

115TH CONGRESS  
1ST SESSION

# H. R. 1120

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.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 16, 2017

Mr. CARTWRIGHT (for himself, Mr. AGUILAR, Mr. CROWLEY, Mr. CUMMINGS, Mr. DELANEY, Mr. MICHAEL F. DOYLE of Pennsylvania, Mr. MCKINLEY, Ms. MENG, Mrs. NAPOLITANO, Mr. RYAN of Ohio, Ms. SCHAKOWSKY, Mr. SWALWELL of California, Mr. TAKANO, Mr. THOMPSON of Pennsylvania, Mr. THOMPSON of California, and Ms. TSONGAS) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## 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. Authorization of appropriations and carryover.
- Sec. 215. Relationship to other programs and activities.

TITLE III—IMPROVING THE EFFECTIVENESS OF SPECIAL EDUCATION AND RELATED SERVICES FOR CHILDREN AND YOUTH WHO ARE DEAF-BLIND

Subtitle A—General Provisions

- Sec. 301. Identifying children who are deaf-blind.
- Sec. 302. Related services.
- Sec. 303. State plans.
- Sec. 304. Evaluations.
- Sec. 305. Consideration of special factors.
- Sec. 306. Technical assistance for parents and educators of children who are deaf-blind.
- Sec. 307. Conforming regulations.

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

Sec. 311. Content of plan.

Subtitle C—National Activities To Improve the Education of Children With Disabilities

Sec. 321. Personnel development to improve services and results for children with disabilities; ensuring sufficient teachers of the deaf-blind and early intervention specialists.

**1 SEC. 2. PURPOSES.**

**2** The purposes of this Act are as follows:

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

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

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

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

22           (5) To support the development of personnel  
23 serving students with visual disabilities or who are  
24 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 disabili-  
8 ties 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 U.S. Depart-  
8 ment of Education’s position since 1992 that “[a]ny  
9 educational setting that does not meet the commu-  
10 nication and related needs of a child who is deaf  
11 does not allow for the provision of [a Free Appro-  
12 priate Public Education] and cannot be considered  
13 the [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 Individuals  
6 with Disabilities Education Act's disability cat-  
7 egories has led to a sizable undercount of students  
8 with sensory disabilities and, consequently, a lack of  
9 recognition of the extent of the systemic need for the  
10 delivery of appropriate instructional services meeting  
11 their unique needs. This occurs in large measure be-  
12 cause students with sensory disabilities who also  
13 have additional disabilities are frequently formally  
14 classified as having multiple disabilities. Con-  
15 sequently, their vision, hearing, or concomitant vi-  
16 sion 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 at  
24 the end by adding 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 subsection (a), identifies, locates  
5           and evaluates children who are deaf or hard of  
6           hearing who are, or may be, classified in a dis-  
7           ability category other than hearing impairment  
8           and provides (without prejudice to such classi-  
9           fication) special education and related services  
10          to such children, including such services deter-  
11          mined appropriate based on proper evaluation  
12          as would be provided to children classified in  
13          the State as deaf or hard of hearing.”.

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

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

1 (c) CHILD WITH A DISABILITY.—Section  
2 602(3)(A)(i) (20 U.S.C. 1401(3)(A)(i)) is amended by  
3 striking “hearing impairments (including deafness),  
4 speech” and inserting “who is deaf or hard of hearing,  
5 with speech”.

6 **SEC. 102. STATE PLANS.**

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

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

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

19 “(A) children who are deaf or hard of  
20 hearing (regardless of the State’s use of dis-  
21 ability categories or the extent to which deaf or  
22 hard of hearing children may be classified in  
23 disability categories other than hearing impair-  
24 ment or deafness) are evaluated by qualified  
25 professionals, using valid and reliable assess-

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

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

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

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

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

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

1 deaf or hard of hearing, and others the State  
2 may identify.”.

