

116TH CONGRESS
1ST SESSION

S. 2681

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

OCTOBER 23, 2019

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

A BILL

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

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

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

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

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

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

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

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

Subtitle A—General Provisions

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

**Subtitle B—Improving the Effectiveness of Early Intervention for Deaf or
 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. Relationship to other programs and activities.
- Sec. 215. Definitions.
- Sec. 216. Authorization of appropriations and carryover.

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:

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

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

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

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

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

1 **SEC. 3. FINDINGS.**

2 The Congress finds the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 **Subtitle A—General Provisions**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 **SEC. 103. EVALUATIONS.**

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

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

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

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

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

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

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

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

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

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

5 and

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

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

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

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

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

14 “(iv) consider the communication
 15 needs of the child, and in the case of a
 16 child who is deaf or hard of hearing, pro-
 17 vide for—

18 “(I) the child’s language and
 19 communication needs, opportunities
 20 for direct communications, without an
 21 intermediary such as an interpreter,
 22 with peers and professional personnel
 23 in the child’s primary language and
 24 communication mode, including Amer-
 25 ican Sign Language and spoken lan-

1 guage with or without visual supports,
2 academic level, and full range of
3 needs, including opportunities for di-
4 rect instruction in the child's lan-
5 guage; and

6 “(II) instruction meeting the
7 child's unique learning needs, includ-
8 ing services and settings to assist the
9 child in developing or maintaining age
10 appropriate language and communica-
11 tion levels in the student's primary
12 language and communication mode,
13 including American Sign Language
14 and spoken language with or without
15 visual supports, literacy instruction,
16 and instruction which may be needed
17 by students without disabilities or
18 with other disabilities but which must
19 be specifically designed, modified, or
20 delivered to meet the unique learning
21 needs of students who are deaf or
22 hard of hearing. Such instruction in-
23 cludes assistive technology proficiency,
24 self sufficiency and interaction, self-
25 determination, socialization, inde-

1 pendent living skills, and age appro-
2 priate career education;”.

3 **SEC. 106. MONITORING.**

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

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

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

14 (a) ENSURING CONTINUUM AVAILABILITY.—Section
15 612(a)(5) (20 U.S.C. 1412(a)(5)) is amended by adding
16 at the end the following:

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

1 vision for supplementary services (such as re-
 2 source room or itinerant instruction) to be pro-
 3 vided in conjunction with regular class place-
 4 ment.”.

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

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

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

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

23 “(j) MAINTAINING CURRENT DEAF STUDENTS EDU-
 24 CATION SERVICE POLICY GUIDANCE.—The Secretary
 25 shall ensure that not later than one year after the date

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

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

16 **SEC. 111. QUALIFIED PERSONNEL.**

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

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

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

21 and

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

23 “(xiii) teachers of infants and toddlers
24 with sensory disabilities;”.

1 **SEC. 112. NATURAL ENVIRONMENT.**

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

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

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

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

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

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

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

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

1 “(A) in the case of an infant or toddler
2 who is deaf or hard of hearing, a statement of
3 the ongoing language and communication as-
4 sessment that will be provided to the child, lan-
5 guage and communication development goals
6 commensurate with the child’s cognitive abili-
7 ties, the language and communication access
8 that will be provided, including ongoing oppor-
9 tunities for direct language learning and com-
10 munication access to peers, early intervention
11 service providers, and other professional per-
12 sonnel in the child’s language, including Amer-
13 ican Sign Language and spoken English with or
14 without visual supports, and the support and
15 instruction that will be provided to families to
16 learn and support the child’s language and
17 communication mode; and”.

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 children with
 13 low incidence disabilities, particularly deaf and
 14 hard of hearing children, in school and school
 15 related activities, and deaf and hard of hearing
 16 infants and toddlers and preschool children in
 17 early intervention and preschool programs.”.

