The Individuals with Disabilities Education Act (IDEA) is intended to meet the needs of all eligible students. However, the needs of deaf and hard of hearing students are unique and often are not adequately addressed in special education systems. This bill expands upon existing IDEA provisions to specifically include a focus on deaf and hard of hearing students.

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title—This Act may be cited as the “Alice Cogswell Act of 2013.”

(b) Table of Contents—
Sec. 1. Short Title; Table of Contents.
Sec. 2. Findings and Purposes.

Title I.—Improving the Effectiveness of Special Education and Related Services for Students Who are Deaf or Hard of Hearing

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.

Title II.—Improving the Effectiveness of Early Intervention Services for Infants and Toddlers Who are Deaf or Hard of Hearing

Sec. 201. Qualified Personnel.
Sec. 203. Content of Plan.

Title III.—Personnel Development to Improve Services and Results for Children with Disabilities

Sec. 301. Personnel Development to Improve Services and Results for Children with Disabilities.

Sec. 2. Findings and Purposes.

(a) Findings—The Congress of the United States finds the following:

- Bill provides background information on the history of deaf education.
- Describes need for early access to language, including American Sign Language and spoken language, specialized educators, instruction, and services, incidental learning, family support, and literacy.
- Recognizes that the Least Restrictive Environment for a deaf child is one where his language and communication needs are met.
- Emphasizes ensuring that all deaf and hard of hearing students are counted even if some are categorized differently (for example, as having multiple disabilities) so that sufficient personnel and resources are available.
- Emphasizes ensuring that students are properly assessed and that educational systems are accountable for their academic performance.
- Emphasizes the need for special schools and center-based programs.
(b) Purposes.—The purposes of this Act are:

1. To better ensure delivery of high quality special education and related services to students who are deaf or hard of hearing through specialized instructional services and methodologies designed to meet their unique language, communication, and learning needs.

2. To better ensure delivery of high quality early intervention services to infants and toddlers who are deaf or hard of hearing and their families through specialized services and methodologies designed to meet their unique language, communication, and other developmental needs.

3. To enhance accountability for the provision of such services.

4. To support the development of personnel serving students who are deaf or hard of hearing.

Title I.—Improving the Effectiveness of Special Education and Related Services and for Students who are Deaf or Hard of Hearing

[all amendments are to IDEA]

Sec. 101. Identifying Students who are Deaf or Hard of Hearing.—

(a) Serving All Children who are Deaf or Hard of Hearing Regardless of Classification.—Section 612(a)(3):

**Current Language**
States are required to locate and evaluate all children with disabilities and provide them the necessary special education and related services.

**Proposed Language**
(D) States must locate and evaluate children who are deaf or hard of hearing even if they are classified in a different disability category. States must provide special education and related services to these children, including deaf and hard of hearing services.

**Rationale**
When deaf or hard of hearing students have an additional disability, frequently they are categorized as being in that category alone, and their needs as a deaf or hard of hearing student are overlooked.

(b) Data Collection and Reporting.—Section 618:

**Current Language**
States must report the number of students served through IDEA overall, by disability category, and by other factors.

**Proposed Language**
(f) States must count all students who are deaf or hard of hearing even if they are classified in a different disability category. States must report how many deaf and hard of hearing students there are in each disability category.

**Rationale**
Counting deaf and hard of hearing students in a category other than deaf/hard of hearing leads to undercounting.
(c) Child with a Disability.—Section 602(3)(A)(i):

**Current Language**
The term ‘child with a disability’ means a child . . . “with hearing impairments (including deafness)” . . .

**Proposed Language**
Changes “with hearing impairments (including deafness)” to “who is deaf or hard of hearing.”

**Rationale**
This language is preferred by the deaf and hard of hearing community.

Sec. 102. State Plans.—Section 612:

**Current Language**
Currently States must file a State plan describing how they will serve all eligible students.

**Proposed Language**
(h) Addendum Concerning Students Who are Deaf or Hard of Hearing.—

(1) States must file an addendum describing how the State specifically ensures that deaf students will be properly served:

(A) children are evaluated by qualified professionals, using valid and reliable assessments, for children's need for instruction and services meeting their unique language and communication, literacy, academic, social and related learning needs,

(B) there are sufficient personnel qualified to provide this evaluation and instruction

(C) all children who need special education and related services receive them and are not being served solely under Section 504.

(2) In preparing the addendum described in paragraph (1), the State must address:

(A) how the State will support students’ ongoing progress in language development, including American Sign Language and spoken language; the provision of school-related opportunities for direct communications with peers and professional personnel in the child’s language; opportunities for direct instruction in the child’s language; instruction in other areas such as audiology, career education, communication and language, social skills, functional skills, advocacy, social-emotional skills, technology, and family education; and

(B) consultation with organizations with expertise in the education of children who are deaf or hard of hearing, including parents, schools for the deaf, consumer and advocacy organizations, and others.

**Rationale**
This will ensure deaf and hard of hearing students educational needs are addressed.

Sec. 103. Evaluations.—Section 614(b):

**Current Language**
IDEA requires that appropriate assessments be used and that they be administered by trained and knowledgeable professionals.

Proposed Language
(8) Children Who Are Deaf or Hard of Hearing.—

(A) Deaf and hard of hearing children must be evaluated on language and communication proficiencies in their primary language, including American Sign Language and spoken language, and details specifically what must be examined, such as ability to access grade level content. Students’ unique learning needs, such as the need for direct communication, must be determined.

(B) The evaluations must assess the need for services and settings to assist the child in developing or maintaining age appropriate language and communication levels, and need for other instruction.