3 **SEC. 103. EVALUATIONS.**

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

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

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

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

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

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

23 Section 614(d)(1)(B) (20 U.S.C. 1414(d)(1)(B)) is  
24 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) in the case of a child who is deaf  
15 or hard of hearing, provide for—

16 “(I) the child’s language and  
17 communication needs, opportunities  
18 for direct communications, without an  
19 intermediary such as an interpreter,  
20 with peers and professional personnel  
21 in the child’s primary language, in-  
22 cluding American Sign Language and  
23 spoken English with or without visual  
24 supports, academic level, and full  
25 range of needs, including opportuni-



1 ties for direct instruction in the  
2 child's language; and

3 “(II) instruction meeting the  
4 child's unique learning needs, includ-  
5 ing services and settings to assist the  
6 child in developing or maintaining age  
7 appropriate language and communica-  
8 tion levels in the student's primary  
9 language, including American Sign  
10 Language and spoken English with or  
11 without visual supports, literacy in-  
12 struction, instruction which may be  
13 needed by students without disabilities  
14 or with other disabilities but which  
15 must be specifically designed, modi-  
16 fied, or delivered to meet the unique  
17 learning needs of students who are  
18 deaf or hard of hearing. Such instruc-  
19 tion includes assistive technology pro-  
20 ficiency; self sufficiency and inter-  
21 action, self-determination, socializa-  
22 tion, independent living skills, and age  
23 appropriate career education;”.

1 **SEC. 106. MONITORING.**

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

4 “(5) ENHANCED MONITORING OF SERVICES  
5 FOR CERTAIN STUDENTS.—In carrying out the re-  
6 sponsibilities of this subsection, the Secretary shall  
7 specifically monitor compliance with sections  
8 612(a)(3), 612(a)(5), 614(b), and clauses (iii) and  
9 (iv) of section 614(d)(3)(B), as such sections are  
10 amended by the Alice Cogswell and Anne Sullivan  
11 Macy Act, and shall regularly report findings to the  
12 Congress.”.

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

14 (a) ENSURING CONTINUUM AVAILABILITY.—Section  
15 612(a)(5) (20 U.S.C. (a)(5)) is amended by adding at the  
16 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-  
26 vision for supplementary services (such as re-

1 source room or itinerant instruction) to be pro-  
2 vided in conjunction with regular class place-  
3 ment.”.

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

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

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

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

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

1 Macy Act (and periodically thereafter but at least within  
2 five-year intervals), policy guidance concerning the provi-  
3 sion of special education and related services to deaf and  
4 hard of hearing students (published in the Federal Reg-  
5 ister on October 26, 1992) is reviewed and updated (with  
6 particular attention to explanation of relevant amend-  
7 ments to this Act or to its implementing regulations) and  
8 is published in the Federal Register.”.

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

14 **SEC. 111. QUALIFIED PERSONNEL.**

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

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

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

19 and

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

21 “(xiii) teachers of infants and toddlers

22 with sensory disabilities;”.

23 **SEC. 112. NATURAL ENVIRONMENT.**

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

1           “(G) to the maximum extent appropriate,  
2           are provided in natural environments, including  
3           the home, and community settings in which  
4           children without disabilities participate. For in-  
5           fants and toddlers with sensory disabilities,  
6           such as deafness, blindness, or deaf-blindness,  
7           the natural environment shall include—

8                   “(i) specialized schools, centers, and  
9                   other programs where the child’s language,  
10                  including American Sign Language and  
11                  spoken English with or without visual sup-  
12                  ports, is the primary language and mode of  
13                  communication; or

14                   “(ii) any other environment where  
15                  services meeting unique needs are avail-  
16                  able; and”.

17 **SEC. 113. CONTENT OF PLAN.**

18           Section 636(d)(3) (20 U.S.C. 1436(d)(3)) is amended  
19 by striking the semicolon at the end and inserting the fol-  
20 lowing: “and, in the case of an infant or toddler who is  
21 deaf or hard of hearing, a statement of the ongoing lan-  
22 guage and communication assessment that will be pro-  
23 vided to the child, language and communication develop-  
24 ment goals commensurate with the child’s cognitive abili-  
25 ties, the language and communication access that will be

1 provided, including ongoing opportunities for direct lan-  
2 guage learning and communication access to peers, early  
3 intervention service providers, and other professional per-  
4 sonnel in the child’s language, including American Sign  
5 Language and spoken English with or without visual sup-  
6 ports, and the support and instruction that will be pro-  
7 vided to families to learn and support the child’s language  
8 and communication mode;”.

