



Illinois State Board of Education

November 2016

Guidance Document

16-4

**Cogswell-Macy Act
(HR 3535)**

*This document is intended to provide non-regulatory guidance on the subject matter listed above.
For specific questions, please contact the person(s) identified in the document.*

Tony Smith, Ph.D., State Superintendent



Illinois State Board of Education

100 North First Street • Springfield, Illinois 62777-0001
www.isbe.net

James T. Meeks
Chairman

Tony Smith, Ph.D.
State Superintendent of Education

TO: Directors of Special Education
Other Interested Parties

FROM: David Andel
Division Administrator
Special Education Services Division

DATE: November 2016

SUBJECT: Alice Cogswell and Anne Sullivan Macy Act
[House Resolution 3535]

House Resolution 3535 was introduced to promote and ensure delivery of high quality special education and related services to students with visual disabilities or who are deaf or hard of hearing or deaf-blind through instructional methodologies meeting their unique learning needs to enhance accountability for the provision of such services, and for other purposes.

Frequently Asked Questions

1. What does the current law require?

The law currently requires that each State receiving assistance shall provide data each year to the Secretary of Education and the public. One area to be reported is the number and percentage of children with disabilities, by race, ethnicity, limited English proficiency status, gender, and disability category. ([20 U.S.C. 1418](#))

2. What does the current federal regulation require?

34 CFR 300.641 states that:

- c) The SEA may not report a child under more than one disability category.
- d) If a child with a disability has more than one disability, the SEA must report that child in accordance with the following procedure:
 - 1) If a child has only two disabilities and those disabilities are deafness and blindness, and the child is not reported as having a developmental delay, that child must be reported under the category "deaf-blindness."
 - 2) A child who has more than one disability and is not reported as having deaf-blindness or as having a developmental delay must be reported under the category "multiple disabilities."

3. What is new surrounding this issue?

On September 17, 2015 House Resolution (HR) 3535 was introduced into Congress. This resolution is being referred to as the Cogswell-Macy Act. It is reported that currently about two-thirds of students with a sensory disability of deaf, hard of hearing, deaf-blind, or visually impaired are being under-identified. Due to this under identification and additional factors, there is a shortage of highly qualified professionals to work with this population. Illinois recognizes the importance of the guiding principles in this resolution and therefore has chosen to work towards enhancing the services for students who are deaf, hard of hearing, deaf-blind, and/or visually impaired by improving the data collection and reporting of this population of students. (<https://www.congress.gov/bill/114th-congress/house-bill/3535/text>)

4. How will ISBE monitor compliance?

In order to properly identify students who are deaf, hard of hearing, deaf-blind, and/or visually impaired for data collection and reporting purposes, it is strongly suggested that the eligibility categories be identified as such during the eligibility meeting and not be grouped into a larger category, such as multiple disabilities, other health impaired, and/or developmental delay.

ISBE encourages districts and cooperatives to review their policies and practices and make any changes necessary to ensure compliance with this and all other legal requirements related to eligibility. ISBE is aware that separating out the disability categories for students who are deaf, hard of hearing, deaf-blind, and/or visually impaired may not always be appropriate.

For further information, please contact ISBE Special Education Services Division (217) 782-5589.