

**Comments of the
Sensory Disabilities Roundtable**

**American Council of the Blind
American Foundation for the Blind
American Society for Deaf Children
Association for Education and Rehabilitation of the Blind and Visually Impaired
Conference of Educational Administrators of Schools and Programs for the Deaf
Deaf and Hard of Hearing Consumer Advocacy Network
Helen Keller National Center
National Association for Parents of Children with Visual Impairments
National Association of the Deaf
National Coalition on Deaf-Blindness
National Deaf Education Project
Self Help for Hard of Hearing People**

**Submitted to the
U.S. Department of Education and Congress**

**on the
Reauthorization of the Individuals with Disabilities Education Act**

February 2003

Introduction

The above named organizations hereby submit our recommendations to the U.S. Department of Education (hereinafter "the Department") and Congress on the reauthorization of the Individuals with Disabilities Education Act (IDEA). We represent children and adults with sensory disabilities – those who are deaf or hard of hearing, blind or visually impaired, or deaf-blind – as well as parents and professionals. Throughout this paper, in referencing the needs of children who are visually impaired or hearing impaired, it is intended that the needs of deaf-blind students are implicitly included. Thank you for the opportunity to comment. We believe that all stakeholders should be involved in every step of the reauthorization process.

We start by stating our views in three important areas.

- Access to language, communication, and information is critical for any child, but often inadequate for our children. Children who are blind or visually impaired must receive Brailled, audio, and or large print information such as textbooks at the same time their sighted peers receive written information. All visual information must be presented to these children in an accessible format. Children who are deaf or hard of hearing must have access to direct communication with peers and professionals in the child's primary language and communication mode. For some that will occur through the use of sign language, for others it will be the use of residual hearing and spoken language, and for others it will be a combination of the two.
- The provisions of "least restrictive environment" and "natural environment" often have been misinterpreted for our populations. While common thinking is that the neighborhood school classroom is always the "best" place to be, our students often receive

more effective and appropriate services in specialized settings, therefore we support the continuum of alternative placements. Least Restrictive Environment should refer to the LRE for the individual child, not a preconceived idea of what LRE is. LRE will be different for each child, depending on his or her needs. For children who are deaf or hard of hearing, we like to think of LRE as representing a "language rich environment."

- As with other areas of special education, there is a severe shortage of professionals available to serve our populations. Our students require specialized services from well-trained, qualified personnel who understand how our children learn best. These personnel need to be able to provide instruction in the use of Braille, assistive technologies or visual efficiency skills, use tactile signing, communicate in American Sign Language, or use other skills, which can only be attained after a significant period of in-depth training. Because sensory disabilities are low-incidence, most states do not have sufficient resources to train these professionals. Therefore, we believe this is an area where the Department should play an ongoing leadership role through support of state and regional training programs.

We would also like to draw your attention to the comments of the Technology, Education, and Accessible Media (TEAM) Coalition, comprised of approximately 30 education and disability groups. The TEAM Coalition advocates for universal design of educational media projects, particularly those developed with IDEA funds. We heartily support the views of this Coalition and urge Congress and the Department to do so as well.

Recommendations

Part A

Sec. 602 (3) Child with a Disability

The current definition makes children eligible for services under IDEA if they fall into a specific disability category and because of that disability need special education and related services. We support maintaining distinct disability categories. In addition, we know that there are specific services that are required to allow children with sensory disabilities to access and progress in the general curriculum. We believe that the law should be clarified to say that these children need not exhibit academic lag or failure in order to be eligible for services.

Sec. 602 (8) Expanded Core Curriculum

Amend by renumbering paragraph (8) as paragraph (9), renumbering the remaining paragraphs accordingly, and adding the following as the new paragraph (8):

(8) EXPANDED CORE CURRICULUM. - The term 'expanded core curriculum' means a range of instructional services designed to provide students who are blind or visually impaired with socialization and independent living skills, orientation and mobility skills, and skills in the use of assistive technology devices (including low vision devices as appropriate).

Sec. 602 (22) Related Service

Amend Sec. 602 (22) to read:

(22) RELATED SERVICES- The term 'related services' means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, qualified, certified sign language interpreting, oral interpreting and transliterating, cued speech transliterating, and Communication Access Real Time Translation (CART), psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children.

Part B

Sec. 611 (f) (3) Other State Level Activities, Sec. 612 State Eligibility Procedure

States seeking IDEA funds should include language specifically addressing the needs of children with sensory disabilities as part of state level activities and/or as part of the state eligibility procedure.