9 **Subtitle C—National Activities To**  
10 **Improve Education of Children**  
11 **With Disabilities**

12 **SEC. 121. PERSONNEL DEVELOPMENT TO IMPROVE SERV-**  
13 **ICES AND RESULTS FOR CHILDREN WITH DIS-**  
14 **ABILITIES.**

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

18 “(E) Preparing personnel to be qualified  
19 educational interpreters, as licensed by the ap-  
20 propriate licensing body, to assist children with  
21 low incidence disabilities, particularly deaf and  
22 hard of hearing children, in school and school  
23 related activities, and deaf and hard of hearing  
24 infants and toddlers and preschool children in  
25 early intervention and preschool programs.”.

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 and hard of hear-  
12 ing children, to develop age appropriate lan-  
13 guage, including American Sign Language and  
14 spoken English with or without visual supports,  
15 and age appropriate literacy skills in school and  
16 school related activities, and deaf and hard of  
17 hearing infants and toddlers and preschool chil-  
18 dren in early intervention and preschool pro-  
19 grams.”.

1 **TITLE II—IMPROVING THE EF-**  
2 **FECTIVENESS OF SPECIAL**  
3 **EDUCATION AND RELATED**  
4 **SERVICES FOR STUDENTS**  
5 **WITH VISUAL DISABILITIES**  
6 **Subtitle A—General Provisions**

7 **SEC. 201. IDENTIFYING STUDENTS WITH VISUAL DISABIL-**  
8 **ITIES.**

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

14 “(D) SERVING CHILDREN WITH VISUAL  
15 DISABILITIES.—When a State classifies children  
16 by disability, the State, in complying with sub-  
17 section (a), identifies, locates and evaluates  
18 children with visual disabilities who are, or may  
19 be, classified in a disability category other than  
20 blindness and provides (without prejudice to  
21 such classification) special education and re-  
22 lated services to such children, including such  
23 services determined appropriate based on prop-  
24 er evaluation as would be provided to children  
25 classified in the State as having blindness.”.



1 (b) DATA COLLECTION AND REPORTING.—Section  
2 618 (20 U.S.C. 1418), as amended by section 101 of this  
3 Act, is further amended by adding at the end the fol-  
4 lowing:

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

13 **SEC. 202. STATE PLANS.**

14 Section 612 (20 U.S.C. 1412), as amended by section  
15 102 of this Act, is further amended at the end by adding  
16 the following:

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

19 “(1) IN GENERAL.—Notwithstanding the provi-  
20 sions of subsection (c), a State shall not be deemed  
21 in compliance with this section unless, not later than  
22 2 years after the date of the enactment of the Alice  
23 Cogswell and Anne Sullivan Macy Act, the State  
24 files with the Secretary a written addendum to the

1 plan required by this section describing how the  
2 State ensures that—

3 “(A) children with visual disabilities (re-  
4 gardless of the State’s use of disability cat-  
5 egories or the extent to which children with vis-  
6 ual disabilities may be classified in disability  
7 categories other than blindness) are evaluated  
8 for such children’s need for instruction and  
9 services meeting their unique academic and re-  
10 lated learning needs, including instruction  
11 which may be needed by children without dis-  
12 abilities or with other disabilities but which  
13 must be specifically designed, modified, or deliv-  
14 ered to meet the unique academic and related  
15 learning needs of children with visual disabil-  
16 ities;

17 “(B) there is sufficient availability of per-  
18 sonnel within the State qualified to provide the  
19 instruction described in subparagraph (A) to all  
20 children within the State requiring such in-  
21 struction; and

22 “(C) all children with visual disabilities  
23 within the State who need special education and  
24 related services, whether or not such children  
25 have other disabilities, receive such instruction

1 and are not being served solely in accordance  
2 with section 504 of the Rehabilitation Act of  
3 1973 (29 U.S.C. 794).

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

6 “(A) specifically address how the State  
7 meets the needs of students with visual disabili-  
8 ties for instruction in communication and pro-  
9 ductivity (including Braille instruction and as-  
10 sistive technology proficiency); self sufficiency  
11 and interaction (including orientation and mo-  
12 bility, self-determination, sensory efficiency, so-  
13 cialization, recreation and fitness, and inde-  
14 pendent living skills); and age appropriate ca-  
15 reer education;

16 “(B) describe both the methods to be used  
17 within the State to properly evaluate students’  
18 need for low vision devices and the process by  
19 which such devices will be provided to each stu-  
20 dent for whom such devices are determined ap-  
21 propriate by the IEP team; and

22 “(C) consult with individuals and organiza-  
23 tions with expertise in the education of children  
24 with visual disabilities, including parents, con-  
25 sumer and advocacy organizations, and teachers

1 of students with visual impairments and others  
2 the State may identify.”.