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

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

24 (2) by inserting after subparagraph (E) the fol-
 25 lowing:

1 “(F) Preparing personnel to be qualified
2 teachers of the deaf and early intervention spe-
3 cialists, to assist—

4 “(i) children with low incidence dis-
5 abilities, particularly deaf and hard of
6 hearing children, to develop age appro-
7 priate language, including American Sign
8 Language and spoken English with or
9 without visual supports, and age appro-
10 priate literacy skills in school and school
11 related activities; and

12 “(ii) deaf and hard of hearing infants
13 and toddlers and preschool children in
14 early intervention and preschool pro-
15 grams.”.

16 **TITLE II—IMPROVING THE EF-**
17 **ECTIVENESS OF SPECIAL**
18 **EDUCATION AND RELATED**
19 **SERVICES FOR STUDENTS**
20 **WITH VISUAL DISABILITIES**
21 **Subtitle A—General Provisions**

22 **SEC. 201. IDENTIFYING STUDENTS WITH VISUAL DISABIL-**
23 **ITIES.**

24 (a) SERVING ALL CHILDREN WITH VISUAL DISABIL-
25 ITIES REGARDLESS OF CLASSIFICATION.—Section

1 612(a)(3) (20 U.S.C. 1412(a)(3)), as amended by section
2 101 of this Act, is further amended at the end by adding
3 the following:

4 “(D) SERVING CHILDREN WITH VISUAL
5 DISABILITIES.—When a State classifies children
6 by disability, the State, in complying with this
7 subsection, identifies, locates, and evaluates
8 children with visual disabilities who are, or may
9 be, classified in a disability category other than
10 blindness and provides (without prejudice to
11 such classification) special education and re-
12 lated services to such children, including such
13 services determined appropriate based on prop-
14 er evaluation as would be provided to children
15 classified in the State as having blindness.”.

16 (b) DATA COLLECTION AND REPORTING.—Section
17 618 (20 U.S.C. 1418), as amended by section 101 of this
18 Act, is further amended by adding at the end the fol-
19 lowing:

20 “(f) ACCOUNTING FOR VISUAL DISABILITIES.—In
21 addition to the data collection and reporting requirements
22 of subsections (a) through (d) and subject to such provi-
23 sions, the State and the Secretary of the Interior shall,
24 with respect to children classified in a disability category
25 other than blindness, include the number and percentage

1 of such children in each disability category who are also
2 blind or otherwise have visual disabilities.”.

3 **SEC. 202. STATE PLANS.**

4 Section 612 (20 U.S.C. 1412), as amended by section
5 102 of this Act, is further amended at the end by adding
6 the following:

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

9 “(1) IN GENERAL.—Notwithstanding the provi-
10 sions of subsection (c), a State shall not be consid-
11 ered in compliance with this section unless, not later
12 than 2 years after the date of the enactment of the
13 Alice Cogswell and Anne Sullivan Macy Act, the
14 State files with the Secretary a written addendum to
15 the plan required by this section describing how the
16 State ensures that—

17 “(A) children with visual disabilities (re-
18 gardless of the State’s use of disability cat-
19 egories or the extent to which children with vis-
20 ual disabilities may be classified in disability
21 categories other than blindness) are evaluated
22 for such children’s need for instruction and
23 services meeting their unique academic and re-
24 lated learning needs, including instruction
25 which may be needed by children without dis-

1 abilities or with other disabilities but which
2 must be specifically designed, modified, or deliv-
3 ered to meet the unique academic and related
4 learning needs of children with visual disabil-
5 ities;

6 “(B) there is sufficient availability of per-
7 sonnel within the State qualified to provide the
8 instruction described in subparagraph (A) to all
9 children within the State requiring such in-
10 struction; and

11 “(C) all children with visual disabilities
12 within the State who need special education and
13 related services, whether or not such children
14 have other disabilities, receive such instruction
15 and are not being served solely in accordance
16 with section 504 of the Rehabilitation Act of
17 1973 (29 U.S.C. 794).

