

112TH CONGRESS
1ST SESSION

H. R. 602

To amend the Individuals with Disabilities Education Act to make improvements to the individualized education program under that Act and facilitate the transition of children with disabilities to adulthood, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2011

Mr. HARPER (for himself and Mrs. McMORRIS RODGERS) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Individuals with Disabilities Education Act to make improvements to the individualized education program under that Act and facilitate the transition of children with disabilities to adulthood, 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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transition toward Ex-
5 cellence, Achievement and Mobility through Education Act
6 of 2011” or “TEAM–Education Act of 2011”.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Evidence-based research has conclusively
4 documented that youth with significant disabilities
5 who were educated in inclusive settings, were ex-
6 posed to work experience and career exploration, and
7 participated in a paid work experience while in
8 school had better postsecondary outcomes and high-
9 er rates of sustainable employment.

10 (2) Higher rates of self-determination, in which
11 individuals with significant disabilities and their
12 families have direct control over the decision-making
13 process in order to ensure an appropriate individual-
14 ized transition strategy, lead to better outcomes.

15 (3) Regulations and processes allowing for flexi-
16 bility in the blending and braiding of government
17 funds to ensure seamless, collaborative strategies
18 during the transition process lead to better outcomes
19 for individuals with significant disabilities.

20 (4) Agency officials involved directly in the pro-
21 vision of supports and services during a youth's
22 transition into adulthood and beyond must be pro-
23 vided additional training to become properly pre-
24 pared to adequately address the individual transition
25 needs of students with significant disabilities.

1 (b) PURPOSES.—The purposes of this Act are the fol-
2 lowing:

3 (1) Create a holistic system across multiple
4 partners focused on successful transition of youth
5 with significant disabilities into adulthood.

6 (2) Create a systemic focus on achieving high
7 expectations for all youth, through equality of oppor-
8 tunity, full participation through self-determination
9 and informed choice, outcomes related to post-sec-
10 ondary options that lead to competitive integrated
11 employment and economic self-sufficiency.

12 (3) Promote innovative strategies to foster aca-
13 demic, professional, and social inclusion, and the so-
14 lidification of long-term supports and services re-
15 quired to ensure full integration into the community
16 setting.

17 (4) Better define and coordinate specific serv-
18 ices related to the effective transition of youth with
19 significant disabilities.

20 (5) Eliminate barriers and promote incentives
21 for multiple stakeholders to collaborate and improve
22 transition opportunities for youth with significant
23 disabilities.

1 **SEC. 3. DEFINITIONS.**

2 (a) **TRANSITION SERVICES.**—Section 602(34) of the
3 Individuals with Disabilities Education Act (20 U.S.C.
4 1401(34)) is amended—

5 (1) in subparagraph (A), by inserting “and cus-
6 tomized employment” after “supported employ-
7 ment”;

8 (2) in subparagraph (B), by striking “and” at
9 the end;

10 (3) in subparagraph (C), by striking the period
11 at the end and inserting a semicolon; and

12 (4) by adding at the end the following new sub-
13 paragraphs:

14 “(D) includes training in self-advocacy and
15 self-determination activities and the skills need-
16 ed to participate in making informed choices to
17 prepare and empower the child to advocate and
18 negotiate on the child’s own behalf; and

19 “(E) does not include facility-based em-
20 ployment or activity settings, such as sheltered
21 workshops, day habilitation centers, mobile
22 work crews, or enclave work settings.”.

23 (b) **OTHER DEFINITIONS.**—Section 602 of the Indi-
24 viduals with Disabilities Education Act (20 U.S.C. 1401)
25 is amended by adding at the end the following new para-
26 graphs:

1 “(37) INFORMED CHOICE.—The term ‘informed
2 choice’ means a choice-making process that includes
3 the following elements:

4 “(A) The provision of adequate informa-
5 tion to the child and the child’s parents about
6 the full range of options that are to be consid-
7 ered.

8 “(B) Sufficient resources (personnel as
9 well as fiscal) to support the choice made by the
10 child and the child’s parents.

11 “(C) Willingness of any provider of serv-
12 ices to accept the choice and the reasonable
13 risks associated with the choice.

