

113<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4040

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 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 11, 2014

Mr. CARTWRIGHT (for himself, Mr. TAKANO, and Mr. STOCKMAN) 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 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.

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

**Subtitle A—General Provisions**

Sec. 101. Findings.  
 Sec. 102. Identifying students who are deaf or hard of hearing.  
 Sec. 103. State plans.  
 Sec. 104. Evaluations.  
 Sec. 105. Individualized education program team.  
 Sec. 106. Consideration of special factors.  
 Sec. 107. Monitoring.  
 Sec. 108. Continuum of service delivery options.  
 Sec. 109. 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. Findings.
- Sec. 202. Identifying students with visual disabilities.
- Sec. 203. State plans.
- Sec. 204. Evaluations.
- Sec. 205. Consideration of special factors.
- Sec. 206. 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.

1 **SEC. 2. PURPOSES.**

2 The purposes of this Act are as follows:

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

9 (2) To better ensure delivery of high quality  
 10 early intervention services to infants and toddlers  
 11 who are deaf or hard of hearing and their families  
 12 through specialized services and methodologies de-

1 signed to meet their unique language, communica-  
2 tion, and other developmental needs.

3 (3) To foster the proliferation of research sup-  
4 porting the development and evaluation of effective  
5 and innovative assessments and instructional meth-  
6 odologies consonant with the unique learning needs  
7 of students with visual disabilities.

8 (4) To enhance accountability for the provision  
9 of such services.

10 (5) To support the development of personnel  
11 serving students with visual disabilities or who are  
12 deaf or hard of hearing.

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

19 **Subtitle A—General Provisions**

20 **SEC. 101. FINDINGS.**

21 (a) FINDINGS.—The Congress finds the following:

22 (1) The history of the education of deaf and  
23 hard of hearing students in the United States began  
24 with the education of Alice Cogswell in Connecticut  
25 in the early 1800s. Born in 1805, Alice became deaf

1 at a young age. By the time she was nine, she was  
2 befriended by a neighbor, Thomas Gallaudet, who  
3 demonstrated that she could make the association  
4 between objects and the written words for them.  
5 Soon she became the focus of an initiative to found  
6 a school for deaf individuals in America. In April of  
7 1817, Gallaudet and a deaf teacher, Laurent Clerc,  
8 opened the first successful American school for deaf  
9 persons—the American School for the Deaf—with  
10 Alice as its first pupil. From an initial class of seven  
11 students, the school grew into a national institution,  
12 the mother school of many subsequent schools for  
13 the deaf and the training ground for their principals  
14 and teachers. Alice Cogswell’s story reminds us that  
15 deaf and hard of hearing children are capable of  
16 learning and achieving to high levels when they have  
17 access to full language and communication, are  
18 taught by professionals with specialized training in  
19 the unique needs of deaf and hard of hearing stu-  
20 dents, and have access to educational placements  
21 that recognize and provide for their language, com-  
22 munication, and academic needs.

23 (2) Deaf and hard of hearing children need  
24 early and ongoing access to language. Research dem-  
25 onstrates that deaf and hard of hearing children who

1 are identified early and receive appropriate early  
2 intervention from specialized, qualified providers  
3 achieve higher language and communication out-  
4 comes than those who are identified late and do not  
5 receive such services. However, currently, early  
6 intervention services typically are not provided in a  
7 timely manner, severe shortages of specialized early  
8 intervention professionals exist, and many deaf and  
9 hard of hearing children are not reaching their de-  
10 velopmental potential.

11 (3) Deaf and hard of hearing children are born  
12 with the same capacity to learn and achieve as any  
13 other child. However, historically as a group, their  
14 literacy and academic outcomes have not been com-  
15 mensurate with their abilities. The education system  
16 in the United States must better meet the academic  
17 and related learning needs of these students, who  
18 can succeed when those needs are addressed.

19 (4) A principal way that hearing students ac-  
20 quire knowledge and skills is through incidental  
21 learning, the process of observing others and the en-  
22 vironment that occurs naturally at home, at school  
23 and in the community. Deficits in incidental learning  
24 leave deaf and hard of hearing students behind in  
25 the acquisition of an array of academic and social-

1 emotional skill areas. In addition to core academics  
2 such as reading, mathematics and science, deaf and  
3 hard of hearing students must also receive special-  
4 ized instruction and services designed to maximize  
5 their capacity to learn effectively and live produc-  
6 tively and independently. These include instruction  
7 in audiology, age appropriate career education, com-  
8 munication and language, including American Sign  
9 Language and spoken language with or without vis-  
10 ual supports, functional skills for academic success,  
11 self-determination and advocacy (including prepara-  
12 tion for transition to work or higher education), so-  
13 cial emotional skills, technology, and support for the  
14 student through family education.