3 **SEC. 203. EVALUATIONS.**

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

7 “(8) VISUAL DISABILITIES.—

8 “(A) IN GENERAL.—In conducting the as-  
9 sssments prescribed in paragraph (3)(B), de-  
10 termination of the need of children with visual  
11 disabilities (including children who may have  
12 additional disabilities) for special education and  
13 related services shall include evaluation of such  
14 children’s unique learning needs, including  
15 needs for instruction which may be needed by  
16 students without disabilities or with other dis-  
17 abilities but which must be specifically de-  
18 signed, modified, or delivered to meet the  
19 unique learning needs of students with visual  
20 disabilities.

21 “(B) CONTENT OF EVALUATIONS.—The  
22 evaluations described in subparagraph (A) shall,  
23 at a minimum, include evaluations assessing the  
24 need for instruction in assistive technology pro-  
25 ficiency (inclusive of low vision devices), self

1           sufficiency and interaction (including orienta-  
2           tion and mobility, self-determination, sensory  
3           efficiency, socialization, recreation and fitness,  
4           and independent living skills), and age-appro-  
5           priate 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 by striking the semicolon  
9           and inserting the following: “and provide instruction meet-  
10          ing the child’s unique learning needs, including instruction  
11          which may be needed by students without disabilities or  
12          with other disabilities but which must be specifically de-  
13          signed, modified, or delivered to meet the unique learning  
14          needs of students with visual disabilities. Such instruction  
15          includes assistive technology proficiency (inclusive of low  
16          vision devices); self sufficiency and interaction (including  
17          orientation and mobility, self-determination, sensory effi-  
18          ciency, socialization, recreation and fitness, and inde-  
19          pendent living skills); and age appropriate career edu-  
20          cation;”.

1 **SEC. 205. TECHNICAL ASSISTANCE FOR PARENTS AND EDU-**  
2 **CATORS OF STUDENTS WITH VISUAL DISABIL-**  
3 **ITIES.**

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 STUDENTS WITH VISUAL  
9 DISABILITIES.—The Secretary shall ensure that not later  
10 than 1 year after the date of the enactment of the Alice  
11 Cogswell and Anne Sullivan Macy Act (and periodically  
12 thereafter but at least within 5-year intervals), policy  
13 guidance concerning the provision of special education and  
14 related services to students with visual disabilities (last  
15 published in the Federal Register on June 8, 2000) is re-  
16 viewed and updated (with particular attention to expla-  
17 nation of relevant amendments to the Alice Cogswell and  
18 Anne Sullivan Macy Act or to its implementing regula-  
19 tions) and is published in the Federal Register.”.

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

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

24 (a) ESTABLISHMENT.—There is established within  
25 the Department of Education a national program named  
26 the Anne Sullivan Macy Center on Visual Disability and

1 Educational Excellence which shall carry out the activities  
2 described in section 213 in furtherance of the mission de-  
3 scribed in subsection (b).

4 (b) MISSION.—The mission of the program estab-  
5 lished in subsection (a) is to better support students with  
6 visual disabilities receiving special education and related  
7 services to learn effectively and live productively and inde-  
8 pendently through—

9 (1) development and dissemination of curricula,  
10 courses, materials, and methods supporting the con-  
11 tinuing education of personnel qualified under State  
12 law to serve as teachers of students with visual im-  
13 pairments and related services personnel serving  
14 such children;

15 (2) support for the establishment of new pro-  
16 grams within institutions of higher education to pre-  
17 pare teachers of students with visual impairments to  
18 serve students with visual disabilities who also have  
19 additional disabilities;

20 (3) model local, regional, and national enrich-  
21 ment projects open to students with visual disabili-  
22 ties intended to supplement State and local edu-  
23 cational agency provision of specialized instruction  
24 and services meeting such students' unique learning  
25 needs; and





1 program described in this subtitle. The Secretary shall  
2 have ongoing authority to enter into such contracts or co-  
3 operative agreements.