14 “(D) Information on the parameters of the
15 choice and the relevant options being considered
16 in the language and capabilities of the child in
17 the choice-making process.

18 “(E) Acknowledgment by the child and all
19 parties involved that the use of public-funds
20 should be focused on choices that foster per-
21 sonal, social, and professional development in
22 integrated settings and lead to outcomes of in-
23 creased economic self-sufficiency and profes-
24 sional advancement.

1 “(38) INTEGRATED EMPLOYMENT.—The term
2 ‘integrated employment’ means work compensated at
3 the greater of minimum wage or competitive wages
4 with related employment benefits, occurring in a typ-
5 ical work setting where the employee with the dis-
6 ability interacts or has the opportunity to interact
7 continuously with non-disabled co-workers, has an
8 opportunity for advancement and mobility, and is
9 preferably engaged in full-time employment.

10 “(39) SELF-DETERMINATION ACTIVITIES.—The
11 term ‘self-determination activities’ has the meaning
12 given the term in section 102 of the Developmental
13 Disabilities Assistance and Bill of Rights Act of
14 2000 (42 U.S.C. 15002).

15 “(40) STATE INTELLECTUAL AND DEVELOP-
16 MENTAL DISABILITIES AGENCY.—The term ‘State
17 intellectual and developmental disabilities agency’
18 means the primary State agency or subdivision with
19 administrative, programmatic, and operational re-
20 sponsibility for the full range of services and sup-
21 ports furnished to individuals with intellectual and
22 developmental disabilities.”.

1 **SEC. 4. STATE-LEVEL ACTIVITIES.**

2 Section 611(e)(2)(C) of the Individuals with Disabil-
3 ities Education Act (20 U.S.C. 1411(e)(2)(C)) is amend-
4 ed—

5 (1) by redesignating clauses (vii) through (xi)
6 as clauses (viii) through (xii), respectively; and

7 (2) by inserting after clause (vi) the following
8 new clause:

9 “(vii) To enter into contracts with en-
10 tities that have expertise in the provision
11 of transition services specifically related to
12 assisting children with disabilities in the
13 accomplishment of the transition objectives
14 outlined in the child’s IEP to the extent
15 such objectives relate to the provision of
16 school-based preparatory activities, work-
17 based learning experiences, career prepara-
18 tion, and job experiences in an integrated
19 community setting, other than facility-
20 based employment and activity settings,
21 such as sheltered workshops, day habili-
22 tation centers, mobile work crews, and en-
23clave work settings.”.

1 **SEC. 5. STATE ELIGIBILITY.**

2 Section 612(a) of the Individuals with Disabilities
3 Education Act (20 U.S.C. 1412(a)) is amended by adding
4 at the end the following new paragraph:

5 “(26) PLAN RELATING TO TRANSITION SERV-
6 ICES.—

7 “(A) IN GENERAL.—The State has estab-
8 lished a plan to ensure that the State edu-
9 cational agency coordinates efforts among the
10 various State agencies involved in the successful
11 transition of youth with disabilities into adult-
12 hood, including the State agencies described in
13 subparagraph (B), and to align practices and
14 direct resources toward the effective provision
15 of transition services to address the needs of
16 children with disabilities, including involvement
17 and progress in the general curriculum in the
18 least restrictive environment, academic and
19 school-based preparatory experiences, work and
20 career readiness, youth development and leader-
21 ship, comprehensive community connections,
22 and family involvement and engagement.

23 “(B) STATE AGENCIES DESCRIBED.—The
24 State agencies referred to in subparagraph (A)
25 are—

1 “(i) the State intellectual and develop-
2 mental disabilities agency;

3 “(ii) the State vocational rehabilita-
4 tion agency;

5 “(iii) the agency responsible for the
6 State medicaid program under title XIX of
7 the Social Security Act; and

8 “(iv) the State department of labor or
9 workforce investment board.”.