15 (5) It is imperative that deaf and hard of hear-  
16 ing students have communication and language ac-  
17 cess and development. The development of age ap-  
18 propriate communication and language skills is es-  
19 sential to any cognitive, psychological and edu-  
20 cational growth. Without communication and lan-  
21 guage a student cannot become literate or educated.  
22 Without communication and language a student will  
23 not develop reading, computation, writing, analyt-  
24 ical, and other necessary skills. The importance of  
25 an education in which communication and language

1 access and development are provided is not merely  
2 a matter of educational methodology or classroom  
3 strategy but a right equal to the right of any stu-  
4 dent to access classroom information, communicate  
5 with peers and staff, and develop literacies required  
6 for educational success. When students are deprived  
7 of communication and language access and develop-  
8 ment they cannot meaningfully engage in the rich  
9 and varied experience that is American education  
10 and become active members in our American democ-  
11 racy. Communication and language are the first  
12 building blocks in any education and are required  
13 for human development.

14 (6) Since the 1997 reauthorization of the Indi-  
15 viduals with Disabilities Education Act (IDEA), IEP  
16 Teams have been required to consider the language  
17 and communication needs of students who are deaf  
18 and hard of hearing, including opportunities for di-  
19 rect communications with peers and professional  
20 personnel in the child’s language and communication  
21 mode, academic level, and full range of needs, in-  
22 cluding opportunities for direct instruction in the  
23 child’s language and communication mode. Further,  
24 it is been the U.S. Department of Education’s posi-  
25 tion since 1992 that “[a]ny educational setting that

1 does not meet the communication and related needs  
2 of a child who is deaf does not allow for the provi-  
3 sion of [a Free Appropriate Public Education] and  
4 cannot be considered the [Least Restrictive Environ-  
5 ment] for that child. Just as the [Individuals with  
6 Disabilities Education Act] requires placement in  
7 the regular educational setting when it is appro-  
8 priate for the unique needs of a child who is deaf,  
9 it also requires placement outside of the regular edu-  
10 cational setting when the child's needs cannot be  
11 met in that setting" (Deaf Students Education Serv-  
12 ices: Policy Guidance," 57 Fed. Reg. 49274 (1992)).  
13 And it is well argued that deaf and hard of hearing  
14 students benefit from a setting in which a critical  
15 mass of deaf and hard of hearing peers is found.  
16 Nevertheless, it has been contended that few deaf  
17 and hard of hearing students are receiving full ac-  
18 cess to language and communication in the regular  
19 education setting, and few have access to a critical  
20 mass of peers. This lack of language and commu-  
21 nication access contributes to students' social isola-  
22 tion and to the inability of graduates to achieve aca-  
23 demic outcomes on par with those of their hearing  
24 peers. Since the U.S. Department of Education does  
25 not require sufficient monitoring of State and local

1 educational agencies to fully and accurately account  
2 for their legal obligations to address the language  
3 and communication needs of deaf and hard of hear-  
4 ing students, it is not possible to confirm system-  
5 ically whether such agencies are in compliance with  
6 current law. Given that nationally students who are  
7 deaf or hard of hearing require more language and  
8 communication access and more support to acquire  
9 services and skills than they are currently receiving,  
10 and given that provision of currently required in-  
11 struction and placement for such students cannot be  
12 adequately assured, IDEA must be strengthened and  
13 supplemented to ensure that deaf and hard of hear-  
14 ing students truly receive a free and appropriate  
15 public education.

16 (7) A prerequisite to better meeting these needs  
17 is every State and local educational agency's identi-  
18 fication and proper evaluation of each student who  
19 is deaf or hard of hearing, regardless of whether  
20 such student may have other, even potentially more  
21 significant, disabilities. While IDEA does not man-  
22 date that State and local educational agencies clas-  
23 sify students into specific disability categories, the  
24 widespread use of IDEA's disability categories has  
25 led to a sizable undercount of deaf and hard of hear-

1 ing students and, consequently, a lack of recognition  
2 of the extent of the systemic need for the delivery  
3 of appropriate instructional services provided by per-  
4 sonnel initially trained and continually supported to  
5 meet such students' unique educational needs. In-  
6 deed, while the U.S. Census Bureau supports the  
7 contention that more than 350,000 students nation-  
8 ally have "hearing difficulties," the Department of  
9 Education routinely reports serving under IDEA a  
10 population of approximately 73,000. This occurs in  
11 large measure because students who are deaf or  
12 hard of hearing who also have additional disabilities  
13 are frequently formally classified by State and local  
14 educational agencies as having multiple disabilities.  
15 Consequently, such students' hearing disabilities are  
16 not fully acknowledged either in terms of educational  
17 agency recognized need for personnel trained to  
18 serve such students, or in terms of an individual stu-  
19 dent's need for the services of such personnel.

20 (8) It is critical that State and local educational  
21 agencies be better prepared to meet these largely  
22 unmet needs. To reach this goal, teachers of the  
23 deaf and their colleagues in related services must be  
24 better supported to provide the full array of special-  
25 ized instruction and services required by deaf and

1 hard of hearing students. Proper assessment of the  
2 unique needs of students who are deaf or hard of  
3 hearing, along with proper deployment of specialized  
4 instruction and interventions, must keep pace with  
5 the most current educational theories and practices  
6 and be based on the best available evidence. Signifi-  
7 cantly greater accountability for results for students  
8 who are deaf or hard of hearing, including those  
9 with additional disabilities, must be built into Amer-  
10 ica’s special education system if deaf and hard of  
11 hearing students are to succeed. And it is imperative  
12 that all deaf and hard of hearing students, regard-  
13 less of disability category, are identified and their  
14 learning needs fully accounted for.

