

119TH CONGRESS
2D SESSION

S. _____

To promote and ensure delivery of high-quality special education and related services to children and youth who are blind or visually impaired, deaf, hard of hearing, deafdisabled, or deafblind through instructional methodologies meeting their unique language and learning needs, to enhance accountability for the provision of such services, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MARKEY 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 children and youth who are blind or visually impaired, deaf, hard of hearing, deafdisabled, or deafblind through instructional methodologies meeting their unique language and 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.
- Sec. 4. Definitions.

TITLE I—IMPROVING THE EFFECTIVENESS OF SPECIAL EDU-
CATION AND RELATED SERVICES FOR CHILDREN AND YOUTH
WHO ARE DEAF, HARD OF HEARING, OR DEAFDISABLED

Subtitle A—General Provisions

- Sec. 101. Identifying children and youth who are deaf, hard of hearing, or deafdisabled.
- 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 children and youth who are deaf, hard of hearing, or deafdisabled.

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

- Sec. 111. Qualified personnel.
- Sec. 112. Natural environment.
- Sec. 113. Content of plan.

3

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 CHILDREN AND YOUTH WHO ARE BLIND OR VISUALLY IMPAIRED

Subtitle A—General Provisions

- Sec. 201. Identifying children and youth who are blind or visually impaired.
- Sec. 202. State plans.
- Sec. 203. Evaluations.
- Sec. 204. Consideration of special factors.
- Sec. 205. Technical assistance for parents and educators of children and youth who are blind or visually impaired.
- Sec. 206. Related services.
- Sec. 207. Personnel development to improve services and results for children with blindness or visual impairment.
- Sec. 208. Clarifying eligible users of accessible instructional materials.

Subtitle B—Specialized Early Childhood Intervention Services to Infants and Toddlers Who Are Blind or Visually Impaired

Sec. 209. Content of plan.

Subtitle C—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 DEAFBLIND

Subtitle A—General Provisions

- Sec. 301. Identifying children and youth who are deafblind.
- 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 and youth who are deafblind.
- Sec. 307. Conforming regulations.

Subtitle B—Improving the Effectiveness of Early Intervention for Infants and Toddlers Who Are Deafblind 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 children who
are deafblind, interveners, and early intervention specialists.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are as follows:

3 (1) To better ensure delivery of high quality
4 special education and related services to children
5 and youth who are blind or visually impaired, deaf,
6 hard of hearing, deafdisabled, or deafblind through
7 specialized instructional services and methodologies
8 designed to meet their unique language and learning
9 needs.

10 (2) To better ensure delivery of high quality
11 early intervention services to children and youth who
12 are deaf, hard of hearing, deafdisabled, or deafblind,
13 and their families, through specialized services and
14 methodologies designed to meet their unique lan-
15 guage and other developmental needs.

16 (3) To foster the proliferation of research sup-
17 porting the development and evaluation of effective
18 and innovative assessments and instructional meth-
19 odologies consonant with the unique learning needs
20 of children and youth who are blind or visually im-
21 paired.

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

3 (5) To support the development of personnel
4 serving children and youth who are blind or visually
5 impaired, deaf, hard of hearing, deafdisabled, or
6 deafblind.

7 **SEC. 3. FINDINGS.**

8 Congress finds the following:

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

22 (2) In 1817, Thomas Hopkins Gallaudet and a
23 deaf teacher, Laurent Clerc, opened the first school
24 in the United States for deaf students—the Amer-
25 ican School for the Deaf—with young Alice Cogswell

1 as its first pupil. Ultimately the school grew into a
2 national institution and the mother of many other
3 schools. As Alice demonstrated, deaf, hard of hear-
4 ing, or deafdisabled children can learn and achieve
5 to high levels when they have full access to language,
6 are taught by professionals with specialized training,
7 and have access to educational placements that rec-
8 ognize and provide for their language, social-emo-
9 tional, and academic needs.

10 (3) Deaf, hard of hearing, and deafdisabled
11 children who are identified early and receive appro-
12 priate early intervention from specialized, qualified
13 providers achieve higher academic and language out-
14 comes. However, as of the date of enactment of this
15 Act, early intervention services often are limited to
16 one language, many children are lost to follow-up,
17 and there are severe shortages of specialized early
18 intervention professionals, resulting in many deaf,
19 hard of hearing, and deafdisabled children not
20 reaching their appropriate milestones and experi-
21 encing language deprivation, impacting their full
22 lives.

23 (4) Research demonstrates that children and
24 youth who are blind or visually impaired are among
25 the highest performing students with disabilities in

1 terms of academic achievement, and yet they are
2 among the least employed, even after successful ac-
3 complishment of postsecondary academic objectives.

4 (5) Likewise, children and youth who are
5 deafblind have the same capacity to learn and
6 achieve as any other children. However, they must
7 have ongoing access to the same environmental and
8 educational information that their sighted and hear-
9 ing peers can access automatically. These children
10 require direct learning experiences, including hands-
11 on experiences and intense involvement in edu-
12 cational routines and activities. They must receive
13 specialized direct instruction in their accessible lan-
14 guage in a range of academic and functional areas.

15 (6) Children and youth who are deaf, hard of
16 hearing, deafdisabled, or deafblind require more lan-
17 guage access and support to acquire skills than they
18 are, as of the date of enactment of this Act, pre-
19 dominantly receiving in local school districts strug-
20 gling to find qualified personnel, so that such indi-
21 viduals risk experiencing language deprivation. It
22 has been the Department of Education's position
23 since 1992 that "[a]ny educational setting that does
24 not meet the communication and related needs of a
25 child who is deaf does not allow for the provision of

1 [a Free Appropriate Public Education] and cannot
2 be considered the [Least Restrictive Environment]
3 for that child”.

4 (7) Moreover, a principal way that sighted and
5 hearing children and youth acquire knowledge and
6 skills is through incidental learning, naturally ob-
7 serving others and the environment. Deficits in inci-
8 dental learning leave children and youth with sen-
9 sory disabilities behind in an array of skill areas. In
10 addition to core academics, deaf, hard of hearing,
11 and deafdisabled children and youth, for example,
12 must also receive specialized instruction and services
13 designed to maximize their capacity to learn effec-
14 tively and live productively and independently. Simi-
15 larly, children and youth who are blind or visually
16 impaired must also receive instruction in the ex-
17 panded core curriculum, a comprehensive array of
18 specialized instruction and services maximizing the
19 capacity of children and youth who are blind or vis-
20 ually impaired to learn effectively and live produc-
21 tively and independently.

22 (8) The widespread use by States of the Indi-
23 viduals with Disabilities Education Act’s disability
24 categories has led to a sizable undercount of children
25 and youth with sensory disabilities and, con-

1 sequently, a lack of recognition of the extent of the
2 systemic need for the delivery of appropriate instruc-
3 tional services meeting their unique needs. This oc-
4 curs in large measure because children and youth
5 with sensory disabilities who also have additional
6 disabilities are frequently formally classified as hav-
7 ing multiple disabilities. Consequently, their vision,
8 hearing, or concomitant vision and hearing disabil-
9 ities and related support needs are not fully ac-
10 knowledgeed.