Access to Materials

Sec. 612 (a) Access to Instructional Information

Add at an appropriate place in subsection 612 (a):

(#) Each state shall assure that blind and visually impaired students in a regular education classroom setting shall have access to technology, handouts, textbooks, classroom activities, field trips, audiovisual presentations, notices and all other materials and equipment intended for use by students in the classroom.

Sec. 612 (a) (5) Least Restrictive Environment

Create new section (i) and amend to read as follows:

(A) IN GENERAL.-To the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are not disabled, and special classes, separate schooling, or other removal of children with disabilities from the regular educational environment only occurs:

(i) When the nature or severity of the disability of a child is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily; or

(ii) when the IEP team determines that, in order for a child to achieve academic success and other non-academic educational goals, the fullest range of services meeting the child's unique needs is available in another setting.

Sec. 612 (a) (5) (B) Least Restrictive Environment

Special education funding formulas should truly be “placement neutral,” as required by current law. They should be crafted in such a way that there is neither a financial incentive for a Local Education Authority (LEA) to place a child outside of the district when the child is being adequately served in the district, nor an incentive to keep the child in the district when an outside placement is appropriate.

Sec. 612 (a) (6) Continuum of Appropriate Settings

Renumber paragraph (6) and following to begin with paragraph (7), with the following text added as paragraph (6):

(6) CONTINUUM OF APPROPRIATE SETTINGS.—

(A) IN GENERAL.— To the maximum extent possible, a continuum of alternative permanent and interim educational settings is available to meet the unique educational needs of children with disabilities, especially children with sensory disabilities such as blindness, deafness and deaf-blindness. The continuum includes instruction in regular classes, special classes, special schools, home instruction, instruction in hospitals and institutions, and supplementary services (such as resource room or itinerant instruction) provided in conjunction with the regular classroom setting.

(B) NOTICE.—When an individualized education program is developed, reviewed or revised, the options available along the continuum described in subparagraph (A) are discussed, and the individualized education program contains an assurance that written description (provided in advance of the IEP meeting) of the availability of the continuum of appropriate settings has been provided.

Sec. 614 (d) (1) (B) Individualized Education Program Team

For children who are deaf or hard of hearing, this should be designated “Individualized Education Program/Communication Development Team.”

Sec. 614 (d)(1)(B)(iii) Individualized Education Program Team

For children with sensory disabilities, the Team should include a teacher who is qualified to provide instruction meeting the child’s specific sensory disability /ies.

Sec. 614 (d)(3)(B)(iii) Development of IEP

Amend to read as follows:

(iii) in the case of a child who is blind or visually impaired,

(I) provide for instruction in Braille and the use of Braille unless the IEP Team determines, after an evaluation of the child’s reading and writing skills, needs, and appropriate reading

and writing media (including an evaluation of the child's future needs for instruction in Braille or the use of Braille), that instruction in Braille or the use of Braille is not appropriate for the child;

(II) provide for instruction in the expanded core curriculum, including such related services as the IEP Team determines to be appropriate to the child's unique educational and other needs.

Sec. 614(d)(3)(B)(iv) Development of IEP

Amend to read as follows:

(iv) consider the communication needs of the child, and in the case of a child who is deaf or hard of hearing, provide for ongoing language and communication assessment, development, and access, including ongoing opportunities for direct language and communication access to peers, instructors, other professional personnel, and the general curriculum in the child's language and communication mode (including spoken language, American Sign Language, and/or other modes of communication); instruction at the child's academic level; and the child's full range of needs;

Part C

Sec. 632 (4)(C)(iii) Communication Development

Amend to read as follows:

(C) are designed to meet the developmental needs of an infant or toddler with a disability in any one or more of the following areas --

- (i) physical development;
- (ii) cognitive development;
- (iii) language and communication development;

Sec. 632 (4)(F) Qualified Personnel

(F) are provided by qualified personnel, including --

- (i) special educators;
- (ii) teachers of infants and toddlers with sensory disabilities

and renumber (ii) through (xi) as (iii) through (xii)

Sec. 632 (4)(G) Continuum of Placements

Add:

For infants and toddlers with sensory disabilities, such as deafness, blindness, or deaf-blindness, the natural environment shall include

(i) specialized schools, centers, or other programs where the child's language and communication mode (including spoken language, signed language including American Sign Language, and/or other modes of communication) is the primary language and mode of communication; or

(ii) any other environment where services meeting unique needs are available.