15 (9) Deaf and hard of hearing children across  
16 the United States should experience the same kind  
17 of access to language development, social interaction,  
18 and academic opportunities experienced by their  
19 peers. Deaf and hard of hearing children are as di-  
20 verse as any other group of children, and the choices  
21 in communication, educational placement options,  
22 and other decisions are complex and need to be indi-  
23 vidualized.

24 (10) Existing high quality resources must be  
25 preserved and leveraged so that students who are

1 deaf or hard of hearing do not fall farther behind.  
2 Specialized schools for children who are deaf and  
3 hard of hearing perform a unique service and must  
4 be valued and maintained as part of the continuum  
5 of alternative placements. Both special schools and  
6 center-based programs serving children who are deaf  
7 or hard of hearing should be tapped for the expert  
8 personnel and services such resources can offer, and  
9 IDEA's worthy policy objective to ensure the full in-  
10 tegration of children with disabilities ought not be  
11 allowed to frustrate the delivery of all appropriate  
12 services to children with unique needs, whether those  
13 services be provided at a specialized school, a local  
14 school, or some combination of the two.

15 **SEC. 102. IDENTIFYING STUDENTS WHO ARE DEAF OR**  
16 **HARD OF HEARING.**

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

21 “(C) **SERVING CHILDREN WHO ARE DEAF**  
22 **OR HARD OF HEARING.**—When a State classi-  
23 fies children by disability, the State, in com-  
24 plying with subsection (a), identifies, locates  
25 and evaluates children who are deaf or hard of

1 hearing who are, or may be, classified in a dis-  
2 ability category other than hearing impairment  
3 and provides (without prejudice to such classi-  
4 fication) special education and related services  
5 to such children, including such services deter-  
6 mined appropriate based on proper evaluation  
7 as would be provided to children classified in  
8 the State as deaf or hard of hearing.”.

9 (b) DATA COLLECTION AND REPORTING.—Section  
10 618 (20 U.S.C. 1418) is amended by adding at the end  
11 the following:

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

21 (c) CHILD WITH A DISABILITY.—Section  
22 602(3)(A)(i) (20 U.S.C. 1401(3)(A)(i)) is amended to  
23 read as follows:

24 “(i) with intellectual disabilities, who  
25 is deaf or hard of hearing, with speech or

1 language impairments, visual impairments  
2 (including blindness), serious emotional  
3 disturbance (referred to in this part as  
4 ‘emotional disturbance’), orthopedic im-  
5 pairments, autism, traumatic brain injury,  
6 other health impairments, or specific learn-  
7 ing disabilities; and”.

8 **SEC. 103. STATE PLANS.**

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

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

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

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

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

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

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

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

3           “(A) specifically address how the State  
4 meets the needs of deaf and hard of hearing  
5 students to support ongoing progress in lan-  
6 guage development, including American Sign  
7 Language and spoken language with or without  
8 visual supports, and including the provision of  
9 school-related opportunities for direct commu-  
10 nications with peers and professional personnel  
11 in the child’s language and opportunities for di-  
12 rect instruction in the child’s language, as well  
13 as instruction in audiology, age appropriate ca-  
14 reer education, communication and language,  
15 social skills, functional skills for academic suc-  
16 cess, self-determination and advocacy (including  
17 preparation for transition to work or higher  
18 education), social emotional skills, technology,  
19 and support for the student through family  
20 education; and

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

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

4 **SEC. 104. EVALUATIONS.**

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

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

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

1 guage, including American Sign Language and  
2 spoken language with or without visual sup-  
3 ports, and instruction which may be needed by  
4 students without disabilities or with other dis-  
5 abilities but which must be specifically de-  
6 signed, modified, or delivered to meet the  
7 unique learning needs of students who are deaf  
8 or hard of hearing.

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

23 **SEC. 105. INDIVIDUALIZED EDUCATION PROGRAM TEAM.**

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

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

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

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

5 and

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

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

11 **SEC. 106. 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 language with or without vis-  
24 ual 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 language with  
11 or 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. 107. 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. 108. CONTINUUM OF SERVICE DELIVERY OPTIONS.**

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

17 “(C) CONTINUUM OF ALTERNATIVE  
18 PLACEMENTS.—The State shall ensure that a  
19 full continuum of alternative placements is  
20 available to meet the needs of children with dis-  
21 abilities for special education and related serv-  
22 ices. Such continuum must include instruction  
23 in regular classes, special classes, special  
24 schools, home instruction, and instruction in  
25 hospitals and institutions, and must make pro-  
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. 109. 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 language with or without visual  
12                  supports, is the primary language and  
13                  mode of 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 adding before the semicolon at the end the following:  
20 “and in the case of an infant or toddler who is deaf or  
21 hard of hearing, a statement of the ongoing language and  
22 communication assessment that will be provided to the  
23 child, language and communication development goals  
24 commensurate with the child’s cognitive abilities, and a  
25 statement of the language and communication access that

1 will be provided, including ongoing opportunities for direct  
2 language learning and communication access to peers,  
3 early intervention service providers, and other professional  
4 personnel in the child’s language, including American Sign  
5 Language and spoken language with or without visual  
6 supports; support and instruction for families to learn and  
7 support the child’s language and communication mode;  
8 and the child’s full range of needs”.