10 **SEC. 6. INDIVIDUALIZED EDUCATION PROGRAMS.**

11 (a) **EVALUATIONS BEFORE CHANGE IN ELIGI-**
12 **BILITY.**—Section 614(c)(5)(B)(ii) of the Individuals with
13 **Disabilities Education Act (20 U.S.C. 1414(c)(5)(B)(ii))**
14 **is amended—**

15 (1) by striking “the child with a summary” and
16 inserting “to the child and the child’s parents, not
17 later than 7 days after the child’s eligibility termi-
18 nates, with—

19 “(I) a summary”;

20 (2) by striking the period at the end and insert-
21 ing “; and”; and

22 (3) by adding at the end the following new sub-
23 clause:

24 “(II) a comprehensive record of
25 the child’s work experiences, skills,

1 talents and strengths relevant for dis-
2 cussions with prospective employers,
3 post-secondary education programs,
4 career placement services, and men-
5 tors.”.

6 (b) INDIVIDUALIZED EDUCATION PROGRAM.—Sec-
7 tion 614(d)(1)(A) of the Individuals with Disabilities Edu-
8 cation Act (20 U.S.C. 1414(d)(1)(A)) is amended—

9 (1) in clause (i)—

10 (A) in subclause (VII), by striking “and”
11 at the end;

12 (B) in subclause (VIII)—

13 (i) in the matter preceding item

14 (aa)—

15 (I) by striking “16” and insert-
16 ing “14”; and

17 (II) by inserting “at a minimum”
18 after “updated”; and

19 (ii) by striking items (bb) and (cc)
20 and inserting the following:

21 “(bb) a strategy to address
22 the needs of the child related to
23 academic and school-based pre-
24 paratory experiences, work and
25 career readiness, youth develop-

1 ment and leadership, comprehen-
2 sive community connections, and
3 family involvement and engage-
4 ment; and

5 “(cc) objectives leading to
6 postsecondary education, sus-
7 tained integrated employment,
8 economic self-sufficiency, inde-
9 pendent living and community
10 participation;”; and

11 (C) by adding at the end the following:

12 “(IX) beginning not later than
13 the date on which the first IEP is to
14 be in effect when the child attains the
15 age of 14—

16 “(aa) a description of the
17 transition services (including
18 courses of study and work experi-
19 ence) that will be provided to as-
20 sist the child in reaching the
21 postsecondary goals described in
22 subclause (VIII)(aa); and

23 “(bb) a description of the
24 training in self-advocacy, develop-
25 ment of self-determination activi-

1 ties, and the skills needed to par-
2 ticipate in making informed
3 choices to prepare and empower
4 the child to negotiate and advo-
5 cate on the child’s own behalf;
6 and

7 “(X) beginning not later than 1
8 year before the child reaches the age
9 of majority under State law, a state-
10 ment that the child and the child’s
11 parents have been informed of the
12 child’s rights under this title, if any,
13 that will transfer to the child on
14 reaching the age of majority under
15 section 615(m).”; and

16 (2) by adding at the end the following:

17 “(iii) ADDITIONAL RULE OF CON-
18 STRUCTION.—Nothing in clause (i)(VIII)
19 shall be construed to authorize the use of
20 facility-based employment or activity set-
21 tings, such as sheltered workshops, day ha-
22 bilitation centers, mobile work crews, or
23 enclave work settings in a child’s IEP.”.

1 (c) INDIVIDUALIZED EDUCATION PROGRAM TEAM.—
2 Section 614(d)(1)(B) of the Individuals with Disabilities
3 Education Act (20 U.S.C. 1414(d)(1)(B)) is amended—

4 (1) in clause (vi), by striking “and” at the end;

5 (2) redesignating clause (vii) as clause (viii);

6 and

7 (3) by inserting after clause (vi), as amended
8 by this subsection, the following:

9 “(vii) beginning at the age of 14 with
10 respect to a child with a disability who is
11 expected to be eligible to receive adult serv-
12 ices under the State medicaid program
13 under title XIX of the Social Security Act
14 (or any services provided under a waiver
15 under such program) or any other adult
16 services provided by the State intellectual
17 and developmental disabilities agency upon
18 reaching the age of majority, a representa-
19 tive of the State intellectual and develop-
20 mental disabilities agency; and”.