11 (9) It also must be acknowledged and recog-
12 nized that the population of deaf, hard of hearing,
13 or deafdisabled children and youth is inherently di-
14 verse, with 55 percent or more being children of
15 color. In contrast, less than 10 percent of personnel,
16 including teachers of deaf, hard of hearing, or
17 deafdisabled children and youth, and interpreters,
18 are people of color.

19 (10) Qualified teachers of the deafblind are
20 needed to assist children and youth who are
21 deafblind in schools and school-related activities.
22 Also needed are qualified interveners, who work one-
23 to-one with children and youth who are deafblind
24 and who have training and specialized skills in
25 deafblindness. Intervenors play a critical role in the

1 provision of a Free and Appropriate Public Edu-
2 cation for children and youth who are deafblind, be-
3 cause they provide access to the information needed
4 for learning and conceptual understanding, facilitate
5 communication development, and promote social and
6 emotional well-being.

7 (11) A national resource in blindness and visual
8 impairment is needed—

9 (A) to supplement the work of State and
10 local educational agencies through student en-
11 richment activities;

12 (B) to support teachers of children and
13 youth who are blind or visually impaired and
14 related services personnel through state-of-the-
15 art continuing education opportunities; and

16 (C) to spur the further advancement of in-
17 structional services for children and youth who
18 are blind or visually impaired through scientific
19 research and evidence-based best practices.

20 **SEC. 4. DEFINITIONS.**

21 For purposes of this Act:

22 (1) The term “deafblind”, when applied to an
23 individual, means the individual has concomitant
24 hearing and visual impairments, the combination of
25 which—

1 (A) prevents access to information;

2 (B) causes severe communication chal-
3 lenges;

4 (C) interferes with social and emotional
5 well-being; and

6 (D) impacts other developmental areas in a
7 manner that adversely affect a child's edu-
8 cational performance (including children who
9 are deafblind with additional disabilities).

10 (2) The term “deafdisabled”, when applied to
11 an individual, means the individual is deaf and also
12 has at least one other disability, but excludes indi-
13 viduals who are deafblind.

1 **TITLE I—IMPROVING THE EF-**
2 **FECTIVENESS OF SPECIAL**
3 **EDUCATION AND RELATED**
4 **SERVICES FOR CHILDREN**
5 **AND YOUTH WHO ARE DEAF,**
6 **HARD OF HEARING, OR**
7 **DEAFDISABLED**

8 **Subtitle A—General Provisions**

9 **SEC. 101. IDENTIFYING CHILDREN AND YOUTH WHO ARE**
10 **DEAF, HARD OF HEARING, OR**
11 **DEAFDISABLED.**

12 (a) SERVING ALL CHILDREN WHO ARE DEAF, HARD
13 OF HEARING, OR DEAFDISABLED REGARDLESS OF CLAS-
14 SIFICATION.—Section 612(a)(3) (20 U.S.C. 1412(a)(3)) is
15 amended at the end by adding the following:

16 “(C) SERVING CHILDREN WHO ARE DEAF,
17 HARD OF HEARING, OR DEAFDISABLED.—When
18 a State classifies children by disability, the
19 State, in complying with subsection (a)—

20 “(i) identifies, locates and evaluates
21 children who are deaf, hard of hearing, or
22 deafdisabled who are, or may be, classified
23 in a disability category other than deaf,
24 hard of hearing, or deafdisabled;

1 “(ii) provides (without prejudice to
2 such classification) special education and
3 related services to such children, including
4 the specific services determined appro-
5 priate based on proper evaluation as would
6 be provided to children classified in the
7 State as deaf or hard of hearing; and

8 “(iii) ceases to use vague other termi-
9 nology, such as ‘hearing impaired’, ‘section
10 504 student’, or ‘having a communication
11 disorder’.”.

12 (b) DATA COLLECTION AND REPORTING.—Section
13 618 (20 U.S.C. 1418) is amended—

14 (1) by striking subsection (a)(1)(A)(iii) and in-
15 serting the following:

16 “(iii) In separate classes, separate schools
17 or facilities, or public or private residential fa-
18 cilities, with the exception of deaf, hard of hear-
19 ing, deafdisabled, and deafblind students due to
20 their being low-incidence and benefiting from
21 specialized language instruction and access.”;

22 (2) in subsection (c), by inserting “and funding
23 to appropriate entities” after “States”; and

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

1 “(e) ACCOUNTING FOR CHILDREN WHO ARE DEAF,
2 HARD OF HEARING, OR DEAFDISABLED.—In addition to
3 the other data collection and reporting requirements of
4 this section and subject to such provisions, the State and
5 the Secretary of the Interior shall, with respect to children
6 classified in a disability category other than hearing im-
7 pairment or deafness, include the number and percentage
8 of such children in each disability category who are also
9 deaf, hard of hearing, or deafdisabled and their avenue
10 of access to American Sign Language, whether it be via
11 an interpreter, a teacher of the deaf, or expressly waived
12 by the parents.”.

13 (c) CHILD WITH A DISABILITY.—Section
14 602(3)(A)(i) (20 U.S.C. 1401(3)(A)(i)) is amended—

15 (1) by inserting “who is deaf, hard of hearing,
16 or deafdisabled or” before “with intellectual disabili-
17 ties,”; and

18 (2) by striking “hearing impairments (including
19 deafness),”.

20 **SEC. 102. STATE PLANS.**

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

23 “(g) ADDENDUM CONCERNING CHILDREN WHO ARE
24 DEAF, HARD OF HEARING, OR DEAFDISABLED.—

1 “(1) IN GENERAL.—Notwithstanding the provi-
2 sions of subsection (c), a State shall not be deter-
3 mined to be in compliance with this section unless,
4 not later than 2 years after the date of the enact-
5 ment of the Alice Cogswell and Anne Sullivan Macy
6 Act, the State files with the Secretary a written ad-
7 dendum to the plan required by this section describ-
8 ing how the State ensures that—

9 “(A) children who are deaf, hard of hear-
10 ing, or deafdisabled (regardless of the State’s
11 use of disability categories or the extent to
12 which deaf or hard of hearing children may be
13 classified in disability categories other than
14 hearing impairment or deafness) are evaluated
15 by qualified professionals, using valid and reli-
16 able assessments, for such children’s need for
17 instruction and services meeting their unique
18 language, literacy, academic, social and related
19 learning needs, including instruction which may
20 be needed by children without disabilities or
21 with other disabilities but which must be spe-
22 cifically designed, modified, or delivered to meet
23 the unique language and academic and related
24 learning needs of children who are deaf, hard of
25 hearing, or deafdisabled;

1 “(B) there is sufficient availability of per-
2 sonnel within the State qualified to provide the
3 evaluation and instruction described in subpara-
4 graph (A) to all children within the State re-
5 quiring such instruction; and

6 “(C) all children who are deaf, hard of
7 hearing, or deafdisabled within the State who
8 need special education and related services re-
9 ceive instruction in American Sign Language
10 unless expressly waived by the child’s parents
11 and are not being served solely in accordance
12 with section 504 of the Rehabilitation Act of
13 1973 (29 U.S.C. 794).