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 language with or without visual sup-  
15 ports, and age appropriate literacy skills in  
16 school and school related activities, and deaf  
17 and hard of hearing infants and toddlers and  
18 preschool children in early intervention and pre-  
19 school programs.”.

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

7 **SEC. 201. FINDINGS.**

8 The Congress finds the following:

9 (1) When renowned American author, Mark  
10 Twain, immortalized Helen Keller’s beloved teacher,  
11 Anne Sullivan Macy, with the moniker “the miracle  
12 worker”, his words, though meant as well-deserved  
13 praise, reflect the misconception persisting even  
14 today that educating individuals with disabilities is  
15 a nearly insurmountable task requiring extraor-  
16 dinary feats performed by exceptionally gifted and  
17 saintly persons. To be sure, the work of teaching  
18 children with disabilities can and does occur when  
19 committed and qualified but everyday special edu-  
20 cators are properly prepared and supported to prac-  
21 tice their professions. However, the educational sys-  
22 tems within which they act must also be held ac-  
23 countable for results.

24 (2) Research demonstrates that students with  
25 visual disabilities are among the highest performing

1 students with disabilities in terms of academic  
2 achievement, and yet they are among the least em-  
3 ployed, even after successful accomplishment of post-  
4 secondary academic objectives. Many factors con-  
5 tribute to this unacceptable inequity, including em-  
6 ployer discrimination, low expectations of people  
7 with disabilities generally, and a lack of student  
8 preparation for the work world and full participation  
9 in society.

10 (3) It is clear that America's special education  
11 system needs to be improved if the most successful  
12 academic achievers are to leave school prepared to  
13 be independent and productive citizens who can par-  
14 ticipate fully in the American dream. Such improve-  
15 ments must better account for the distinct academic  
16 and related learning needs of students with visual  
17 disabilities who can only succeed both when visual-  
18 disabilities-specific skills are taught and when gen-  
19 erally-needed skills are taught in a manner that ad-  
20 dresses, rather than ignores, the unique ways in  
21 which students with visual disabilities learn.

22 (4) A principal way that students without visual  
23 disabilities acquire knowledge and skills is through  
24 incidental learning, the process of observing others  
25 and the environment that occurs naturally at home,

1 at school and in community, and deficits in inci-  
2 dental learning leave students with visual disabilities  
3 behind in the acquisition of an array of skill areas.  
4 In addition to core academics such as reading, math-  
5 ematics and science, students with visual disabilities  
6 must also receive instruction in the so-called ex-  
7 panded core curriculum, a comprehensive array of  
8 specialized instruction and services maximizing the  
9 capacity of students with visual disabilities to learn  
10 effectively and live both productively and independ-  
11 ently. The expanded core curriculum includes in-  
12 struction in communication and productivity (includ-  
13 ing Braille instruction, and assistive technology pro-  
14 ficiency inclusive of low vision devices); self-suffi-  
15 ciency and interaction (including orientation and  
16 mobility, self determination, sensory efficiency, so-  
17 cialization, recreation and fitness, and independent  
18 living skills); and age appropriate career education.

19 (5) Special education teachers, such as teachers  
20 of students with visual impairments (TVIs), partner  
21 with related services personnel, such as orientation  
22 and mobility instructors, and general educators to  
23 provide students with disabilities individualized qual-  
24 ity academic and related instruction to position stu-  
25 dents, to the maximum extent possible, for success-

1       ful transition to post-school independent living, soci-  
2       etal integration, and employment. To do their jobs  
3       well, TVIs and their colleagues in related services  
4       must be both initially properly trained and contin-  
5       ually supported through readily available resources  
6       and continuing education to assist them in dealing  
7       with the constant evolution in instructional methods,  
8       the vast diversity of the population with which they  
9       work, enormous case loads, and the scarcity of time  
10      to devote necessary individualized attention to each  
11      student with visual disabilities. Both the need for an  
12      expanded variety of continuing education opportuni-  
13      ties for TVIs and the need for preparation programs  
14      producing personnel who can serve the full diversity  
15      of needs within the population of students with vis-  
16      ual disabilities have been well documented.