21 (d) DEVELOPMENT OF IEP.—Section 614(d)(3) of
22 the Individuals with Disabilities Education Act (20 U.S.C.
23 1414(d)(3)) is amended—

24 (1) in subparagraph (A)—

1 (A) in clause (iii), by striking “and” at the
2 end;

3 (B) in clause (iv), by striking the period at
4 the end and inserting “; and”; and

5 (C) by adding at the end the following:

6 “(v) the transition services necessary
7 to assist the child to attain a postsec-
8 ondary education, integrated employment,
9 independent living, and community partici-
10 pation.”; and

11 (2) by redesignating subparagraphs (B)
12 through (F) as subparagraphs (C) through (G), re-
13 spectively;

14 (3) by inserting after subparagraph (A) the fol-
15 lowing new subparagraph:

16 “(B) PREPARATION FOR DEVELOPMENT
17 OF IEP FOR A CHILD IN TRANSITION YEARS.—
18 The IEP Team, upon the request of a child who
19 has attained the age of 14, shall—

20 “(i) offer a preliminary meeting and
21 advocacy training for the child and child’s
22 parents to support the preparation of the
23 parents in advocating on their child’s be-
24 half during any upcoming IEP team meet-
25 ing that will be conducted by a certified

1 trainer with specific experience in self-ad-
2 vocacy and family advocacy training; and

3 “(ii) ensure that all pertinent infor-
4 mation, including school records, edu-
5 cational materials regarding transition
6 services available and background informa-
7 tion on any pre-existing partnerships be-
8 tween the local educational agency and any
9 outside providers of transition services or
10 post-secondary education, is sent to the
11 child at least ten days prior to the IEP
12 team meeting.”; and

13 (4) in subparagraph (G) (as redesignated), by
14 striking “subparagraph (D)” and inserting “sub-
15 paragraph (E)”.

16 (e) REVIEW AND REVISION OF IEP.—Section
17 614(d)(4)(A) of the Individuals with Disabilities Edu-
18 cation Act (20 U.S.C. 1414(d)(4)(A)) is amended—

19 (1) in clause (i), by striking “and” at the end;

20 (2) in clause (ii), by striking the period at the
21 end and inserting “; and”; and

22 (3) by adding at the end the following:

23 “(iii) beginning when the child attains
24 the age of 14, evaluates the progress made
25 in achieving the child’s transition objec-

1 tives, identifying challenges and opportuni-
2 ties and discussing any additional transi-
3 tion services that need to be secured to op-
4 timize the child’s successful completion of
5 transition objectives set forth in the child’s
6 IEP leading to postsecondary education,
7 integrated employment, independent living,
8 and community participation.”.

9 **SEC. 7. GRANTS FOR ESTABLISHMENT OF LOCAL COORDI-**
10 **NATORS FOR TRANSITION SERVICES.**

11 Section 614 of the Individuals with Disabilities Edu-
12 cation Act (20 U.S.C. 1414) is amended by adding at the
13 end the following:

14 “(g) GRANTS FOR ESTABLISHMENT OF LOCAL COOR-
15 DINATORS FOR TRANSITION SERVICES.—

16 “(1) IN GENERAL.—The Secretary is authorized
17 to provide grants to State educational agencies to
18 provide authorization, funding, and support to local
19 educational agencies to establish coordinators to pro-
20 vide transition services to children with disabilities
21 under this part.

22 “(2) ACTIVITIES OF COORDINATORS.—Coordi-
23 nators established under paragraph (1) shall—

24 “(A) manage the development and imple-
25 mentation of the transition services components

1 of an IEP for children with disabilities under
2 this part; and

3 “(B) facilitate relationships between chil-
4 dren with disabilities and parents of children
5 with disabilities and public and private agencies
6 involved in transition services for children with
7 disabilities under this part.

8 “(3) AUTHORIZATION OF APPROPRIATIONS.—
9 There are authorized to be appropriated to carry out
10 this subsection \$50,000,000 for each of the fiscal
11 years 2012 through 2016.”.

12 **SEC. 8. EFFECTIVE DATE.**

13 The amendments made by this Act take effect on the
14 date of the enactment of this Act and apply with respect
15 to fiscal years beginning on or after the date of the enact-
16 ment of this Act.

○