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

16 “(A) specifically address how the State
17 meets the needs of deaf, hard of hearing, and
18 deafdisabled students to support appropriate,
19 measurable progress in language development,
20 including American Sign Language and written
21 language with or without speech therapy, and
22 including the provision of school-related oppor-
23 tunities for direct interactions with peers and
24 professional personnel in the child’s language
25 and opportunities for direct instruction in the

1 child's language, as well as instruction in audi-
2 ology, age appropriate career education, lan-
3 guage, social skills, functional skills for aca-
4 demic success, self-determination and advocacy
5 (including preparation for transition to work or
6 higher education), social emotional skills, tech-
7 nology, and support for the student through
8 family education; and

9 “(B) consult with individuals and organiza-
10 tions with expertise in the education of children
11 who are deaf, hard of hearing, or deafdisabled,
12 including parents, schools for the deaf, con-
13 sumer and advocacy organizations, State com-
14 missions of the deaf, researchers, teachers of
15 students who are deaf, hard of hearing, or
16 deafdisabled and others the State may iden-
17 tify.”.

18 **SEC. 103. EVALUATIONS.**

19 (a) EVALUATION PROCEDURES.—Section 614(b) (20
20 U.S.C. 1414(b)) is amended by adding at the end the fol-
21 lowing:

22 “(7) CHILDREN WHO ARE DEAF, HARD OF
23 HEARING, OR DEAFDISABLED.—

24 “(A) IN GENERAL.—In conducting the as-
25 sessments prescribed in paragraph (3)(B), chil-

dren who are deaf, hard of hearing, or deafdisabled shall be evaluated on language proficiency levels, including expressive, receptive, and pragmatic skills, and ability to access grade level content in the student's primary language, including American Sign Language, and if appropriate, written language with or without visual supports or hearing assistance technology. Determination of the need for special education and related services shall include evaluation of such children's unique learning needs, including opportunities for direct language access, without an intermediary such as an interpreter, with peers and professionals in the child's primary language, including American Sign Language and, if appropriate, spoken language 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 linguistic needs of students who are deaf, hard of hearing, or deafdisabled.

“(B) CONTENT OF EVALUATIONS.—The evaluations described in subparagraph (A) shall,

1 at a minimum, include evaluations assessing the
2 need for services and settings to assist the child
3 in developing or maintaining age appropriate
4 milestones in the child’s primary language, in-
5 cluding American Sign Language and written
6 language with or without speech therapy, social
7 development, literacy instruction, instruction in
8 assistive technology proficiency, self sufficiency
9 and self-determination, socialization, recreation
10 and fitness, independent living skills, and age
11 appropriate career education.”.

12 (b) INDIVIDUALIZED EDUCATION PROGRAMS.—Sec-
13 tion 614(d)(1)(A) (20 U.S.C. 1414(d)(1)(A)) is amend-
14 ed—

15 (1) in clause (i)—

16 (A) in subclause (VII), by striking “and”
17 at the end;

18 (B) in subclause (VIII), by striking the pe-
19 riod at the end and inserting “; and”; and

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

21 “(IX) the projected date for the
22 beginning of the services and modi-
23 fications described in subclause (IV),
24 the anticipated frequency, location,

1 and duration of those services and
2 modifications.”; and

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

4 “(iii) RULE REGARDING A SCHOOL
5 FOR THE DEAF.—If a student is placed at
6 a school for the deaf, the school may pro-
7 vide documentation of how its teachers are
8 trained specifically to educate deaf and
9 hard of hearing students, and as a result,
10 will not be required to provide individual-
11 ized education plans unless the student is
12 deafdisabled.”.

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

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

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

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

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

20 and

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

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

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

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

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

4 “(iv) consider the linguistic needs of
5 the child, and in the case of a child who
6 is deaf, hard of hearing, or deafdisabled
7 provide for—

8 “(I) the child’s language and ac-
9 cess, opportunities for direct commu-
10 nications, without an intermediary
11 such as an interpreter, with peers and
12 professional personnel in the child’s
13 primary language, including American
14 Sign Language and, if appropriate,
15 spoken language with or without vis-
16 ual supports, academic level, and full
17 range of needs, including ensuring op-
18 portunities for direct instruction in
19 the child’s language; and

20 “(II) instruction—

21 “(aa) meeting the child’s
22 unique learning needs, including
23 services and settings to assist the
24 child in developing or maintain-
25 ing age appropriate language
26 milestones in the child’s primary

1 language, American Sign Lan-
2 guage and written language with
3 or without speech therapy, lit-
4 eracy instruction, instruction
5 which may be needed by children
6 without disabilities or with other
7 disabilities but which must be
8 specifically designed, modified, or
9 delivered to meet the unique
10 learning needs of children who
11 are deaf, hard of hearing, or
12 deafdisabled; and

13 “(bb) that includes assistive
14 technology proficiency, self suffi-
15 ciency and self-determination, so-
16 cialization, recreation and fitness,
17 independent living skills, and age
18 appropriate career education;
19 and”.

20 **SEC. 106. MONITORING.**

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

23 “(5) ENHANCED MONITORING OF SERVICES
24 FOR CERTAIN STUDENTS.—In carrying out the re-
25 sponsibilities of this subsection, the Secretary shall

1 specifically monitor compliance with sections
2 612(a)(3), 612(a)(5), 614(b), and clauses (iii) and
3 (iv) of section 614(d)(3)(B), as such sections are
4 amended by the Alice Cogswell and Anne Sullivan
5 Macy Act, and shall regularly report findings to
6 Congress.”.

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

8 (a) ENSURING CONTINUUM AVAILABILITY.—Section
9 612(a)(5) (20 U.S.C. 1412(a)(5)) is amended by adding
10 at the end the following:

11 “(C) CONTINUUM OF ALTERNATIVE
12 PLACEMENTS.—The State shall ensure that a
13 full continuum of alternative placements is
14 available to meet the needs of children with dis-
15 abilities for special education and related serv-
16 ices. Such continuum shall include instruction
17 in regular classes, specialized classes, special-
18 ized schools, home instruction, and instruction
19 in hospitals and institutions, and shall make
20 provision for supplementary services (such as a
21 resource room or itinerant instruction) to be
22 provided in conjunction with regular class place-
23 ment.”.

24 (b) MAINTENANCE OF SPECIALIZED SERVICES AND
25 SETTINGS FOR STUDENTS WITH SENSORY DISABIL-

1 ITIES.—Section 612(a)(18) (20 U.S.C. 1412(a)(18)) is
2 amended by adding at the end the following:

3 “(E) MAINTAINING A CONTINUUM OF
4 PLACEMENT OPTIONS.—For purposes of sub-
5 paragraph (A), a State’s closure of a specialized
6 school serving children who are blind or a spe-
7 cial school serving children who are deaf (or the
8 consolidation or merger of such school with an-
9 other school), shall be considered a reduction of
10 the State’s financial support for special edu-
11 cation and related services resulting in a failure
12 to meet a condition on receipt of assistance
13 under this part.”.

