anne Sullivan Macy Cen-
ter.

SEC. 214. RELATIONSHIP TO OTHER PROGRAMS AND AC-
TIVITIES.

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

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

(c) RELATIONSHIP TO SERVICES OFFERED BY THE AMERICAN PRINTING HOUSE FOR THE BLIND.—Nothing in this subtitle shall be construed to limit or otherwise condition the use of any funds appropriated pursuant to the Act entitled “An Act to Promote the Education of the Blind”, approved March 3, 1879 (20 U.S.C. 101 et seq.), and no funds made available pursuant to this subtitle shall be used by any State educational agency or local educational agency to supplant the use of funds appropriated under such Act.

(d) RELATIONSHIP TO FUNDING FOR NATIONAL CENTER ON DEAF-BLINDNESS, STATE DEAF-BLIND PROJECTS, AND THE HELEN KELLER NATIONAL CENTER.—The Secretary shall ensure that any activities conducted or funded by the Anne Sullivan Macy Center directly serving individuals who are deaf-blind are coordinated as appropriate with the National Center on Deaf-Blindness, State deaf-blind projects, and the Helen Keller National Center. No funds made available pursuant to this title may be used to support or supplant activities that are otherwise the sole responsibility of the National Center
on Deaf-Blindness and State deaf-blind projects pursuant
to sections 663(e)(8)(A) and 682(d)(1)(A) of the Individ-
uals with Disabilities Education Act (20 U.S.C.
1463(d)(1)(A); 20 U.S.C. 1482(d)(1)(A)). No funds made
available pursuant to this title may be used to support
activities that are otherwise the sole responsibility of the
Helen Keller National Center or may be used to supplant
funds for such Center.

(e) WORK PRODUCT.—All matter produced by the
Anne Sullivan Macy Center shall be the property of the
United States Government, except that entities comprising
the consortium of entities described in section 212(b) shall
be individually free, within the terms of the contract or
cooperative agreement described in section 212(a), to re-
produce, or author copyrighted derivative works, using
such matter.

SEC. 215. DEFINITIONS.

In this subtitle:

(1) IDEA TERMS.—The terms “institution of
higher education”, “local educational agency”, “re-
lated services”, “special education”, and “State edu-
cational agency” have the meanings given the terms
in section 602 of the Individuals with Disabilities
(2) SECRETARY.—The term “Secretary” means the Secretary of Education.

SEC. 216. AUTHORIZATION OF APPROPRIATIONS AND CARRYOVER.

(a) AUTHORIZATION OF APPROPRIATIONS.—To carry out the provisions of this subtitle, there are authorized to be appropriated such sums as may be necessary, provided that for the fiscal year immediately following the date of enactment of this Act and for each succeeding fiscal year, the amount appropriated shall be an amount equal to no less than 0.2 percent of funds appropriated in the previous fiscal year for grants to States under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

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

(a) Serving All Children With Deaf-Blindness Regardless of Classification.—Section 612(a)(3) (20 U.S.C. 1412(a)(3)), as amended by sections 101 and 201 of this Act, is further amended by adding at the end the following:

“(E) Serving children with deaf-blindness.—When a State classifies children by disability, the State, in complying with this subsection, identifies, locates and evaluates children with concomitant vision and hearing losses who are, or may be, classified in a disability category other than deaf-blindness, meaning concomitant hearing and visual impairments, the combination of which causes severe communication and other developmental and educational needs that adversely affect a child’s educational performance (and including children
who are deaf-blind with additional disabilities),
and provides (without prejudice to such classi-

cification) special education and related services
to such children, including such services deter-
dined appropriate based on proper evaluation
as would be provided to children classified in
the State as having deaf-blindness.”.

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

“(g) ACCOUNTING FOR CHILDREN WITH DEAF-
BLINDNESS.—In addition to the data collection and re-
porting requirements of subsections (a) through (d) and
subject to such provisions, the State and the Secretary of
the Interior shall, with respect to children classified in a
disability category other than deaf-blindness, include the
number and percentage of such children in each disability
category who are also deaf-blind.”.

(c) CHILD WITH A DISABILITY.—Section
602(3)(A)(i) (20 U.S.C. 1401(3)(A)(i)) is amended by in-
serting “deaf-blindness,” after “visual impairments (in-
eluding blindness),”.
SEC. 302. RELATED SERVICES.

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

(1) by striking “and medical services” and inserting “, medical services”; and

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

SEC. 303. STATE PLANS.