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

20 “(A) specifically address how the State
21 meets the needs of students with visual disabil-
22 ities for instruction in communication and pro-
23 ductivity (including Braille instruction and as-
24 sistive technology proficiency), self sufficiency
25 and interaction (including orientation and mo-

1 bility, self-determination, sensory efficiency, so-
 2 cialization, recreation and fitness, and inde-
 3 pendent living skills), and age appropriate ca-
 4 reer education;

5 “(B) describe both the methods to be used
 6 within the State to properly evaluate students’
 7 need for low vision devices and the process by
 8 which such devices will be provided to each stu-
 9 dent for whom such devices are determined ap-
 10 propriate by the IEP Team; and

11 “(C) consult with individuals and organiza-
 12 tions with expertise in the education of children
 13 with visual disabilities, including parents, con-
 14 sumer and advocacy organizations, and teachers
 15 of students with visual impairments and others
 16 the State may identify.”.

17 **SEC. 203. EVALUATIONS.**

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

21 “(8) VISUAL DISABILITIES.—

22 “(A) IN GENERAL.—In conducting the as-
 23 sessments prescribed in paragraph (3)(B), de-
 24 termination of the need of children with visual
 25 disabilities (including children who may have

1 additional disabilities) for special education and
 2 related services shall include evaluation of such
 3 children’s unique learning needs, including
 4 needs for instruction which may be needed by
 5 students without disabilities or with other dis-
 6 abilities but which must be specifically de-
 7 signed, modified, or delivered to meet the
 8 unique learning needs of students with visual
 9 disabilities.

10 “(B) CONTENT OF EVALUATIONS.—The
 11 evaluations described in subparagraph (A) shall,
 12 at a minimum, include evaluations assessing the
 13 need for instruction in assistive technology pro-
 14 ficiency (inclusive of low vision devices), self
 15 sufficiency and interaction (including orienta-
 16 tion and mobility, self-determination, sensory
 17 efficiency, socialization, recreation and fitness,
 18 and independent living skills), and age-appro-
 19 priate career education.”.

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

21 Section 614(d)(3)(B)(iii) (20 U.S.C.
 22 1414(d)(3)(B)(iii)) is amended by striking the semicolon
 23 and inserting the following: “and provide instruction meet-
 24 ing the child’s unique learning needs, including instruction
 25 that—

1 “(I) may be needed by students
2 without disabilities or with other dis-
3 abilities but which shall be specifically
4 designed, modified, or delivered to
5 meet the unique learning needs of stu-
6 dents with visual disabilities; and

7 “(II) includes assistive tech-
8 nology proficiency (inclusive of low vi-
9 sion devices), self sufficiency and
10 interaction (including orientation and
11 mobility, self-determination, sensory
12 efficiency, socialization, recreation and
13 fitness, and independent living skills),
14 and age appropriate career edu-
15 cation;”.

16 **SEC. 205. TECHNICAL ASSISTANCE FOR PARENTS AND EDU-**
17 **CATORS OF STUDENTS WITH VISUAL DISABIL-**
18 **ITIES.**

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

22 “(k) MAINTAINING CURRENT POLICY GUIDANCE FOR
23 PARENTS AND EDUCATORS OF STUDENTS WITH VISUAL
24 DISABILITIES.—The Secretary shall ensure that not later
25 than 1 year after the date of the enactment of the Alice

1 Cogswell and Anne Sullivan Macy Act (and periodically
2 thereafter but at least within 5-year intervals), policy
3 guidance concerning the provision of special education and
4 related services to students with visual disabilities (last
5 published in the Federal Register on June 8, 2000 (65
6 Fed. Reg. 36586)) is reviewed and updated (with par-
7 ticular attention to explanation of relevant amendments
8 made by the Alice Cogswell and Anne Sullivan Macy Act
9 or to its implementing regulations) and is published in the
10 Federal Register.”.