14 **SEC. 108. TECHNICAL ASSISTANCE FOR PARENTS AND EDU-**
15 **CATORS OF CHILDREN AND YOUTH WHO ARE**
16 **DEAF, HARD OF HEARING, OR**
17 **DEAFDISABLED.**

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

20 “(j) MAINTENANCE OF POLICY GUIDANCE CON-
21 CERNING THE EDUCATION OF CHILDREN WHO ARE
22 DEAF, HARD OF HEARING, OR DEAFDISABLED.—The
23 Secretary shall ensure that not later than 1 year after the
24 date of the enactment of the Alice Cogswell and Anne Sul-
25 livan Macy Act (and periodically thereafter but not less

1 than once every 5 years), policy guidance concerning the
2 provision of special education and related services to deaf,
3 hard of hearing, and deafdisabled children (published at
4 57 Fed. Reg. 49274 (October 30, 1992)) is reviewed and
5 updated (with particular attention to explanation of rel-
6 evant amendments to this Act or to its implementing regu-
7 lations) and is published in the Federal Register.”.

8 **Subtitle B—Improving the Effec-**
9 **tiveness of Early Intervention**
10 **for Deaf, Hard of Hearing or**
11 **Deafdisabled Infants and Tod-**
12 **dlers and Their Families**

13 **SEC. 111. QUALIFIED PERSONNEL.**

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

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

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

18 and

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

20 “(xiii) teachers of infants and toddlers
21 with sensory disabilities;”.

22 **SEC. 112. NATURAL ENVIRONMENT.**

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

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

3 “(i) including the home, and commu-
4 nity settings in which children without dis-
5 abilities participate; and

6 “(ii) which for infants and toddlers
7 with sensory disabilities, particularly deaf-
8 ness, blindness, or deafblindness, shall in-
9 clude—

10 “(I) specialized schools, centers,
11 and other programs where the child’s
12 language, including American Sign
13 Language and written language with
14 or without speech therapy, is the pri-
15 mary language and mode of commu-
16 nication; or

17 “(II) any school, center or other
18 program or environment where serv-
19 ices meeting the unique needs of in-
20 fants and toddlers with sensory dis-
21 abilities are available; and”.

22 **SEC. 113. CONTENT OF PLAN.**

23 Section 636(d) (20 U.S.C. 1436(d)) is amended—

24 (1) in paragraph (7), by striking “and” at the
25 end;

1 (2) in paragraph (8), by striking the period at
2 the end and inserting “; and”; and

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

4 “(9)(A) in the case of an infant or toddler who
5 is deaf, hard of hearing, or deafdisabled, a statement
6 of the ongoing language assessment that will be pro-
7 vided to the child, language development goals com-
8 mensurate with the child’s cognitive abilities, the
9 language access that will be provided, including doc-
10 umentation of providing access to ongoing opportu-
11 nities for direct language learning access to peers,
12 early intervention service providers, and other pro-
13 fessional personnel in American Sign Language and,
14 if appropriate, spoken language with or without vis-
15 ual supports, and the support and instruction that
16 will be provided to families to learn and support the
17 child’s language acquisition and development;”.

1 **Subtitle C—National Activities To**
2 **Improve Education of Children**
3 **With Disabilities**

4 **SEC. 121. PERSONNEL DEVELOPMENT TO IMPROVE SERV-**
5 **ICES AND RESULTS FOR CHILDREN WITH DIS-**
6 **ABILITIES.**

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

10 “(E) Preparing personnel to be qualified
11 educational interpreters, as licensed by the ap-
12 propriate licensing body, to assist (but not
13 teach language to) children with low incidence
14 disabilities, particularly deaf, hard of hearing,
15 and deafdisabled children, in school and school-
16 related activities, and deaf, hard of hearing,
17 and deafdisabled infants, toddlers, and pre-
18 school children in early intervention and pre-
19 school programs, except that this subparagraph
20 shall not be construed to authorize the replace-
21 ment of the essential service of an interpreter
22 by other personnel (including replacement by a
23 communication facilitator).”

1 (b) ENSURING SUFFICIENT TEACHERS OF THE DEAF
2 AND EARLY INTERVENTION SPECIALISTS.—Section
3 662(c)(2) (20 U.S.C. 1462(c)(2)) is amended—

4 (1) by redesignating subparagraphs (F) and
5 (G) as subparagraphs (G) and (H), respectively; and
6 (2) by inserting after subparagraph (E) the fol-
7 lowing:

8 “(F) Preparing personnel to be qualified
9 teachers of the deaf and early intervention spe-
10 cialists, to assist children with low incidence
11 disabilities, particularly deaf, hard of hearing,
12 and deafdisabled children, to develop age appro-
13 priate language, including American Sign Lan-
14 guage and, if appropriate, spoken language with
15 or without visual supports, and age appropriate
16 literacy skills in school and school-related activi-
17 ties, and deaf, hard of hearing, and
18 deafdisabled infants and toddlers and preschool
19 children in early intervention and preschool pro-
20 grams.”.

1 **TITLE II—IMPROVING THE EF-**
2 **FECTIVENESS OF SPECIAL**
3 **EDUCATION AND RELATED**
4 **SERVICES FOR CHILDREN**
5 **AND YOUTH WHO ARE BLIND**
6 **OR VISUALLY IMPAIRED**

7 **Subtitle A—General Provisions**

8 **SEC. 201. IDENTIFYING CHILDREN AND YOUTH WHO ARE**
9 **BLIND OR VISUALLY IMPAIRED.**

10 (a) SERVING ALL CHILDREN WHO ARE BLIND OR
11 VISUALLY IMPAIRED REGARDLESS OF CLASSIFICATION.—
12 Section 612(a)(3) (20 U.S.C. 1412(a)(3)), as amended by
13 section 101(a) of this Act, is further amended at the end
14 by adding the following:

15 “(D) SERVING CHILDREN WHO ARE BLIND
16 OR VISUALLY IMPAIRED.—When a State classi-
17 fies children by disability, the State, in com-
18 plying with this subsection—

19 “(i) identifies, locates and evaluates
20 children who are blind or visually impaired
21 who are, or may be, classified in a dis-
22 ability category other than blindness or vis-
23 ual impairment; and

24 “(ii) provides (without prejudice to
25 such classification) special education and

1 related services to such children, including
2 the specific services determined appro-
3 priate based on proper evaluation as would
4 be provided to children classified in the
5 State as having blindness.”.

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

10 “(f) ACCOUNTING FOR CHILDREN WHO ARE BLIND
11 OR VISUALLY IMPAIRED.—In addition to the other data
12 collection and reporting requirements of this section and
13 subject to such provisions, the State and the Secretary of
14 the Interior shall, with respect to children classified in a
15 disability category other than blindness, include the num-
16 ber and percentage of such children in each disability cat-
17 egory who are also blind or visually impaired.”.