17           (6) Since the 1997 reauthorization of the Indi-  
18      viduals with Disabilities Education Act (IDEA), stu-  
19      dents who are blind have been entitled to instruction  
20      in Braille and use of Braille unless the individualized  
21      education program (IEP) team makes an affirmative  
22      determination that such instruction is not appro-  
23      priate for a given student. Nevertheless, it has been  
24      forcefully argued that few students today who should  
25      be receiving instruction in Braille are indeed receiv-

1 ing it and that this lack of Braille instruction con-  
2 tributes mightily to the inability of graduates with  
3 visual disabilities to participate fully in the work-  
4 force. Since the U.S. Department of Education does  
5 not require State and local educational agencies to  
6 fully and accurately account for their legal obliga-  
7 tions to provide Braille instruction to each student  
8 for whom such instruction is appropriate, it is not  
9 possible to confirm systemically whether such agen-  
10 cies are in compliance with current law. Given that  
11 students with visual disabilities require more support  
12 than they are currently receiving nationally to ac-  
13 quire services and skills comprising the expanded  
14 core curriculum, and given that provision of cur-  
15 rently required instruction for such students, such  
16 as Braille, cannot be adequately assured, IDEA  
17 must be strengthened and supplemented to ensure  
18 that students with visual disabilities truly receive a  
19 free and appropriate public education.

20 (7) A prerequisite to better meeting these de-  
21 monstrable needs is every State and local edu-  
22 cational agency's identification and proper evalua-  
23 tion of each student who experiences visual dis-  
24 ability, regardless of whether such student may have  
25 other, even potentially more significant, disabilities.

1 While IDEA does not mandate that State and local  
2 educational agencies classify students into specific  
3 disability categories, the widespread use of IDEA's  
4 disability categories has led to a sizable undercount  
5 of students with visual disabilities and, consequently,  
6 a lack of recognition of the extent of the systemic  
7 need for the delivery of appropriate instructional  
8 services provided by personnel initially trained and  
9 continually supported to meet such students' unique  
10 educational needs. Indeed, while research supports  
11 the contention that more than 100,000 students na-  
12 tionally who have visual disabilities require special  
13 education and related services, the Department of  
14 Education routinely reports the size of this popu-  
15 lation at one third such census. This occurs in large  
16 measure because students who are blind or visually  
17 impaired who also have additional disabilities are  
18 frequently formally classified by State and local edu-  
19 cational agencies as having multiple disabilities.  
20 Consequently, such students' visual disabilities are  
21 not fully acknowledged either in terms of educational  
22 agency recognized need for personnel trained to  
23 serve such students, or in terms of an individual stu-  
24 dent's need for the services of such personnel.

1           (8) It is critical that State and local educational  
2 agencies be better prepared to meet these largely  
3 unmet needs. To reach this goal, TVIs and their col-  
4 leagues in related services must be better supported  
5 to provide the full array of specialized instruction  
6 and services required by students with visual disabili-  
7 ties. Proper assessment of the unique needs of stu-  
8 dents with visual disabilities, along with proper de-  
9 ployment of specialized instruction and interven-  
10 tions, must keep pace with the most current edu-  
11 cational theories and practices and be based on the  
12 best available evidence. Significantly greater ac-  
13 countability for results for students with visual dis-  
14 abilities, including those with additional disabilities,  
15 must be built into America's special education sys-  
16 tem if students with visual disabilities are to succeed  
17 as they can and must. And it is imperative that all  
18 students with visual disabilities, regardless of dis-  
19 ability category, are identified and their learning  
20 needs fully accounted for.

21           (9) While examples of contexts do exist around  
22 the country, from specialized schools to neighbor-  
23 hood schools, demonstrating successful provision of a  
24 full range of services and instruction meeting the  
25 unique needs of students with visual disabilities, the

1 services and instruction afforded by such exemplary  
2 programs are far from nationally consistent and  
3 must be recognized and modeled. To replicate and  
4 build on these successes, a national resource is need-  
5 ed to supplement the work of State and local edu-  
6 cational agencies through student enrichment activi-  
7 ties, to support TVIs and related services personnel  
8 through state-of-the-art continuing education oppor-  
9 tunities, and to spur the further advancement of in-  
10 structional services for students with visual disabil-  
11 ities through scientific research and evidence-based  
12 best practices.

13 (10) While these clarifications and enhance-  
14 ments must be made, it is vital that existing high  
15 quality resources be preserved and leveraged so that  
16 students with visual disabilities do not fall farther  
17 behind. Specialized schools for children who are  
18 blind must be expected to perform but must not fall  
19 victim to mere State budget expediency. Both special  
20 schools and center-based programs serving children  
21 with visual disabilities should be tapped for the ex-  
22 pert personnel and services such resources can offer,  
23 and IDEA's worthy policy objective to ensure the  
24 full integration of children with disabilities ought not

1 be allowed to frustrate the delivery of all appropriate  
2 services to children with unique needs.