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

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

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

22 (b) MISSION.—The mission of the program estab-
23 lished in subsection (a) is to better support students with
24 visual disabilities receiving special education and related

1 services to learn effectively and live productively and inde-
2 pendently through—

3 (1) development and dissemination of curricula,
4 courses, materials, and methods supporting the con-
5 tinuing education of personnel qualified under State
6 law to serve as teachers of students with visual im-
7 pairments and related services personnel serving
8 such children;

9 (2) support for the establishment of new pro-
10 grams within institutions of higher education to pre-
11 pare teachers of students with visual impairments to
12 serve students with visual disabilities who also have
13 additional disabilities;

14 (3) modeling local, regional, and national en-
15 richment projects open to students with visual dis-
16 abilities that are intended to supplement State edu-
17 cational agency and local educational agency provi-
18 sion of specialized instruction and services meeting
19 such students' unique learning needs; and

20 (4) research identifying, developing, and evalu-
21 ating valid assessments and effective interventions
22 measuring and addressing the unique needs of stu-
23 dents with visual disabilities, including need for in-
24 struction and services which may be needed by stu-
25 dents without disabilities or with other disabilities

1 but which must be specifically designed, modified, or
2 delivered to meet the unique learning needs of stu-
3 dents with visual disabilities. At a minimum, such
4 instruction and services include communication and
5 productivity (including braille instruction, and as-
6 sistive technology proficiency inclusive of low vision
7 devices), self sufficiency and interaction (including
8 orientation and mobility, self-determination, sensory
9 efficiency, socialization, recreation and fitness, and
10 independent living skills), and age appropriate career
11 education.

12 **SEC. 212. ADMINISTRATION; ELIGIBILITY; GOVERNANCE;**
13 **STRUCTURE.**

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

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

1 (1) at least two national nonprofit organizations
2 with demonstrated experience publishing materials,
3 offering direct professional development opportuni-
4 ties, and disseminating course curricula supporting
5 the preparation or continuing education of teachers
6 of students with visual impairments and related
7 services personnel;

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

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

17 (A) has consistently maintained for at
18 least 10 years a program of instruction pre-
19 paring teachers of students with visual impair-
20 ments or orientation and mobility instructors;
21 and

22 (B) offers a program of doctoral study in
23 special education; and

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

4 (c) GOVERNANCE.—As part of the Secretary’s over-
5 sight responsibilities, the Secretary shall appoint an advi-
6 sory board (of no more than 12 individual members who
7 do not have a concurrent fiscal, fiduciary, or employment
8 relationship with any of the entities comprising the consor-
9 tium described in subsection (b)) which shall advise the
10 Secretary and such consortium of entities with respect to
11 strategic planning and annual program performance. The
12 advisory board shall be comprised of individuals with per-
13 sonal or professional experience with the needs of students
14 with visual disabilities and shall include parents of stu-
15 dents with visual disabilities, administrators of special
16 education programs, and representatives of national orga-
17 nizations of individuals who are blind or visually impaired.
18 The Secretary is authorized to compensate the members
19 of the advisory board for reasonable expenses incurred for
20 travel related to in-person meetings of the advisory board
21 which shall occur no more frequently than three times
22 within a calendar year. The provisions of the Federal Ad-
23 visory Committee Act shall not apply to meetings or other
24 activities of the advisory board. Prior to the appointment
25 of any individual to the advisory board, the Secretary shall

1 consult with such consortium of entities which may also
2 nominate individuals to the Secretary for advisory board
3 membership.

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

13 **SEC. 213. ACTIVITIES.**

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

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

20 (2) to conduct or fund in-person and online
21 continuing education opportunities for teachers of
22 students with visual impairments and related serv-
23 ices personnel specifically trained to meet the unique
24 learning needs of such students, and prepare, pub-
25 lish, or otherwise disseminate supporting materials;

1 (3) to conduct or fund in-person or online en-
2 richment projects for students with visual disabilities
3 (including those who may also have additional dis-
4 abilities) to offer direct instruction and services in-
5 tended to improve the capacity of such students to
6 learn effectively and live both productively and inde-
7 pendently for the purpose of—

8 (A) supplementing the availability of such
9 instruction and services offered by State edu-
10 cational agencies and local educational agencies;
11 and

12 (B) evaluating, through appropriate quan-
13 titative and qualitative methods, the effective-
14 ness of instruction and services offered by such
15 projects;