18 (c) CHILD WITH A DISABILITY.—Section
19 602(3)(A)(i) (20 U.S.C. 1401(3)(A)(i)), as amended by
20 section 101(c) of this Act, is further amended by inserting
21 “or low vision” after “blindness”.

22 **SEC. 202. STATE PLANS.**

23 Section 612 (20 U.S.C. 1412), as amended by section
24 102 of this Act, is further amended at the end by adding
25 the following:

1 “(h) ADDENDUM CONCERNING CHILDREN WHO ARE
2 BLIND OR VISUALLY IMPAIRED.—

3 “(1) IN GENERAL.—Notwithstanding the provi-
4 sions of subsection (c), a State shall not be deter-
5 mined to be in compliance with this section unless,
6 not later than 2 years after the date of the enact-
7 ment of the Alice Cogswell and Anne Sullivan Macy
8 Act, the State files with the Secretary a written ad-
9 dendum to the plan required by this section describ-
10 ing how the State ensures that—

11 “(A) children who are blind or visually im-
12 paired (regardless of the State’s use of dis-
13 ability categories or the extent to which children
14 with blindness or visual impairment may be
15 classified in disability categories other than
16 blindness) are evaluated for such children’s
17 need for instruction and services meeting their
18 unique academic and related learning needs, in-
19 cluding instruction which may be needed by
20 children without disabilities or with other dis-
21 abilities but which must be specifically de-
22 signed, modified, or delivered to meet the
23 unique academic and related learning needs of
24 children with blindness or visual impairment;

1 “(B) there is sufficient availability of per-
2 sonnel within the State qualified to provide the
3 instruction described in subparagraph (A) to all
4 children within the State requiring such in-
5 struction; and

6 “(C) all children who are blind or visually
7 impaired within the State who need special edu-
8 cation and related services, whether or not such
9 children have other disabilities, receive such in-
10 struction and are not being served solely in ac-
11 cordance with section 504 of the Rehabilitation
12 Act of 1973 (29 U.S.C. 794).

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

15 “(A) specifically address how the State
16 meets the needs of children who are blind or
17 visually impaired for instruction in Braille, pro-
18 ficient use of assistive technologies (both at
19 home and in school and including low vision de-
20 vices as determined appropriate), orientation
21 and mobility (provided and exercised in a vari-
22 ety of environments including at home, in
23 school, and in community), self-determination,
24 sensory efficiency, socialization, recreation and

1 fitness, independent living skills, and age-appro-
2 priate career education;

3 “(B) describe how the State will ensure the
4 proper administration of widely recognized and
5 research-based evaluations (including Learning
6 Media Assessments, Functional Vision Evalua-
7 tions, and other similarly well-established eval-
8 uation methodologies and tools) that are admin-
9 istered by the highest qualified personnel in the
10 State specializing in blindness or visual impair-
11 ment; and

12 “(C) consult with individuals and organiza-
13 tions with expertise in the education of children
14 who are blind or visually impaired, including
15 parents, consumer and advocacy organizations,
16 and teachers of students with visual impair-
17 ments and others the State may identify.”.

18 **SEC. 203. EVALUATIONS.**

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

22 “(8) BLINDNESS OR VISUAL IMPAIRMENT.—

23 “(A) IN GENERAL.—In conducting the as-
24 sessments prescribed in paragraph (3)(B), de-
25 termination of the need of children who are

1 blind or visually impaired (including children
2 who may have additional disabilities) for special
3 education and related services shall include
4 evaluation of such children's unique learning
5 needs, including needs for instruction which
6 may be needed by children without disabilities
7 or with other disabilities but which must be spe-
8 cifically designed, modified, or delivered to meet
9 the unique learning needs of children who are
10 blind or visually impaired. Such assessments
11 shall also include widely recognized and re-
12 search-based evaluations (including Learning
13 Media Assessments, Functional Vision Evalua-
14 tions, and other similarly well-established eval-
15 uation methodologies and tools) administered by
16 the highest qualified personnel in the State spe-
17 cializing in blindness or visual impairment.

18 “(B) CONTENT OF EVALUATIONS.—The
19 evaluations described in subparagraph (A) shall,
20 at a minimum, include evaluations assessing the
21 need for instruction in Braille, proficient use of
22 assistive technologies (both at home and in
23 school and which includes low vision devices as
24 determined appropriate), orientation and mobil-
25 ity (provided and exercised in a variety of envi-

1 ronments including at home, in school, and in
2 community), self-determination, sensory effi-
3 ciency, socialization, recreation and fitness,
4 independent living skills, and age-appropriate
5 career education.”.

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

7 Section 614(d)(3)(B)(iii) (20 U.S.C.
8 1414(d)(3)(B)(iii)) is amended to read as follows:

9 “(iii) in the case of a child who is
10 blind or visually impaired—

11 “(I) provide for instruction in
12 Braille and the use of Braille unless—

13 “(aa) the IEP Team deter-
14 mines (after a properly adminis-
15 tered Learning Media Assess-
16 ment, Functional Vision Evalua-
17 tion, and any additional assess-
18 ment administered or overseen by
19 a teacher of students with visual
20 impairments, including an assess-
21 ment of the child’s future needs
22 for instruction in Braille or the
23 use of Braille) that instruction in
24 Braille or the use of Braille is
25 not appropriate for the child; and

1 “(bb) the parent has given
2 specific written informed parental
3 consent; and

4 “(II) provide instruction meeting
5 the child’s unique learning needs, in-
6 cluding instruction which may be
7 needed by students without disabilities
8 or with other disabilities but which
9 must be specifically designed, modi-
10 fied, or delivered to meet the unique
11 learning needs of children who are
12 blind or visually impaired, which in-
13 struction includes proficient use of as-
14 sistive technologies (both at home and
15 in school and which includes low vi-
16 sion devices as determined appro-
17 priate), orientation and mobility (pro-
18 vided and exercised in a variety of en-
19 vironments including at home, in
20 school, and in community), self-deter-
21 mination, sensory efficiency, socializa-
22 tion, recreation and fitness, inde-
23 pendent living skills, and age appro-
24 priate career education;”.

1 **SEC. 205. TECHNICAL ASSISTANCE FOR PARENTS AND EDU-**
2 **CATORS OF CHILDREN AND YOUTH WHO ARE**
3 **BLIND OR VISUALLY IMPAIRED.**

4 Section 616 (20 U.S.C. 1416), as amended by section
5 108 of this Act, is further amended by adding at the end
6 the following:

7 “(k) MAINTAINING CURRENT POLICY GUIDANCE FOR
8 PARENTS AND EDUCATORS OF CHILDREN WHO ARE
9 BLIND OR VISUALLY IMPAIRED.—The Secretary shall en-
10 sure that not later than 1 year after the date of the enact-
11 ment of the Alice Cogswell and Anne Sullivan Macy Act
12 (and periodically thereafter but not less than once every
13 5 years), policy guidance concerning the provision of spe-
14 cial education and related services to children who are
15 blind or visually impaired (published at 65 Fed. Reg.
16 36586 (June 8, 2000)) is reviewed and updated (with par-
17 ticular attention to explanation of relevant amendments
18 to the Alice Cogswell and Anne Sullivan Macy Act or to
19 its implementing regulations) and is published in the Fed-
20 eral Register.”.

