

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

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

13 **Subtitle A—General Provisions**

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

15 (a) SERVING ALL CHILDREN WITH DEAF-BLIND-
 16 NESS REGARDLESS OF CLASSIFICATION.—Section
 17 612(a)(3) (20 U.S.C. 1412(a)(3)), as amended by sections
 18 101 and 201, is further amended by adding at the end
 19 by adding the following:

20 “(E) SERVING CHILDREN WITH DEAF-
 21 BLINDNESS.—When a State classifies children
 22 by disability, the State, in complying with sub-
 23 section (a), identifies, locates and evaluates
 24 children with concomitant vision and hearing
 25 losses who are, or may be, classified in a dis-

1 ability category other than deaf-blindness,
2 meaning concomitant hearing and visual im-
3 pairments, the combination of which causes se-
4 vere communication and other developmental
5 and educational needs that adversely affect a
6 child's educational performance (and including
7 children who are deaf-blind with additional dis-
8 abilities), and provides (without prejudice to
9 such classification) special education and re-
10 lated services to such children, including such
11 services determined appropriate based on prop-
12 er evaluation as would be provided to children
13 classified in the State as having deaf-blind-
14 ness.”.

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 “(g) ACCOUNTING FOR CHILDREN WITH DEAF-
19 BLINDNESS.—In addition to the data collection and re-
20 porting 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 deaf-blindness, include the
24 number and percentage of such children in each disability
25 category who are also deaf-blind.”.

1 (c) CHILD WITH A DISABILITY.—Section
 2 602(3)(A)(i) (20 U.S.C. 1401(3)(A)(i) is amended by add-
 3 ing after “visual impairments (including blindness)” the
 4 term “deaf-blindness,” and continuing with “serious emo-
 5 tional disturbance . . .”.

6 **SEC. 302. RELATED SERVICES.**

7 Section 602(26)(A) (20 U.S.C. 1401) is amended by
 8 inserting after “for diagnostic and evaluation purposes
 9 only,” the phrase “and intervener services, which are pro-
 10 vided to children who are deaf-blind by a qualified inter-
 11 vener)” and continuing with “as may be required . . .”.

12 **SEC. 303. STATE PLANS.**

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

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

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

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

18 “(B) there is sufficient availability of per-
19 sonnel, including teachers of the deaf-blind 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 with deaf-blindness 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 with deaf-blindness
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 with deaf-blindness including parents, con-
4 sumers, advocacy organizations, national and
5 State organizations focused on deaf-blindness
6 and others the State may identify.”.

7 **SEC. 304. EVALUATIONS.**

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

10 “(9) CHILDREN WHO ARE DEAF-BLIND.—

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

1 (8)(A) shall apply to children with deaf-blind-
2 ness.

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

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

15 Section 616(d)(3)(B) (20 U.S.C. 1414(d)(3)(B)) is
16 amended by redesignating clause “(v)” as “(vi)” and in-
17 serting after clause (iv) the following:

18 “(v) In the case of a child who is
19 deaf-blind, provide for—

20 “(I) the child’s language and
21 communication needs, including, but
22 not limited to, tactile sign language,
23 tactile and visual adaptations to sign
24 and fingerspelling, and object and
25 tangible symbol systems. Also, re-

1 requirements included in sections
2 614(d)(3)(B)(iii) and 614(d)(3)(B)(iv)
3 (as amended by the Alice Cogswell
4 and Anne Sullivan Macy Act) shall
5 apply to children with deaf-blind-
6 ness.”.

7 **SEC. 306. TECHNICAL ASSISTANCE FOR PARENTS AND EDU-**
8 **CATORS OF CHILDREN WHO ARE DEAF-**
9 **BLIND.**

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

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

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

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

12 Section 636(d)(3) (20 U.S.C. 1436(d)(3)) is amended
13 by striking the semicolon at the end and inserting the fol-
14 lowing: “and, in the case of an infant or toddler who is
15 deaf-blind, a statement of the ongoing language and com-
16 munication assessment that will be provided to the child,
17 language and communication development goals commen-
18 surate with the child’s cognitive abilities, the language and
19 communication access that will be provided, including on-
20 going opportunities for direct language learning and com-
21 munication access to peers, early intervention service pro-
22 viders, and other professional personnel trained in the
23 child’s preferred mode of communication, and the support
24 and instruction that will be provided to families to learn

1 and support the child’s language and communication mode
2 and the child’s full range of needs;”.

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

6 **SEC. 321. PERSONNEL DEVELOPMENT TO IMPROVE SERV-**
7 **ICES AND RESULTS FOR CHILDREN WITH DIS-**
8 **ABILITIES. ENSURING SUFFICIENT TEACH-**
9 **ERS OF THE DEAF-BLIND AND EARLY INTER-**
10 **VENTION SPECIALISTS.**

11 Section 662(c)(2) (20 U.S.C. 1462(c)(2)) is amend-
12 ed—

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

15 (2) by inserting after subparagraph (F) the fol-
16 lowing:

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

1 mation about the environment and acquire con-
2 cepts 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.”.

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