16 (4) to fund, in accordance with regulations oth-
17 erwise applicable to personnel preparation programs
18 supported under part D of the Individuals with Dis-
19 abilities Education Act (20 U.S.C. 1450 et seq.), the
20 establishment of programs within institutions of
21 higher education preparing teachers of students with
22 visual impairments (which have not been previously
23 funded under such part) to specifically prepare such
24 teachers to provide expert instruction to students

1 with visual disabilities who also have additional dis-
2 abilities; and

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

17 **SEC. 214. RELATIONSHIP TO OTHER PROGRAMS AND AC-**
18 **TIVITIES.**

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

23 (b) **COORDINATION OF RESEARCH.**—The Secretary
24 shall ensure that research activities authorized and carried
25 out pursuant to this title are conducted or funded in co-

1 ordination as appropriate with the National Center for
2 Special Education Research and other divisions within the
3 Department of Education responsible for research activi-
4 ties.

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

15 (d) RELATIONSHIP TO FUNDING FOR NATIONAL
16 CENTER ON DEAF-BLINDNESS, STATE DEAF-BLIND
17 PROJECTS, AND THE HELEN KELLER NATIONAL CEN-
18 TER.—The Secretary shall ensure that any activities con-
19 ducted or funded by the Anne Sullivan Macy Center di-
20 rectly serving individuals who are deaf-blind are coordi-
21 nated as appropriate with the National Center on Deaf-
22 Blindness, State deaf-blind projects, and the Helen Keller
23 National Center. No funds made available pursuant to this
24 title may be used to support or supplant activities that
25 are otherwise the sole responsibility of the National Center

1 on Deaf-Blindness and State deaf-blind projects pursuant
2 to sections 663(c)(8)(A) and 682(d)(1)(A) of the Individ-
3 uals with Disabilities Education Act (20 U.S.C.
4 1463(d)(1)(A); 20 U.S.C. 1482(d)(1)(A)). No funds made
5 available pursuant to this title may be used to support
6 activities that are otherwise the sole responsibility of the
7 Helen Keller National Center or may be used to supplant
8 funds for such Center.

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

17 **SEC. 215. DEFINITIONS.**

18 In this subtitle:

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

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

7 **Subtitle A—General Provisions**

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

9 (a) SERVING ALL CHILDREN WITH DEAF-BLIND-
10 NESS REGARDLESS OF CLASSIFICATION.—Section
11 612(a)(3) (20 U.S.C. 1412(a)(3)), as amended by sections
12 101 and 201 of this Act, is further amended by adding
13 at the end the following:

14 “(E) SERVING CHILDREN WITH DEAF-
15 BLINDNESS.—When a State classifies children
16 by disability, the State, in complying with this
17 subsection, identifies, locates and evaluates chil-
18 dren with concomitant vision and hearing losses
19 who are, or may be, classified in a disability
20 category other than deaf-blindness, meaning
21 concomitant hearing and visual impairments,
22 the combination of which causes severe commu-
23 nication and other developmental and edu-
24 cational needs that adversely affect a child’s
25 educational performance (and including children

1 who are deaf-blind with additional disabilities),
2 and provides (without prejudice to such classi-
3 fication) special education and related services
4 to such children, including such services deter-
5 mined appropriate based on proper evaluation
6 as would be provided to children classified in
7 the State as having deaf-blindness.”.

8 (b) DATA COLLECTION AND REPORTING.—Section
9 618 (20 U.S.C. 1418), as amended by sections 101 and
10 201 of this Act, is further amended by adding at the end
11 the following:

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

20 (c) CHILD WITH A DISABILITY.—Section
21 602(3)(A)(i) (20 U.S.C. 1401(3)(A)(i)) is amended by in-
22 serting “deaf-blindness,” after “visual impairments (in-
23 cluding blindness),”.