Sec. 636 (d)(1) Content of IFSP

Include parallel "special factors" language from Sec. 614 (d)(3)(B) including :

. . . in the case of an infant or toddler who is deaf or hard of hearing, provide for ongoing language and communication assessment, development, and access, including ongoing opportunities for direct language and communication access to peers, instructors, and other professional personnel, in the child's language and communication mode (including spoken language, American Sign Language, and/or other modes of communication); and the child's full range of needs;

Lack of Part C programs: In given geographic areas, there are no viable Part C programs available for deaf and hard of hearing children. Newborn hearing screening programs are new in most places. Because in the past, children were not identified early, programs to serve deaf and hard of hearing infants and toddlers were not established. Now that over 41 states plus the District of Columbia screen babies at birth for hearing loss, programs must be put in place to serve identified children and their families.

Failure to refer: In areas where viable Part C systems do exist, hospitals that screen and identify babies with hearing loss sometimes fail to refer them to these systems. Instead, they refer families to their own system of services in a medical setting, serving as *de facto* early intervention providers. While it is well established that families may refuse early intervention services they do not wish to receive, they should be made aware of the options available to them. Parents of babies newly identified with hearing loss must be provided with complete information about the full range of options available to them for intervention services.

Part D

Part D programs are essential to support the activities required by Part B and Part C. Congress and the Department should increase support for Part D programs.

Sec. 653 Applications

Require State Improvement Grant applications to describe what improvement strategies (Sec. 653 (c)) states will use to address the unique needs (Sec. 653 (b)) of children with low-

incidence disabilities, particularly through personnel preparation programs generally under Sec. 653 (c)(3)(D) and collaborative agreements among states under Sec. 653 (c)(3)(D)(iv).

Sec. 661 (i)(1)(A):

Amend to read as follows:

(i)(1)(A) \$16,000,000 to address the educational, related services, transitional, and early intervention needs of children with deaf-blindness.

This increase is necessary to address the educational, related services, transitional, and early intervention needs of individuals with deaf-blindness; this funding is to provide support for a national technical assistance project, a national clearinghouse on deaf-blindness, and the existing single and multi-state projects providing technical assistance to schools and agencies serving deaf-blind children and their families.

Sec. 661 (i)(1)(B)

Amend to read as follows:

(i)(1)(B) \$6,000,000 to address the postsecondary, vocational, technical, continuing, and adult education needs of individuals with deafness.

This increase is necessary to address the post secondary, vocational, technical, continuing, and adult education needs of individuals with deafness; this funding has remained flat over the years while the number of students served has risen.

Sec. 673 Personnel Preparation to Improve Services and Results for Children with Disabilities

Amend to read as follows:

(a) IN GENERAL.-The Secretary shall, on a competitive basis, make grants to, or enter into contracts or cooperative agreements with, eligible entities-

(1) to help address State-identified needs for qualified personnel in special education, including the education of children with sensory disabilities, related services, early intervention, and regular education, to work with children with disabilities; and

(2) to ensure that those personnel have the skills and knowledge, derived from practices that have been determined, through research and experience, to be successful, that are needed to serve those children. Pursuant to this goal the secretary shall allocate funds to each state which shall be used to assure that within 5 years, every regular education teacher in the state shall have attained at least nine credit hours of pre-service or in-service training specifically targeted towards teaching students with disabilities. To be eligible for such funding, each state shall be responsible for amending teacher certification criteria to incorporate the nine credit hour requirement.

Sec. 673 (b) Low-Incidence Disabilities

There are personnel shortages in the area of early intervention, education for students age three to 21, and school leadership in the education of children with sensory disabilities. We ask Congress to direct the Department of Education to continue to address these personnel needs through funds granted under Sec. 673 (b). We recommend that the Department consider the role and value of center schools for the deaf and schools for the blind in assisting with the provision of this training.

Sec. 673 (b)(2) Authorized Activities

Amend as follows:

Delete Sec. 673 (b)(2)(D) and substitute the following; amend E and F, and add G and H as follows:

(D) Preparing personnel who provide services to visually impaired or blind children to

(i) teach Braille reading and writing skills to such children and develop such skills by encouraging the use of Braille by the student wherever appropriate to complete class work, and

(ii) to provide or facilitate instruction in the expanded core curriculum, especially instruction in independent living skills, orientation and mobility, and skills in the use of assistive technology devices.