3 **SEC. 202. IDENTIFYING STUDENTS WITH VISUAL DISABIL-**  
4 **ITIES.**

5 (a) **SERVING ALL CHILDREN WITH VISUAL DISABIL-**  
6 **ITIES REGARDLESS OF CLASSIFICATION.**—Section  
7 612(a)(3) (20 U.S.C. 1412(a)(3)), as amended by section  
8 102 of this Act, is further amended at the end by adding  
9 the following new subparagraph:

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

22 (b) **DATA COLLECTION AND REPORTING.**—Section  
23 618 (20 U.S.C. 1418), as amended by section 102 of this  
24 Act, is further amended by adding at the end the fol-  
25 lowing:

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

9 **SEC. 203. STATE PLANS.**

10       Section 612 (20 U.S.C. 1412), as amended by section  
11 103 of this Act, is further amended at the end by adding  
12 the following:

13       “(h) ADDENDUM CONCERNING STUDENTS WITH  
14 VISUAL DISABILITIES.—

15               “(1) IN GENERAL.—Notwithstanding the provi-  
16 sions of subsection (c), a State shall not be deemed  
17 in compliance with this section unless, not later than  
18 2 years after the date of the enactment of the Alice  
19 Cogswell and Anne Sullivan Macy Act, the State  
20 files with the Secretary a written addendum to the  
21 plan required by this section describing how the  
22 State ensures that—

23                       “(A) children with visual disabilities (re-  
24 gardless of the State’s use of disability cat-  
25 egories or the extent to which children with vis-

1           ual disabilities may be classified in disability  
2           categories other than blindness) are evaluated  
3           for such children’s need for instruction and  
4           services meeting their unique academic and re-  
5           lated learning needs, including instruction  
6           which may be needed by children without dis-  
7           abilities or with other disabilities but which  
8           must be specifically designed, modified, or deliv-  
9           ered to meet the unique academic and related  
10          learning needs of children with visual disabil-  
11          ities;

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

17                 “(C) all children with visual disabilities  
18           within the State who need special education and  
19           related services, whether or not such children  
20           have other disabilities, receive such instruction  
21           and are not being served solely in accordance  
22           with section 504 of the Rehabilitation Act of  
23           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 students with visual disabili-  
3 ties for instruction in communication and pro-  
4 ductivity (including Braille instruction and as-  
5 sistive technology proficiency); self-sufficiency  
6 and interaction (including orientation and mo-  
7 bility, self- determination, sensory efficiency, so-  
8 cialization, recreation and fitness, and inde-  
9 pendent living skills); and age appropriate ca-  
10 reer education;

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

17           “(C) consult with individuals and organiza-  
18 tions with expertise in the education of children  
19 with visual disabilities, including parents, con-  
20 sumer and advocacy organizations, and teachers  
21 of students with visual impairments and others  
22 the State may identify.”.

1 **SEC. 204. EVALUATIONS.**

2 Section 614(b) (20 U.S.C. 1414(b)), as amended by  
3 section 104 of this Act, is further amended by adding at  
4 the end the following new paragraph:

5 “(8) VISUAL DISABILITIES.—

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

19 “(B) CONTENT OF EVALUATIONS.—The  
20 evaluations described in subparagraph (A) shall,  
21 at a minimum, include evaluations assessing the  
22 need for instruction in assistive technology pro-  
23 ficiency (inclusive of low vision devices), self  
24 sufficiency and interaction (including orienta-  
25 tion and mobility, self determination, sensory  
26 efficiency, socialization, recreation and fitness,

1 and independent living skills), and age-appro-  
2 priate career education.”.

3 **SEC. 205. CONSIDERATION OF SPECIAL FACTORS.**

4 Section 614(d)(3)(B)(iii) (20 U.S.C.  
5 1414(d)(3)(B)(iii)) is amended to read as follows:

6 “(iii) in the case of a child who is  
7 blind or visually impaired, provide for—

8 “(I) instruction in Braille and  
9 the use of Braille unless the IEP  
10 Team determines, after an evaluation  
11 of the child’s reading and writing  
12 skills, needs, and appropriate reading  
13 and writing media (including an eval-  
14 uation of the child’s future needs for  
15 instruction in Braille or the use of  
16 Braille), that instruction in Braille or  
17 the use of Braille is not appropriate  
18 for the child; and

19 “(II) instruction meeting the  
20 child’s unique learning needs, includ-  
21 ing instruction which may be needed  
22 by students without disabilities or  
23 with other disabilities but which must  
24 be specifically designed, modified, or  
25 delivered to meet the unique learning

1 needs of students with visual disabil-  
2 ities. Such instruction includes assist-  
3 ive technology proficiency (inclusive of  
4 low vision devices); self sufficiency  
5 and interaction (including orientation  
6 and mobility, self determination, sen-  
7 sory efficiency, socialization, recre-  
8 ation and fitness, and independent liv-  
9 ing skills); and age appropriate career  
10 education;”.

11 **SEC. 206. TECHNICAL ASSISTANCE FOR PARENTS AND EDU-**  
12 **CATORS OF STUDENTS WITH VISUAL DISABIL-**  
13 **ITIES.**

14 Section 616 (20 U.S.C. 1416), as amended by section  
15 109, is further amended by adding at the end the fol-  
16 lowing:

17 “(k) MAINTAINING CURRENT POLICY GUIDANCE FOR  
18 PARENTS AND EDUCATORS OF STUDENTS WITH VISUAL  
19 DISABILITIES.—The Secretary shall ensure that not later  
20 than 1 year after the date of the enactment of the Alice  
21 Cogswell and Anne Sullivan Macy Act (and periodically  
22 thereafter but at least within 5-year intervals), policy  
23 guidance concerning the provision of special education and  
24 related services to students with visual disabilities (last  
25 published in the Federal Register on June 8, 2000) is re-

1 viewed and updated (with particular attention to expla-  
2 nation of relevant amendments to the Alice Cogswell and  
3 Anne Sullivan Macy Act or to its implementing regula-  
4 tions) and is published in the Federal Register.”.