21 **SEC. 206. RELATED SERVICES.**

22 Section 602(26)(A) (20 U.S.C. 1401(26)(A)) is
23 amended by inserting “vision rehabilitation therapy,”
24 after “rehabilitation counseling,”.

1 **SEC. 207. PERSONNEL DEVELOPMENT TO IMPROVE SERV-**
2 **ICES AND RESULTS FOR CHILDREN WITH**
3 **BLINDNESS OR VISUAL IMPAIRMENT.**

4 Section 662(c)(2)(D) (20 U.S.C. 1462(c)(2)(D)) is
5 amended to read as follows:

6 “(D) Preparing personnel to provide the
7 complete array of specialized instruction and
8 services appropriate to children who are blind
9 or visually impaired (including children with oc-
10 ular or brain-based visual impairment), includ-
11 ing instruction in Braille, proficient use of as-
12 sistive technologies (both at home and in school
13 and which includes low vision devices as deter-
14 mined appropriate), orientation and mobility
15 (provided and exercised in a variety of environ-
16 ments including at home, in school, and in com-
17 munity), self-determination, sensory efficiency,
18 socialization, recreation and fitness, inde-
19 pendent living skills, and age-appropriate career
20 education to fully serve and support such chil-
21 dren and their families and to improve early
22 intervention, educational and transitional re-
23 sults.”.

1 **SEC. 208. CLARIFYING ELIGIBLE USERS OF ACCESSIBLE IN-**
2 **STRUCTIONAL MATERIALS.**

3 Section 674(e)(3)(A) (20 U.S.C. 1474(e)(3)(A)) is
4 amended to read as follows:

5 “(A) BLIND OR OTHER PERSONS WITH
6 PRINT DISABILITIES.—The term ‘blind or other
7 persons with print disabilities’ means children
8 served under this Act, or children served by ele-
9 mentary schools and secondary schools pursu-
10 ant to section 504 of the Rehabilitation Act of
11 1973 (as amended) (29 U.S.C. 794) and its im-
12 plementing regulations, and who may qualify in
13 accordance with the Act entitled ‘An Act to pro-
14 vide books for the adult blind’, approved March
15 3, 1931 (2 U.S.C. 135a; 46 Stat. 1487), to re-
16 ceive books and other publications produced in
17 specialized formats.”.

18 **Subtitle B—Specialized Early**
19 **Childhood Intervention Services**
20 **to Infants and Toddlers Who**
21 **Are Blind or Visually Impaired**

22 **SEC. 209. CONTENT OF PLAN.**

23 Section 636(d)(9) (20 U.S.C. 1436(d)), as amended
24 by section 113 of this Act, is further amended by adding
25 at the end the following:

1 “(B) in the case of an infant or toddler who is
2 blind or visually impaired, a statement of the ongoing
3 developmental and educational assessment that
4 will be provided to the child, early intervention service
5 providers specializing in blindness or visual impairment
6 (including ocular or brain-based visual impairment),
7 instruction in Braille (inclusive of a range of instructional
8 strategies, including pre-literacy tactual exposure to Braille
9 code reading and writing), orientation and mobility (provided
10 and exercised in a variety of environments both within and
11 outside the home), socialization, sensory efficiency,
12 exposure to assistive technologies (including low vision
13 devices as determined appropriate), self-determination,
14 recreation and fitness, and age-appropriate transitional
15 services, and the support and instruction that will be provided
16 to families to learn and support the child’s acquisition,
17 retention and age-appropriate mastery of the instruction and
18 services provided to such child; and”.

1 **Subtitle C—Anne Sullivan Macy**
2 **Center on Visual Disability and**
3 **Educational Excellence**

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

5 (a) ESTABLISHMENT.—There is established within
6 the Department of Education a national program named
7 the Anne Sullivan Macy Center on Visual Disability and
8 Educational Excellence, which shall carry out the activities
9 described in section 213 in furtherance of the mission de-
10 scribed in subsection (b).

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

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

22 (2) support for the establishment of programs
23 within institutions of higher education to prepare
24 teachers of children who are blind or visually im-

1 paired to serve children who are blind or visually im-
2 paired who also have additional disabilities;

3 (3) model local, regional, and national enrich-
4 ment projects open to children who are blind or vis-
5 ually impaired intended to supplement State and
6 local educational agency provision of specialized in-
7 struction and services meeting such children's
8 unique learning needs; and

9 (4) research identifying, developing, and evalu-
10 ating valid assessments and effective interventions
11 measuring and addressing the unique needs of chil-
12 dren who are blind or visually impaired, including
13 need for instruction and services—

14 (A) which may be needed by children with-
15 out disabilities or with other disabilities but
16 which must be specifically designed, modified,
17 or delivered to meet the unique learning needs
18 of children who are blind or visually impaired;
19 and

20 (B) which, at a minimum, shall include in-
21 struction in Braille, proficient use of assistive
22 technologies (both at home and in school and
23 which includes low vision devices as determined
24 appropriate), orientation and mobility (provided
25 and exercised in a variety of environments in-

1 cluding at home, in school, and in community),
2 self-determination, sensory efficiency, socializa-
3 tion, recreation and fitness, independent living
4 skills, and age-appropriate career education.

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

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

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

18 (1) not less than 1 nonprofit professional mem-
19 bership association which both operates a program
20 for accreditation of institutions of higher education
21 preparing teachers of children who are blind or vis-
22 ually impaired or orientation and mobility specialists
23 and which maintains a continuing education pro-
24 gram supporting the ongoing professional develop-
25 ment of such personnel;

1 (2) not less than 1 national nonprofit organiza-
2 tion, which may include a manufacturer of products
3 or publisher of materials or a special school or cen-
4 ter with demonstrated experience directly serving
5 children who are blind or visually impaired (includ-
6 ing students who may or may not have additional
7 disabilities);

8 (3) not less than 1 institution of higher edu-
9 cation that—

10 (A) has consistently maintained for not
11 less than 10 years a program of instruction pre-
12 paring teachers of children who are blind or vis-
13 ually impaired or orientation and mobility spe-
14 cialists; and

15 (B) offers a program of doctoral study in
16 special education; and

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

20 (c) GOVERNANCE.—

21 (1) IN GENERAL.—As part of the Secretary's
22 oversight responsibilities, the Secretary shall appoint
23 an advisory board (of no more than 12 individual
24 members who do not have a concurrent contractual,
25 fiscal, fiduciary, or employment relationship with

1 any of the entities comprising the consortium de-
2 scribed in subsection (b)) which shall advise the Sec-
3 retary and such consortium of entities with respect
4 to strategic planning and annual program perform-
5 ance.