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

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

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

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

22 (A) has consistently maintained for at  
23 least ten years a program of instruction pre-  
24 paring teachers of students with visual impair-

1           ments or orientation and mobility instructors;  
2           and

3                   (B) offers a program of doctoral study in  
4           special education; and

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

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

1 within a calendar year. The provisions of the Federal Ad-  
2 visory Committee Act shall not apply to meetings or other  
3 activities of the advisory board. Prior to the appointment  
4 of any individual to the advisory board, the Secretary shall  
5 consult with such consortium of entities which may also  
6 nominate individuals to the Secretary for advisory board  
7 membership.

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

17 **SEC. 213. ACTIVITIES.**

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

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

24 (2) to conduct or fund in-person and on-line  
25 continuing education opportunities for teachers of

1 students with visual impairments and related serv-  
2 ices personnel specifically trained to meet the unique  
3 learning needs of such students, and prepare, pub-  
4 lish or otherwise disseminate supporting materials;

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

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

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

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

1 funded under such part) to specifically prepare such  
2 teachers to provide expert instruction to students  
3 with visual disabilities who also have additional dis-  
4 abilities; and

5 (5) enter into cooperative agreements, con-  
6 tracts, grants (or other arrangements which may be  
7 permitted by the Secretary) with nonprofit organiza-  
8 tions possessing demonstrable expertise and experi-  
9 ence serving students with visual disabilities or the  
10 professionals trained to work with such students, in-  
11 stitutions of higher education, State and local edu-  
12 cational agencies, public and private specialized  
13 schools serving students with visual disabilities, and  
14 consortia of such entities, for the purpose of car-  
15 rying out activities authorized in this subsection that  
16 are not otherwise directly conducted, in whole or in  
17 part, by the Anne Sullivan Macy Center.

18 **SEC. 214. AUTHORIZATION OF APPROPRIATIONS AND CAR-**

19 **RYOVER.**

20 (a) AUTHORIZATION OF APPROPRIATIONS.—To carry  
21 out the provisions of this subtitle, there are authorized to  
22 be appropriated such sums as may be necessary, provided  
23 that for fiscal year 2017 and for each succeeding fiscal  
24 year, the amount appropriated shall be an amount equal  
25 to no less than 0.2 percent of funds appropriated in the

1 previous fiscal year for grants to States under part B of  
2 the Individuals with Disabilities Education Act.

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

9 **SEC. 215. RELATIONSHIP TO OTHER PROGRAMS AND AC-**  
10 **TIVITIES.**

11 (a) MAXIMIZING RESOURCES.—No funds made avail-  
12 able pursuant to subtitle may be used to fund programs  
13 or activities otherwise concurrently funded under parts D  
14 and E of the Individuals with Disabilities Education Act.

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

22 (c) RELATIONSHIP TO SERVICES OFFERED BY THE  
23 AMERICAN PRINTING HOUSE FOR THE BLIND.—Nothing  
24 in this subtitle shall be construed to limit or otherwise con-  
25 dition the use of any funds appropriated pursuant to chap-

1 ter 6 of title 20, United States Code, and no funds made  
2 available pursuant to this subtitle shall be used by any  
3 State or local educational agency to supplant the use of  
4 funds appropriated under such chapter.

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

24 (e) WORK PRODUCT.—All matter produced by the  
25 Anne Sullivan Macy Center shall be the property of the

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 of this Act, is further amended by adding  
19 at the end 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  
3 adding after “visual impairments (including blindness)”  
4 the term “deaf-blindness,” and continuing with “serious  
5 emotional disturbance . . .”.

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

7 Section 602(26)(A) (20 U.S.C. 1401(26)(A)) is  
8 amended by inserting “, and intervener services, which are  
9 provided to children who are deaf-blind by a qualified in-  
10 tervener” after “for diagnostic and evaluation purposes  
11 only”.

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 614(d)(3)(B) (20 U.S.C. 1414(d)(3)(B)) is  
16 amended—

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

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

19 and

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

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

1 fingerspelling, and object and tangible  
2 symbol systems. Also, requirements in-  
3 cluded in sections 614(d)(3)(B)(iii) and  
4 614(d)(3)(B)(iv) shall apply to children  
5 with deaf-blindness; and”.

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

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

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

22 **SEC. 307. CONFORMING REGULATIONS.**

23 Section 617 (20 U.S.C. 1417) is amended by adding  
24 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 commensurate  
18 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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