Section 612 (20 U.S.C. 1412), as amended by sections 102 and 202 of this Act, is further amended by adding at the end the following:

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

“(1) IN GENERAL.—Notwithstanding the provisions of subsection (c), a State shall not be considered in compliance with this section unless, not later than two years after the date of the enactment of the Alice Cogswell and Anne Sullivan Macy Act, the State files with the Secretary a written addendum to the plan required by this section describing how the State ensures that—

“(A) children with deaf-blindness (regardless of the State’s use of disability categories or the extent to which children with deaf-blindness
may be classified in disability categories other than deaf-blindness) are evaluated by qualified professionals including teachers of deaf-blind, using valid and reliable assessments, for such children’s need for instruction and services meeting their unique language and communication, literacy, academic, social, and related learning needs, including instruction which may be needed by children without disabilities or with other disabilities but which must be specifically designed, modified, or delivered to meet the unique language and communication, academic, and related learning needs of children with deaf-blindness;

“(B) there is sufficient availability of personnel, including teachers of the deaf-blind and interveners, within the State qualified to provide the evaluation, instruction, and services described in subparagraph (A) to all children within the State requiring such instruction; and

“(C) all children with deaf-blindness within the State who need special education and related services, whether or not such children have other disabilities, receive such instruction and are not being served solely in accordance

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

“(A) specifically address how the State meets the needs of children with deaf-blindness to support ongoing progress in language development and in the child’s preferred mode of communication, and including the provision of school-related opportunities for direct communications with peers and professional personnel in the child’s preferred mode of communication and opportunities for direct instruction in (but not limited to) concept development, functional skills for academic success, self-determination and advocacy, social-emotional skills, visual and auditory sensory efficiency skills, orientation and mobility, assistive technology proficiency, independent living skills, age-appropriate career education, and support for the student through family education; and

“(B) consult with individuals and organizations with expertise in the education of children with deaf-blindness including parents, consumers, advocacy organizations, national and
State organizations focused on deaf-blindness, and others the State may identify.”

SEC. 304. EVALUATIONS.

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

“(9) CHILDREN WHO ARE DEAF-BLIND.—

“(A) IN GENERAL.—In conducting the assessments prescribed in paragraph (3)(B), children who are deaf-blind (including children who may have additional disabilities) shall be evaluated on language and communication proficiency levels, including expressive, receptive, and pragmatic skills, and ability to access grade level content in the child’s preferred mode of communication, including non-symbolic and symbolic communication and tactile sign language. Qualified personnel trained in deaf-blindness, who communicate in the child’s preferred mode of communication, shall be actively involved in assessments and evaluations. Also, requirements included in paragraphs (7)(A) and (8)(A) shall apply to children with deaf-blindness.
“(B) CONTENT OF EVALUATIONS.—The evaluations described in subparagraph (A) shall, at a minimum, include evaluations assessing the need for services and supports to assist children who are deaf-blind in developing and maintaining language and communication skills in their preferred mode of communication, including non-symbolic and symbolic communication and tactile sign language. Other areas of evaluation for children who are deaf-blind shall include those found in paragraphs (7)(B) and (8)(B).”.

SEC. 305. CONSIDERATION OF SPECIAL FACTORS.

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

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

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

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

SEC. 306. TECHNICAL ASSISTANCE FOR PARENTS AND EDUCATORS OF CHILDREN WHO ARE DEAF-BLIND.

Section 616 (20 U.S.C. 1416), as amended by sections 108 and 205 of this Act, is further amended by adding at the end the following:

“(l) DEVELOPING POLICY GUIDANCE FOR PARENTS AND EDUCATORS OF CHILDREN WITH DEAF-BLINDNESS.—The Secretary shall ensure that not later than one year after the date of the enactment of the Alice Cogswell and Anne Sullivan Macy Act policy guidance concerning the provision of special education and related services to children who are deaf-blind is developed (and periodically thereafter but at least within five-year intervals, updated), with particular attention to explanation of relevant amendments to this Act or to its implementing regulations, and is published in the Federal Register.”.

SEC. 307. CONFORMING REGULATIONS.

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

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

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

SEC. 311. CONTENT OF PLAN.

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

“(B) in the case of an infant or toddler who is deaf-blind, a statement of the ongoing language and communication assessment that will be provided to the child, language and communication development goals commensurate with the child’s cognitive abilities, the language and communication access that will be provided, including ongoing opportunities for direct language learning and communication access to peers, early intervention service providers, and other professional personnel trained in the child’s preferred mode of communication, and the support and instruction that will be pro-
vided to families to learn and support the
child’s language and communication mode and
the child’s full range of needs;”.

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.

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

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

(2) by inserting after subparagraph (F) the following:

“(G) Preparing personnel to be qualified teachers of the deaf-blind and early intervention specialists, to assist children with deaf-blindness in schools and school related activities, as well as toddlers and preschool children with deaf-blindness in early intervention and preschool programs, to develop communication and literacy skills, and to access, organize, and utilize

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information about the environment and acquire
concepts essential for learning.

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