6 (2) COMPOSITION.—The advisory board shall be
7 comprised of individuals with personal or profes-
8 sional experience with the needs of children who are
9 blind or visually impaired, and shall include parents
10 of children who are blind or visually impaired (in-
11 cluding children with additional disabilities), admin-
12 istrators of special education programs (including
13 State and local educational agency program adminis-
14 trators), and representatives of national, regional, or
15 community-based organizations of individuals who
16 are blind or visually impaired and the professionals
17 who serve them.

18 (3) COMPENSATION.—The Secretary may com-
19 pensate the members of the advisory board for rea-
20 sonable expenses incurred for travel related to in-
21 person meetings of the advisory board, which shall
22 occur no more frequently than 3 times within a cal-
23 endar year.

1 (4) FACA.—The provisions of the Federal Ad-
2 visory Committee Act shall not apply to meetings or
3 other activities of the advisory board.

4 (5) CONSULTATION PRIOR TO APPOINTMENT.—
5 Prior to the appointment of any individual to the ad-
6 visory board, the Secretary shall consult with such
7 consortium of entities, which may also nominate in-
8 dividuals to the Secretary for advisory board mem-
9 bership.

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

19 **SEC. 213. ACTIVITIES.**

20 Subject to the provisions of this subtitle, the Anne
21 Sullivan Macy Center on Visual Disability and Edu-
22 cational Excellence shall—

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

1 (2) conduct or fund in-person and online con-
2 tinuing education opportunities for teachers of chil-
3 dren who are blind or visually impaired and related
4 services personnel specifically trained to meet the
5 unique learning needs of such students, and prepare,
6 publish or otherwise disseminate supporting mate-
7 rials;

8 (3) conduct or fund in-person or online enrich-
9 ment projects for children who are blind or visually
10 impaired (including those who may also have addi-
11 tional disabilities) to offer direct instruction and
12 services intended to improve the capacity of such
13 students to learn effectively and live both produc-
14 tively and independently for the purpose of—

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

18 (B) evaluating, through appropriate quan-
19 titative and qualitative methods, the effective-
20 ness of instruction and services offered by such
21 projects;

22 (4) fund the establishment or maintenance of
23 programs within institutions of higher education pre-
24 paring teachers of children who are blind or visually
25 impaired and related services personnel to better

1 equip such personnel both to provide expert instruc-
2 tion and services to infants and toddlers with blind-
3 ness or visual impairment and their families and to
4 provide specialized instruction and services to chil-
5 dren with blindness and visual impairment who may
6 have additional disabilities; and

7 (5) enter into cooperative agreements, con-
8 tracts, grants (or other arrangements which may be
9 permitted by the Secretary) with nonprofit organiza-
10 tions possessing demonstrable expertise and experi-
11 ence serving children who are blind or visually im-
12 paired or the professionals trained to work with such
13 students, institutions of higher education, State and
14 local educational agencies, public and private special-
15 ized schools serving students with visual disabilities,
16 and consortia of such entities, for the purpose of
17 carrying out activities authorized in this section that
18 are not otherwise directly conducted, in whole or in
19 part, by the Anne Sullivan Macy Center on Visual
20 Disability and Educational Excellence.

21 **SEC. 214. AUTHORIZATION OF APPROPRIATIONS AND CAR-**
22 **RYOVER.**

23 (a) AUTHORIZATION OF APPROPRIATIONS.—To carry
24 out the provisions of this subtitle, there are authorized to
25 be appropriated such sums as may be necessary, except

1 that appropriations made during any fiscal year shall be
2 maintained at the funding level appropriated in such fiscal
3 year or increased over such funding level for a period of
4 not less than 4 subsequent fiscal years.

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

11 **SEC. 215. RELATIONSHIP TO OTHER PROGRAMS AND AC-**
12 **TIVITIES.**

13 (a) COORDINATION OF RESEARCH.—The Secretary
14 shall ensure that research activities authorized and carried
15 out pursuant to this subtitle are conducted or funded in
16 coordination 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 (b) 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 to Promote the Education of the Blind (20 U.S.C.
25 101 et seq.) and no funds made available pursuant to this

1 subtitle shall be used by any State or local educational
2 agency to supplant the use of funds appropriated under
3 such Act.

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

23 (d) WORK PRODUCT.—All matter produced by the
24 Anne Sullivan Macy Center on Visual Disability and Edu-
25 cational Excellence shall be the property of the United

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

7 **TITLE III—IMPROVING THE EF-**
8 **FECTIVENESS OF SPECIAL**
9 **EDUCATION AND RELATED**
10 **SERVICES FOR CHILDREN**
11 **AND YOUTH WHO ARE**
12 **DEAFBLIND**

13 **Subtitle A—General Provisions**

14 **SEC. 301. IDENTIFYING CHILDREN AND YOUTH WHO ARE**
15 **DEAFBLIND.**

16 (a) SERVING ALL CHILDREN WHO ARE DEAFBLIND
17 REGARDLESS OF CLASSIFICATION.—Section 612(a)(3)
18 (20 U.S.C. 1412(a)(3)), as amended by sections 101(a)
19 and 201(a) of this Act, is further amended by adding at
20 the end the following:

21 “(E) SERVING CHILDREN WHO ARE
22 DEAFBLIND.—When a State classifies children
23 by disability, the State, in complying with sub-
24 section (a)—

1 “(i) identifies, locates and evaluates
2 children with concomitant vision and hear-
3 ing losses who are, or may be, classified in
4 a disability category other than
5 deafblindness; and

6 “(ii) provides (without prejudice to
7 such classification) special education and
8 related services to such children, including
9 the specific services determined appro-
10 priate based on proper evaluation as would
11 be provided to children classified in the
12 State as having deafblindness.”.

13 (b) DATA COLLECTION AND REPORTING.—Section
14 618 (20 U.S.C. 1418), as amended by sections 101(b) and
15 201(b) of this Act, is further amended by adding at the
16 end the following:

17 “(g) ACCOUNTING FOR CHILDREN WHO ARE
18 DEAFBLIND.—In addition to the other data collection and
19 reporting requirements of this section and subject to such
20 provisions, the State and the Secretary of the Interior
21 shall, with respect to children classified in a disability cat-
22 egory other than deafblindness, include the number and
23 percentage of such children in each disability category who
24 are also deafblind.”.

1 (c) CHILD WITH A DISABILITY.—Section
2 602(3)(A)(i) (20 U.S.C. 1401(3)(A)(i)), as amended by
3 sections 101(c) and 201(c) of this Act, is further amended
4 by inserting “deafblindness,” before “serious”.

5 **SEC. 302. RELATED SERVICES.**

6 Section 602(26)(A) (20 U.S.C. 1401(26)(A)), as
7 amended by section 206 of this Act, is further amended
8 by inserting “, and intervener services, which are provided
9 to children who are deafblind by a qualified intervener”
10 after “for diagnostic and evaluation purposes only”.