5 **Subtitle B—Anne Sullivan Macy**  
6 **Center on Visual Disability and**  
7 **Educational Excellence**

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

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

15 (b) MISSION.—The mission of the program estab-  
16 lished in subsection (a) is to improve the capacity of stu-  
17 dents with visual disabilities receiving special education  
18 and related services to learn effectively and live both pro-  
19 ductively and independently through—

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

1           (2) support for the establishment of new pro-  
2           grams within institutions of higher education to pre-  
3           pare teachers of students with visual impairments to  
4           serve students with visual disabilities who also have  
5           additional disabilities;

6           (3) model local, regional, and national enrich-  
7           ment projects open to students with visual disabili-  
8           ties intended to supplement State and local edu-  
9           cational agency provision of specialized instruction  
10          and services meeting such students' unique learning  
11          needs; and

12          (4) research identifying, developing, and evalu-  
13          ating valid assessments and effective interventions  
14          measuring and addressing the unique needs of stu-  
15          dents with visual disabilities, including need for in-  
16          struction and services which may be needed by stu-  
17          dents without disabilities or with other disabilities  
18          but which must be specifically designed, modified, or  
19          delivered to meet the unique learning needs of stu-  
20          dents with visual disabilities. At a minimum, such  
21          instruction and services include communication and  
22          productivity (including braille instruction, and as-  
23          sistive technology proficiency inclusive of low vision  
24          devices); self-sufficiency and interaction (including  
25          orientation and mobility, self-determination, sensory

1 efficiency, socialization, recreation and fitness, and  
2 independent living skills); and age appropriate career  
3 education.

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

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

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

17 (1) at least two national nonprofit organizations  
18 with demonstrated experience publishing materials,  
19 offering direct professional development opportuni-  
20 ties, and disseminating course curricula supporting  
21 the preparation or continuing education of teachers  
22 of students with visual impairments and related  
23 services personnel;

24 (2) at least one national nonprofit organization  
25 (which may include a special school serving students

1 who are blind) with demonstrated experience directly  
2 serving students with visual disabilities (including  
3 students who may or may not have additional dis-  
4 abilities) through in-person instruction and services  
5 meeting their unique learning needs;

6 (3) at least one institution of higher education  
7 that—

8 (A) has consistently maintained for at  
9 least ten years a program of instruction pre-  
10 paring teachers of students with visual impair-  
11 ments or orientation and mobility instructors;

12 (B) offers a program of doctoral study in  
13 special education; and

14 (C) maintains a Carnegie Classification as  
15 a Doctoral Research University; and

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

19 (c) GOVERNANCE.—As part of the Secretary’s over-  
20 sight responsibilities, the Secretary shall appoint an advi-  
21 sory board (of no more than 12 individual members who  
22 do not have a concurrent fiscal, fiduciary, or employment  
23 relationship with any of the entities comprising the consor-  
24 tium described in subsection (b)) which shall advise the  
25 Secretary and such consortium of entities with respect to

1 strategic planning and annual program performance. The  
2 advisory board shall be comprised of individuals with per-  
3 sonal or professional experience with the needs of students  
4 with visual disabilities and shall include parents of stu-  
5 dents with visual disabilities, administrators of special  
6 education programs, and representatives of national orga-  
7 nizations of individuals who are blind or visually impaired.  
8 The Secretary is authorized to compensate the members  
9 of the advisory board for reasonable expenses incurred for  
10 travel related to in-person meetings of the advisory board  
11 which shall occur no more frequently than three times  
12 within a calendar year. The provisions of the Federal Ad-  
13 visory Committee Act shall not apply to meetings or other  
14 activities of the advisory board. Prior to the appointment  
15 of any individual to the advisory board, the Secretary shall  
16 consult with such consortium of entities which may also  
17 nominate individuals to the Secretary for advisory board  
18 membership.

19 (d) STRUCTURE.—The Secretary, as part of the con-  
20 tract or cooperative agreement described in subsection (a),  
21 shall ensure that such contract or cooperative agreement  
22 specifies any and all necessary fiscal and other responsibil-  
23 ities between and among the entities described in sub-  
24 section (b) whom shall propose such responsibilities to the  
25 Secretary in an application for award of such contract or

1 cooperative agreement containing such information as the  
2 Secretary may require.