(E) Preparing personnel who provide services to deaf and hard of hearing children to provide direct language and communication access to the general curriculum through spoken or signed languages, or other modes of communication.

(F) Preparing personnel who provide services and appropriate curriculum design to deaf-blind children.

(G) Preparing personnel to be qualified educational interpreters, to assist children with disabilities, particularly deaf and hard-of-hearing children in school and school-related.

(H) Preparing personnel who provide services to children with significant cognitive disabilities and children with multiple disabilities.

Sec. 673 (d)(2) Projects of National Significance; Authorized Activities

Insert subsection (L) as follows:

(L) Projects to improve the ability of special education teachers, general education teachers, principals and other administrators to use universally designed technology and assistive technology for the benefit of their students, including those students with disabilities; to

evaluate the assistive technology needs of students with disabilities; and to train students with disabilities in the use of assistive and universally designed technologies.

Section 673 (j) Authorization of Appropriations

Amend to read as follows:

(j) AUTHORIZATION OF APPROPRIATIONS.—

There are authorized to be appropriated to carry out this section such sums as may be necessary for each of the fiscal years 2003, 2004, 2005, 2006, and 2007, provided that

(1) of the amount appropriated during a fiscal year, the Secretary shall make no less than 35 percent of such sum available to support the activities described in subsection (b);

(2) of the amount described in subparagraph (1), the Secretary shall make no less than 20 percent of such sum available to support the activities described in subsection (b)(2)(D);

(3) of the amount described in subparagraph (1) the Secretary shall make no less than 20 percent of such sum available to support the activities described in subsection (b)(2)(E) (as modified above);

(4) of the amount described in subparagraph (1) the Secretary shall make no less than 20 percent of such sum available to support the activities described in subsection (b)(2)(F) (as modified above).

Sec. 687 Technology Development, Demonstration, And Utilization; And Media Services

Retain and amend as follows:

(c)(2) providing video description, open captioning, or closed captioning of television programs, videos, or educational materials, news, and informational television, including programs and materials associated with new and emerging technologies such as CDs, DVDs, video streaming and other forms of multimedia.

Accountability Procedures

We agree with President Bush, Secretary Paige, Assistant Secretary Pasternack, and others who promote accountability as one of the four pillars of education reform. As is mentioned in the introduction to this document, three main areas of concern for children with sensory disabilities are:

- Access to language and communication,
- Placement the least restrictive environment for the child, and
- Access to qualified educational providers.

If these components are not in place, it is not likely the child will perform adequately on the standardized tests now mandated by law. Therefore, these three areas should be the first to

be examined in considering accountability, and they should be measured over time. After the program, setting, and educational provider qualifications have been assessed, then actual student outcomes should be examined. Only then will examiners be able to determine the cause of a child's educational gaps, if any, and know which remedies would be appropriate.

For example, the areas impacted by hearing loss are a child's language and communication development and ability, which subsequently affect the child's cognitive development and academic outcomes. To fully develop his/her language and communication abilities, a child must have sufficient opportunities to acquire and develop language in its natural form and to communicate freely with others. Therefore, accountability measures for systems serving children who are deaf or hard of hearing must first take into consideration a child's language and communication access, and it must take into account whether sufficient access was provided in the child's current and prior school environments. Qualifications of the child's teacher, including her/his ability to communicate directly with the child, should be examined. Then measures must take into account actual student outcomes.

For students with vision loss, accountability measures should take consider timely access to Brailled, large print, or audio materials, the teaching of socialization and independent living skills, orientation and mobility skills, and skills in the use of assistive technology devices is crucial for competitive academic success and full inclusion in the education experience . Therefore, accountability measures for systems serving children who are blind or visually impaired must first take into consideration the child's access to Braille which is transcribed in accordance with recognized Braille codes, and the use of Braille as a means of communication. Such accountability measures must also consider the child's access to such crucial extended curricula as orientation and mobility, socialization, independent living skills, and the use of assistive technology.

Deaf-blind students require the same content and accessibility considerations as deaf and hard of hearing and blind and visually impaired children, as detailed in immediately preceding paragraphs. Furthermore, their program content needs to be determined by a qualified educational specialist who has expertise in working with children with multiple sensory disabilities and the aforementioned qualifications regarding the child's communication and reading modes.

