

118TH CONGRESS  
1ST SESSION

# S. 2945

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.

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## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 27 (legislative day, SEPTEMBER 22), 2023

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

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## 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.

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-

1           dren who are deaf, hard of hearing, or  
2           deafdisabled shall be evaluated on language pro-  
3           ficiency levels, including expressive, receptive,  
4           and pragmatic skills, and ability to access grade  
5           level content in the student’s primary language,  
6           including American Sign Language, and if ap-  
7           propriate, written language with or without vis-  
8           ual supports or hearing assistance technology.  
9           Determination of the need for special education  
10          and related services shall include evaluation of  
11          such children’s unique learning needs, including  
12          opportunities for direct language access, with-  
13          out an intermediary such as an interpreter,  
14          with peers and professionals in the child’s pri-  
15          mary language, including American Sign Lan-  
16          guage and, if appropriate, spoken language with  
17          or without visual supports, and instruction  
18          which may be needed by students without dis-  
19          abilities or with other disabilities but which  
20          must be specifically designed, modified, or deliv-  
21          ered to meet the unique linguistic needs of stu-  
22          dents who are deaf, hard of hearing, or  
23          deafdisabled.

24                   “(B) CONTENT OF EVALUATIONS.—The  
25          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(e)(2)(D) (20 U.S.C. 1462(e)(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          “(1) 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.”.

○