1 **SEC. 302. RELATED SERVICES.**

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

4 (1) by striking “and medical services” and in-
5 serting “, medical services”; and

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

10 **SEC. 303. STATE PLANS.**

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

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

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

24 “(A) children with deaf-blindness (regard-
25 less of the State’s use of disability categories or
26 the extent to which children with deaf-blindness

1 may be classified in disability categories other
2 than deaf-blindness) are evaluated by qualified
3 professionals including teachers of deaf-blind,
4 using valid and reliable assessments, for such
5 children’s need for instruction and services
6 meeting their unique language and communica-
7 tion, literacy, academic, social, and related
8 learning needs, including instruction which may
9 be needed by children without disabilities or
10 with other disabilities but which must be spe-
11 cifically designed, modified, or delivered to meet
12 the unique language and communication, aca-
13 demic, and related learning needs of children
14 with deaf-blindness;

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

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

1 with section 504 of the Rehabilitation Act of
2 1973 (29 U.S.C. 794).

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

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

22 “(B) consult with individuals and organiza-
23 tions with expertise in the education of children
24 with deaf-blindness including parents, con-
25 sumers, advocacy organizations, national and

1 State organizations focused on deaf-blindness,
2 and others the State may identify.”.

3 **SEC. 304. EVALUATIONS.**

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

7 “(9) CHILDREN WHO ARE DEAF-BLIND.—

8 “(A) IN GENERAL.—In conducting the as-
9 sessments prescribed in paragraph (3)(B), chil-
10 dren who are deaf-blind (including children who
11 may have additional disabilities) shall be evalu-
12 ated on language and communication pro-
13 ficiency levels, including expressive, receptive,
14 and pragmatic skills, and ability to access grade
15 level content in the child’s preferred mode of
16 communication, including non-symbolic and
17 symbolic communication and tactile sign lan-
18 guage. Qualified personnel trained in deaf-
19 blindness, who communicate in the child’s pre-
20 ferred mode of communication, shall be actively
21 involved in assessments and evaluations. Also,
22 requirements included in paragraphs (7)(A) and
23 (8)(A) shall apply to children with deaf-blind-
24 ness.

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

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

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

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

17 and

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

19 “(v) in the case of a child who is deaf-
20 blind, provide for the child’s language and
21 communication needs, including, but not
22 limited to, tactile sign language, tactile and
23 visual adaptations to sign and
24 fingerspelling, and object and tangible
25 symbol systems and apply the require-

1 ments included in sections
2 614(d)(3)(B)(iii) and 614(d)(3)(B)(iv) to
3 each child with deaf-blindness; and”.

4 **SEC. 306. TECHNICAL ASSISTANCE FOR PARENTS AND EDU-**
5 **CATORS OF CHILDREN WHO ARE DEAF-**
6 **BLIND.**

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

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

21 **SEC. 307. CONFORMING REGULATIONS.**

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

24 “(f) Not later than one year after the date of the
25 enactment of the Alice Cogswell and Anne Sullivan Macy

1 Act, the Secretary shall, after notice and comment, publish
2 regulations that provide definitions for ‘deaf-blindness’
3 and ‘intervener services’, as used in this title.”.

4 **Subtitle B—Improving the Effec-**
5 **tiveness of Early Intervention**
6 **for Infants and Toddlers With**
7 **Deaf-Blindness and Their Fami-**
8 **lies**

9 **SEC. 311. CONTENT OF PLAN.**

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

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

1 vided to families to learn and support the
 2 child’s language and communication mode and
 3 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 THE DEAF-BLIND AND EARLY INTER-**
 11 **VENTION SPECIALISTS.**

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

14 (1) by redesignating subparagraphs (G) and
 15 (H) as subparagraphs (I) and (J), respectively; and
 16 (2) by inserting after subparagraph (F) the fol-
 17 lowing:

18 “(G) Preparing personnel to be qualified
 19 teachers of the deaf-blind and early intervention
 20 specialists, to assist children with deaf-blindness
 21 in schools and school related activities, as well
 22 as toddlers and preschool children with deaf-
 23 blindness in early intervention and preschool
 24 programs, to develop communication and lit-
 25 eracy skills, and to access, organize, and utilize

1 information about the environment and acquire
2 concepts essential for learning.

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

○