**Resolution of the**

**Association for Education and Rehabilitation of the**

**Blind and Visually Impaired, July 2012**

Support for the Anne Sullivan Macy Act of 2012, A Bill

To promote and ensure delivery of high quality special education and related services to students with visual disabilities through instructional methodologies meeting their unique learning needs; to enhance accountability for the provision of such services; to establish a national collaborative resource on visual disabilities and educational excellence to supplement the current availability of such services; to support the ongoing professional development of instructors of students with visual disabilities; to foster the proliferation of research supporting the development and evaluation of effective and innovative assessments and instructional methodologies; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. Short Title; Table of Contents

(a) Short Title—This Act may be cited as the "Anne Sullivan Macy Act of 2012."

(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 with Visual Disabilities.

Sec. 101. Identifying Students with Visual Disabilities.  
Sec. 102. State Plans.  
Sec. 103. Evaluations.   
Sec. 104. Consideration of Special Factors   
Sec. 105. Monitoring.  
Sec. 106. Continuum of Service Delivery Options.  
Sec. 107. Technical Assistance for Parents and Educators of Students with Visual Disabilities.

Title II.—Anne Sullivan Macy Center on Visual Disability and Educational Excellence.

Sec. 201. Center Establishment and Mission.   
Sec. 202. Administration, Eligibility, Governance, and Structure.  
Sec. 203. Activities.  
Sec. 204. Authorization of Appropriations and Carry-Over.  
Sec. 205. Relationship to Other Programs and Activities.

Sec. 2. Findings and Purposes.