We hope this information is helpful as the reauthorization proceeds. If you have any questions or need further information please contact Mark Richert, 703/823-9690, markr@aerbvi.org or Barbara Raimondo, 301/990-2847 v/tty, baraimondo@earthlink.net.

Thank you for consideration of our comments.

Respectfully submitted,

American Council of the Blind (ACB) - ACB is a national membership organization whose purpose is to work toward independence, security, equality of opportunity, and improved quality of life for all blind and visually impaired people.

American Foundation for the Blind (AFB) - Since 1921, the AFB —to which Helen Keller devoted her life—has been eliminating barriers that prevent the ten million Americans who are blind

or visually impaired from reaching their potential. AFB is dedicated to addressing the most critical issues facing this growing population: independent living, literacy, employment, and technology.

American Society for Deaf Children (ASDC) - ASDC is a national organization of families and professionals committed to educating, empowering and supporting parents and families to create opportunities for their children who are deaf and hard of hearing in gaining meaningful and full communication access, particularly through the competent use of Sign Language, in their home, school, and community.

Association for Education and Rehabilitation of the Blind and Visually Impaired (AER) - AER is the only national membership organization dedicated to promoting and developing professional excellence in those who provide services to blind and visually impaired individuals. AER was formed in 1984 as the result of a consolidation between the American Association of Workers for the Blind and the Association for Education of the Visually Handicapped.

Conference of Educational Administrators of Schools and Programs for the Deaf (CEASD) - Founded in 1868, CEASD is committed to the promotion of excellence within a continuum of equitable educational opportunities for all children and adults who are deaf or hard of hearing. CEASD's membership consists of over 100 member schools and programs serving over 12,000 deaf and hard of hearing children and their families.

Deaf and Hard of Hearing Consumer Advocacy Network (DHHCAN) – DHHCAN is a coalition of, by, and for deaf and hard of hearing Americans working to improve access and opportunities for our nation's 28 million citizens with hearing loss. CAN members include ADARA (formerly American Deafness and Rehabilitation Association); American Association of the Deaf-Blind; American Society for Deaf Children; Association of Late-Deafened Adults; Conference of Educational Administrators of Schools and Programs for the Deaf; Deaf Seniors of America; Gallaudet University; Gallaudet University Alumni Association; Jewish Deaf Congress; National Association of the Deaf; National Black Deaf Advocates; National Catholic Office of the Deaf; Registry of Interpreters for the Deaf; TDI, Inc. (formerly Telecommunications for the Deaf, Inc.); USA Deaf Sports Federation.

Helen Keller National Center (HKNC) – The purpose of the HKNC is to provide rehabilitation and training services, to train family members; to train professional personnel; and to conduct applied research development programs at the national center or anywhere in the United States to enable persons who are deaf-blind to reach their full potential.

National Association of Parents of the Visually Impaired (NAPVI) –NAPVI provides parent education, support and resources for families of children with visual impairments including those with multiple disabilities. Programs include parent education workshops and conferences; a national parent to parent information and support network on specific childhood eye conditions and common concerns; publications and AWARENESS magazine in English/Spanish; advocacy efforts to improve medical and educational services for children and their families; and the development of parent associations statewide, nationally and internationally.

National Association of the Deaf (NAD) - The NAD is the nation's largest consumer organization protecting the rights of 28 million deaf, hard of hearing, late-deafened, and

deaf-blind individuals, including the children who are being served under the IDEA. The NAD has had a profound and longstanding interest in the education of deaf and hard of hearing children since 1880, the year of its establishment as one of the Nation's earliest and oldest consumer organizations.

National Coalition on Deaf-Blindness (NCDB) – NCDB evolved as a result of the growing federal trend away from offering specialized services for persons with deaf-blindness. There appeared to be a serious risk that services for individuals with this low-incidence disability would fall under the umbrella of generic services for individuals with severe handicaps. It was this issue which brought to light the need for a national coalition of persons committed to the continuation of services and to advocate for on-going federal responsibility for individuals with deaf-blindness.

National Deaf Education Project (NDEP) – NDEP was established in 1998 to reform the current educational delivery system for deaf and hard of hearing children and has focused on two basic goals: creating an educational paradigm that is fundamentally communication-driven and assisting professional, consumer, and parent organizations to address local, regional, and state issues affecting deaf and hard of hearing children.

Self Help for Hard of Hearing People (SHHH) - SHHH is the foremost consumer organization for people with hearing loss in the United States. Its mission is to open the world of communication to people with hearing loss through information, education, advocacy, and support.