Rationale
Language and communication proficiencies are the key to educational success. It is imperative that IEP Teams have accurate and up to date information on these proficiencies for each deaf and hard of hearing student.

Sec. 104 Individualized Education Program Team.—Section 614(d)(1)(B)(vi):

Current Language
Allows the parents or school to include on the IEP Team individuals who have knowledge or expertise about the child.

Proposed Language
(vii) Allows the parents or school to include on the IEP Team a representative of a school for the deaf.

Rationale
Schools for the deaf have unique expertise that can assist in the development of the IEP.

Sec. 105. Consideration of Special Factors.—Section 614(d)(3)(B)(iv):

Current Language
The IEP Team shall consider a deaf or hard of hearing child’s language and communication needs, opportunities for direct communications, academic level, and other needs . . .

Proposed Language
The IEP Team shall provide for:
(I) the child’s language and communication needs, opportunities for direct communications, without an interpreter, in the child’s primary language, including American Sign Language and spoken language, academic level, and other needs . . .

(II) instruction meeting the child’s unique learning needs, including services and settings to assist the child in developing or maintaining age appropriate language and communication levels, including in American Sign Language and spoken language, specifically designed instruction to meet the unique learning needs of students who are deaf or hard of hearing . . .

Rationale
This guides the IEP Team in designing an IEP that addresses the range of needs.

Sec. 106. Monitoring.—Section 616(a):
Current Language
States have specific monitoring responsibilities under IDEA.

Proposed Language
States are required to monitor compliance with the new sections of IDEA added by this law.

Rationale
This will help identify state needs in serving deaf and hard of hearing students.

Sec. 107. Continuum of Service Delivery Options.—

(a) Ensuring Continuum Availability.—Section 612(a)(5):

Current Language
The continuum is not required by the statute but is required by the regulations only.

Proposed Language
The continuum is included in the statute.

Rationale
The continuum will be better protected if it is part of the statute.

(b) Maintenance of Specialized Services and Settings for Students with Sensory Disabilities.—Section 612(a)(18):

Current Language
States are not permitted to reduce expenditures for special education except under rare circumstances and only after having a waiver approved by the U.S. Department of Education. If a State reduces expenditures without this approval it is subject to sanctions.

Proposed Language
If a State closes its school for the deaf or school for the blind, or if it merges the school for the deaf and the school for the blind, it will be considered to have unlawfully reduced expenditures for special education unless it applies for and receives a waiver.

Rationale
When closing or merging a specialized school the state is in fact reducing expenditures. This provision would treat these actions as the reduction they are.

Sec. 108. Technical Assistance for Parents and Educators of Students who are Deaf or Hard of Hearing.—Section 616(k):

Current Language
The Deaf Students Education Service Policy Guidance was issued in 1992.

Proposed Language
The Policy Guidance will be reviewed and updated within a year of the passage of this bill and reviewed and updated at least every five years.

Rationale
The Policy Guidance will keep pace with new and emerging research and practice.

Title II. Improving the Effectiveness of Early Intervention for Deaf or Hard of Hearing Infants and Toddlers and Their Families

Sec. 201. Qualified Personnel.—Section 632(4)(F)(xiii):
**Current Language**
Teachers of the deaf are not included in the list of qualified personnel in the statute. (“Teachers of children with hearing impairments” are included in the regulations).

**Proposed Language**
The IDEA statute includes “teachers of infants and toddlers with sensory disabilities.”

**Rationale**
More and more deaf and hard of hearing infants are being identified early, making it necessary to increase this supply, which currently is insufficient.

Sec. 202. Natural Environment.—Section 632(4) is modified as follows:

**Current Language**
“Natural environment” emphasizes providing services in the home or community settings apart from other infants and toddlers with disabilities.

**Proposed Language**
For infants and toddlers who are deaf, blind, or deaf-blind, the natural environment includes specialized schools and centers and any other environment where services meeting unique needs are available.

**Rationale**
Many deaf and hard of hearing infants and toddlers and their families benefit from receiving services in a specialized environment, where the expertise resides and where the child and family can benefit from language models. Preventing deaf and hard of hearing children and families from meeting and learning from other deaf and hard of hearing children and families, as well as specialized educators, is counterproductive.

Sec 203. Content of Plan.—Section 636(d)(3):

**Current Language**
Individualized Family Service Program (IFSP) does not have a “special factors” provision similar to Section 614(d)(3)(B)(iv).

**Proposed Language**
IFSP includes a statement of the ongoing language and communication assessment that would be provided, language and communication goals and access, opportunities for direct communication in the child’s language, including ASL and spoken language, and support and instruction for families.

**Rationale**
These factors are as important for infants and toddlers as they are for older children.

Title III.—National Activities to Improve Education of Children with Disabilities

Sec. 301 Personnel Development to Improve Services and Results for Children with Disabilities.

(a) Licensing of Educational Interpreters.—Section 662(c)(2):

**Current Language**
Authorizes funding for programs to train qualified educational interpreters but does not mention licensure.

**Proposed Language**
Requires Department-funded interpreter programs to prepare interpreters to be licensed by “the appropriate licensing body.”

**Rationale**
Licensing is a method of quality assurance.

(b) Ensuring Sufficient Teachers of the Deaf and Early Intervention Specialists.—Section 662(c)(2):

**Current Language**
Authorizes funding for programs to train personnel serving students with low-incidence disabilities, but does not specifically name teachers of the deaf.

**Proposed Language**
Adds (F) “qualified teachers of the deaf and early intervention specialists” to the list of professionals to be trained under this section and emphasizes personnel assisting deaf and hard of hearing children to develop age appropriate language.

**Rationale**
These are key professionals to improve outcomes for deaf and hard of hearing children.