11 **SEC. 303. STATE PLANS.**

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

15 “(i) ADDENDUM CONCERNING CHILDREN WHO ARE
16 DEAFBLIND.—

17 “(1) IN GENERAL.—Notwithstanding the provi-
18 sions of subsection (c), a State shall not be deter-
19 mined to be in compliance with this section unless,
20 not later than 2 years after the date of the enact-
21 ment of the Alice Cogswell and Anne Sullivan Macy
22 Act, the State files with the Secretary a written ad-
23 dendum to the plan required by this section describ-
24 ing how the State ensures that—

1 “(A) children who are deafblind (regardless
2 of the State’s use of disability categories or the
3 extent to which children with deafblindness may
4 be classified in disability categories other than
5 deafblindness) are evaluated by qualified profes-
6 sionals, including teachers of the deafblind,
7 using valid and reliable assessments, for such
8 children’s need for instruction and services that
9 meet their unique language and communication,
10 literacy, academic, social and related learning
11 needs, including instruction which may be need-
12 ed by children without disabilities or with other
13 disabilities but which must be specifically de-
14 signed, modified, or delivered to meet the
15 unique language and communication, academic,
16 and related learning needs of children who are
17 deafblind;

18 “(B) there is sufficient availability of per-
19 sonnel, including teachers of the deafblind and
20 interveners, within the State qualified to pro-
21 vide the evaluation, instruction, and services de-
22 scribed in subparagraph (A) to all children
23 within the State requiring such instruction; and

24 “(C) all children who are deafblind within
25 the State who need special education and re-

1 lated services, whether or not such children
2 have other disabilities, receive such instruction
3 and are not being served solely in accordance
4 with section 504 of the Rehabilitation Act of
5 1973 (29 U.S.C. 794).

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

8 “(A) specifically address how the State
9 meets the needs of children who are deafblind
10 to support ongoing progress in language devel-
11 opment and in the child’s preferred mode of
12 communication, and including the provision of
13 school-related opportunities for direct commu-
14 nications with peers and professional personnel
15 in the child’s preferred mode of communication
16 and opportunities for direct instruction in (but
17 not limited to) concept development, functional
18 skills for academic success, self-determination
19 and advocacy, social-emotional skills, visual and
20 auditory sensory efficiency skills, orientation
21 and mobility, assistive technology proficiency,
22 independent living skills, age-appropriate career
23 education, and support for the student through
24 family education; and

1 “(B) consult with individuals and organiza-
2 tions with expertise in the education of children
3 who are deafblind, including parents, con-
4 sumers, advocacy organizations, national and
5 State organizations focused on deafblindness,
6 and others the State may identify.”.

7 **SEC. 304. EVALUATIONS.**

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

11 “(9) CHILDREN WHO ARE DEAFBLIND.—

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

1 The requirements included in paragraphs
2 (7)(A) and (8)(A) shall also apply to children
3 who are deafblind.

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

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

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

18 (1) in clause (iv), by striking “and” at the end;

19 (2) by redesignating clause (v) as clause (vi);

20 and

21 (3) by inserting after clause (iv) the following:

22 “(v) in the case of a child who is
23 deafblind, provide for the child’s language
24 and communication needs, including tactile
25 sign language, tactile and visual adapta-

1 tions to sign and fingerspelling, and object
2 and tangible symbol systems. The require-
3 ments included in clauses (iii) and (iv)
4 shall also apply to children who are
5 deafblind; and”.

6 **SEC. 306. TECHNICAL ASSISTANCE FOR PARENTS AND EDU-**
7 **CATORS OF CHILDREN AND YOUTH WHO ARE**
8 **DEAFBLIND.**

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

12 “(l) DEVELOPING POLICY GUIDANCE FOR PARENTS
13 AND EDUCATORS OF CHILDREN WHO ARE DEAFBLIND.—
14 The Secretary shall ensure that not later than 1 year after
15 the date of the enactment of the Alice Cogswell and Anne
16 Sullivan Macy Act, policy guidance concerning the provi-
17 sion of special education and related services to children
18 who are deafblind is developed (and periodically thereafter
19 but not less than once every 5 years, updated) with par-
20 ticular attention to explanation of relevant amendments
21 to this Act or to its implementing regulations and is pub-
22 lished in the Federal Register.”.

23 **SEC. 307. CONFORMING REGULATIONS.**

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

1 “(f) Not later than 1 year after the date of the enact-
2 ment of the Alice Cogswell and Anne Sullivan Macy Act,
3 the Secretary shall, after notice and comment, publish reg-
4 ulations that provide definitions for ‘deafblindness’ and
5 ‘intervener services’.”.

6 **Subtitle B—Improving the Effec-**
7 **tiveness of Early Intervention**
8 **for Infants and Toddlers Who**
9 **Are Deafblind and Their Fami-**
10 **lies**

11 **SEC. 311. CONTENT OF PLAN.**

12 Section 636(d)(9) (20 U.S.C. 1436(d)), as amended
13 by sections 113 and 209 of this Act, is further amended
14 by adding at the end the following:

15 “(C) in the case of an infant or toddler who is
16 deafblind, a statement of the ongoing language and
17 communication assessment that will be provided to
18 the child, language and communication development
19 goals commensurate with the child’s cognitive abili-
20 ties, the language and communication access that
21 will be provided, including ongoing opportunities for
22 direct language learning and communication access
23 to peers, early intervention service providers, and
24 other professional personnel trained in the child’s
25 preferred mode of communication, and the support

1 and instruction that will be provided to families to
2 learn and support the child’s language and commu-
3 nication mode and the child’s full range of needs.”.

4 **Subtitle C—National Activities To**
5 **Improve the Education of Chil-**
6 **dren With Disabilities**

7 **SEC. 321. PERSONNEL DEVELOPMENT TO IMPROVE SERV-**
8 **ICES AND RESULTS FOR CHILDREN WITH DIS-**
9 **ABILITIES; ENSURING SUFFICIENT TEACH-**
10 **ERS OF CHILDREN WHO ARE DEAFBLIND,**
11 **INTERVENERS, AND EARLY INTERVENTION**
12 **SPECIALISTS.**

13 Section 662(c)(2) (20 U.S.C. 1462(c)(2)), as amend-
14 ed by section 121(b) of this Act, is further amended—

15 (1) by redesignating subparagraphs (G) and
16 (H) (as redesignated by section 121(b)(1) of this
17 Act) as subparagraphs (I) and (J), respectively; and

18 (2) by inserting after subparagraph (F) (as in-
19 serted by section 121(b)(2) of this Act) the fol-
20 lowing:

21 “(G) Preparing personnel to be qualified
22 teachers of children who are deafblind and early
23 intervention specialists, to assist children who
24 are deafblind in schools and school-related ac-
25 tivities, as well as toddlers and preschool chil-

1 dren who are deafblind in early intervention
2 and preschool programs, to develop communica-
3 tion and literacy skills, to be able to access, or-
4 ganize and utilize information about the envi-
5 ronment, and to acquire concepts essential for
6 learning.

7 “(H) Preparing personnel to be qualified
8 interveners as individualized supports to assist
9 children who are deafblind in school and school-
10 related activities, and infants and toddlers and
11 preschool children who are deafblind in early
12 intervention and preschool programs.”.