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

1. When renowned American author, Mark Twain, immortalized Helen Keller's beloved teacher, Anne Sullivan Macy, with the moniker "the miracle worker," his words, though meant as well-deserved praise, reflect the misconception persisting even today that educating individuals with disabilities is a nearly insurmountable task requiring extraordinary feats performed by exceptionally gifted and saintly persons. To be sure, the work of teaching children with disabilities can and does occur when committed and qualified but everyday special educators are properly prepared and supported to practice their professions. However, the educational systems within which they act must also be held accountable for results.
2. Research demonstrates that students with visual disabilities are among the highest performing students with disabilities in terms of academic achievement, and yet they are among the least employed, even after successful accomplishment of post-secondary academic objectives. Many factors contribute to this unacceptable inequity, including employer discrimination, low expectations of people with disabilities generally, and a lack of student preparation for the work world and full participation in society.
3. It is clear that America's special education system needs to be improved if the most successful academic achievers are to leave school prepared to be independent and productive citizens who can participate fully in the American dream. Such improvements must better account for the distinct academic and related learning needs of students with visual disabilities who can only succeed both when visual-disabilities-specific skills are taught and when generally needed skills are taught in a manner that addresses, rather than ignores, the unique ways in which students with visual disabilities learn.
4. A principal way that students without visual disabilities acquire knowledge and skills is through incidental learning, the process of observing others and the environment that occurs naturally at home, at school and in community, and deficits in incidental learning leave students with visual disabilities behind in the acquisition of an array of skill areas. In addition to core academics such as reading, mathematics and science, students with visual disabilities must also receive instruction in the so-called expanded core curriculum, a comprehensive array of specialized instruction and services maximizing the capacity of students with visual disabilities to learn effectively and live both productively and independently. The expanded core curriculum includes instruction in communication and productivity (including braille instruction, and assistive technology proficiency inclusive of low vision devices where appropriate); self-sufficiency and interaction (including orientation and mobility, self determination, sensory efficiency, socialization, recreation and fitness, and independent living skills); and age appropriate career education.
5. Special education teachers, such as teachers of students with visual impairments (TVIs), partner with related services personnel, such as orientation and mobility instructors, and general educators to provide students with disabilities individualized quality academic and related instruction to position students, to the maximum extent possible, for successful transition to post-school independent living, societal integration, and employment. To do their jobs well, TVIs and their colleagues in related services must be both initially properly trained and continually supported through readily available resources and continuing education to assist them in dealing with the constant evolution in instructional methods, the vast diversity of the population with which they work, enormous case loads, and the scarcity of time to devote necessary individualized attention to each student with visual disabilities. Both the need for an expanded variety of continuing education opportunities for TVIs and the need for preparation programs producing personnel who can serve the full diversity of needs within the population of students with visual disabilities are well documented.
6. Since the 1997 reauthorization of the Individuals with Disabilities Education Act (IDEA), students who are blind have been entitled to instruction in braille and use of braille unless the individualized education program (IEP) team makes an affirmative determination that such instruction is not appropriate for a given student. Nevertheless, it has been forcefully argued that few students today who should be receiving instruction in braille are indeed receiving it and that this lack of braille instruction contributes mightily to the inability of graduates with visual disabilities to participate fully in the workforce. Since the U.S. Department of Education does not require state and local educational agencies to fully and accurately account for their legal obligations to provide braille instruction to each student for whom such instruction is appropriate, it is not possible to confirm systemically whether such agencies are in compliance with current law. Given that students with visual disabilities require more support than they are currently receiving nationally to acquire services and skills comprising the expanded core curriculum, and given that provision of currently required instruction for such students, such as braille, cannot be adequately assured, IDEA must be strengthened and supplemented to ensure that students with visual disabilities truly receive a free and appropriate public education.
7. A prerequisite to better meeting these demonstrable needs is every State and local educational agency's identification and proper evaluation of each student who experiences visual disability, regardless of whether such student may have other, even potentially more significant, disabilities. While IDEA does not mandate that state and local educational agencies classify students into specific disability categories, the widespread use of IDEA's disability categories has led to a sizable undercount of students with visual disabilities and, consequently, a lack of recognition of the extent of the systemic need for the delivery of appropriate instructional services provided by personnel initially trained and continually supported to meet such students' unique educational needs. Indeed, while research supports the contention that more than 100,000 students nationally who have visual disabilities require special education and related services, the Department of Education routinely reports the size of this population at one third such census. This occurs in large measure because students who are blind or visually impaired who also have additional disabilities are frequently formally classified by State and local educational agencies as having multiple disabilities. Consequently, such students' visual disabilities are not fully acknowledged either in terms of educational agency recognized need for personnel trained to serve such students, or in terms of an individual student's need for the services of such personnel.
8. It is critical that state and local educational agencies be better prepared to meet these largely unmet needs. To reach this goal, TVIs and their colleagues in related services must be better supported to provide the full array of specialized instruction and services required by students with visual disabilities. Proper assessment of the unique needs of students with visual disabilities, along with proper deployment of specialized instruction and interventions, must keep pace with the most current educational theories and practices and be based on the best available evidence. Significantly greater accountability for results for students with visual disabilities, including those with additional disabilities, must be built into America's special education system if students with visual disabilities are to succeed as they can and must. And it is imperative that all students with visual disabilities, regardless of disability category, are identified and their learning needs fully accounted for.
9. While examples of contexts do exist around the country, from specialized schools to neighborhood schools, demonstrating successful provision of a full range of services and instruction meeting the unique needs of students with visual disabilities, the services and instruction afforded by such exemplary programs is far from nationally consistent and must be recognized and modeled. To replicate and build on these successes, a national resource is needed to supplement the work of state and local educational agencies through student enrichment activities, to support TVIs and related services personnel through state-of-the-art continuing education opportunities, and to spur the further advancement of instructional services for students with visual disabilities through scientific research and evidence-based best practices.
10. While these improvements must be sought and obtained, it is vital that existing high quality resources be preserved and leveraged so that students with visual disabilities do not fall farther behind. Specialized schools for children who are blind must be expected to perform but must not fall victim to mere State budget expediency. Both special schools and center-based programs serving children with visual disabilities should be tapped for the expert personnel and services such resources can offer, and IDEA's worthy policy objective to ensure the full integration of children with disabilities ought not be allowed to frustrate the delivery of all appropriate services to children with unique needs.

(b) Purposes.—The purposes of this Act are:

1. To better ensure delivery of high quality special education and related services to students with visual disabilities through specialized instructional services and methodologies meeting their unique learning needs.
2. To enhance accountability for the provision of such services.
3. To establish a national collaborative resource on visual disabilities and educational excellence to supplement the current national availability of such services.
4. To support the ongoing professional development of teachers of students with visual impairments and related services personnel specifically trained to work with such students.
5. To foster the proliferation of research supporting the development and evaluation of effective and innovative assessments and instructional methodologies consonant with the unique learning needs of students with visual disabilities.