3 **SEC. 213. ACTIVITIES.**

4 Subject to the provisions of this subtitle, the Anne  
5 Sullivan Macy Center on Visual Disability and Edu-  
6 cational Excellence is authorized—

7 (1) to conduct or fund original quantitative and  
8 qualitative research and publish or otherwise dis-  
9 seminate such research;

10 (2) to conduct or fund in-person and on-line  
11 continuing education opportunities for teachers of  
12 students with visual impairments and related serv-  
13 ices personnel specifically trained to meet the unique  
14 learning needs of such students, and prepare, pub-  
15 lish or otherwise disseminate supporting materials;

16 (3) to conduct or fund in-person or online en-  
17 richment projects for students with visual disabilities  
18 (including those who may also have additional dis-  
19 abilities) to offer direct instruction and services in-  
20 tended to improve the capacity of such students to  
21 learn effectively and live both productively and inde-  
22 pendently for the purpose of—

23 (A) supplementing the availability of such  
24 instruction and services offered by State and  
25 local educational agencies; and

1 (B) evaluating, through appropriate quan-  
2 titative and qualitative methods, the effective-  
3 ness of instruction and services offered by such  
4 projects;

5 (4) to fund, in accordance with regulations oth-  
6 erwise applicable to personnel preparation programs  
7 supported under part D of the Individuals with Dis-  
8 abilities Education Act (20 U.S.C. 1450 et seq.), the  
9 establishment of programs within institutions of  
10 higher education preparing teachers of students with  
11 visual impairments (which have not been previously  
12 funded under such Part) to specifically prepare such  
13 teachers to provide expert instruction to students  
14 with visual disabilities who also have additional dis-  
15 abilities; and

16 (5) enter into cooperative agreements, con-  
17 tracts, grants (or other arrangements which may be  
18 permitted by the Secretary) with nonprofit organiza-  
19 tions possessing demonstrable expertise and experi-  
20 ence serving students with visual disabilities or the  
21 professionals trained to work with such students, in-  
22 stitutions of higher education, State and local edu-  
23 cational agencies, public and private specialized  
24 schools serving students with visual disabilities, and  
25 consortia of such entities, for the purpose of car-

1       rying out activities authorized in this subsection that  
2       are not otherwise directly conducted, in whole or in  
3       part, by the Anne Sullivan Macy Center.

4 **SEC. 214. AUTHORIZATION OF APPROPRIATIONS AND CAR-**  
5 **RYOVER.**

6       (a) AUTHORIZATION OF APPROPRIATIONS.—To carry  
7 out the provisions of this subtitle, there are authorized to  
8 be appropriated such sums as may be necessary, provided  
9 that for fiscal year 2015 and for each succeeding fiscal  
10 year, the amount appropriated shall be an amount equal  
11 to no less than 0.2 percent of funds appropriated in the  
12 previous fiscal year for grants to States under part B of  
13 the Individuals with Disabilities Education Act.

14       (b) CARRYOVER.—Funds appropriated pursuant to  
15 subsection (a) that have not been expended during the fis-  
16 cal year for which they were appropriated shall remain  
17 available in the subsequent fiscal year, provided that no  
18 more than 15 percent of a given fiscal year's appropriation  
19 may be so carried over.

20 **SEC. 215. RELATIONSHIP TO OTHER PROGRAMS AND AC-**  
21 **TIVITIES.**

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

1           (b) COORDINATION OF RESEARCH.—The Secretary  
2 shall ensure that research activities authorized and carried  
3 out pursuant to this title are conducted or funded in co-  
4 ordination as appropriate with the National Center for  
5 Special Education Research and other divisions within the  
6 Department of Education responsible for research activi-  
7 ties.

8           (c) RELATIONSHIP TO SERVICES OFFERED BY THE  
9 AMERICAN PRINTING HOUSE FOR THE BLIND.—Nothing  
10 in this subtitle shall be construed to limit or otherwise con-  
11 dition the use of any funds appropriated pursuant to chap-  
12 ter 6 of title 20, United States Code, and no funds made  
13 available pursuant to this subtitle shall be used by any  
14 State or local educational agency to supplant the use of  
15 funds appropriated under such chapter.

16           (d) RELATIONSHIP TO FUNDING FOR DEAF-BLIND  
17 EDUCATION AND FOR THE HELEN KELLER NATIONAL  
18 CENTER.—The Secretary shall ensure that any activities  
19 conducted or funded by the Anne Sullivan Macy Center  
20 directly serving individuals who are deaf-blind are coordi-  
21 nated as appropriate with the Helen Keller National Cen-  
22 ter. No funds made available pursuant to this title may  
23 be used to support activities that are otherwise the sole  
24 responsibility of the Helen Keller National Center or may  
25 be used to supplant funds for such Center. The Secretary

1 shall ensure that no funds made available pursuant to this  
2 title are used to support activities that are to be funded  
3 pursuant to section 682(d)(1)(A) of the Individuals with  
4 Disabilities Education Act (20 U.S.C. 1482(d)(2)(A)).

5 (e) WORK PRODUCT.—All matter produced by the  
6 Anne Sullivan Macy Center shall be the property of the  
7 United States, except that entities comprising the consor-  
8 tium of entities described in section 212(b) shall be indi-  
9 vidually free, within the terms of the contract or coopera-  
10 tive agreement described in section 212(a), to reproduce,  
11 or author copyrighted derivative works using, such matter.

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