

112TH CONGRESS
1ST SESSION

H. R. 603

To amend the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to provide assistance to States for development and implementation of an individual transition plan for each individual with a developmental disability in the State who is making the transition from the secondary school system into 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 Energy and Commerce

A BILL

To amend the Developmental Disabilities Assistance and Bill of Rights Act of 2000 to provide assistance to States for development and implementation of an individual transition plan for each individual with a developmental disability in the State who is making the transition from the secondary school system into 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Transition toward Excellence, Achievement, and Mobility

1 through Empowerment Act of 2011” or the “TEAM–Em-
2 powerment Act of 2011”.

3 (b) TABLE OF CONTENTS.—The table of contents of
4 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings and purposes.

Sec. 3. Individualized transition plans; transition planning and services admin-
istrative units.

5 **SEC. 2. FINDINGS AND PURPOSES.**

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

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

14 (2) Higher rates of self-determination, in which
15 individuals with significant disabilities and their
16 families have direct control over the decisionmaking
17 process in order to ensure an appropriate individual-
18 ized transition strategy, lead to better outcomes.

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

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

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

9 (1) Create a holistic system across multiple
10 partners focused on successful transition of youth
11 with significant disabilities into adulthood.

12 (2) Create a systemic focus on achieving high
13 expectations for all youth, through equality of oppor-
14 tunity, full participation through self-determination
15 and informed choice, outcomes related to post-sec-
16 ondary options that lead to competitive integrated
17 employment and economic self-sufficiency.

18 (3) Promote innovative strategies to foster aca-
19 demic, professional, and social inclusion, and the so-
20 lidification of long-term supports and services re-
21 quired to ensure full integration into the community
22 setting.

23 (4) Better define and coordinate specific serv-
24 ices related to the effective transition of youth with
25 significant disabilities.

1 (5) Eliminate barriers and promote incentives
 2 for multiple stakeholders to collaborate and improve
 3 transition opportunities for youth with significant
 4 disabilities.

5 **SEC. 3. INDIVIDUALIZED TRANSITION PLANS; TRANSITION**
 6 **PLANNING AND SERVICES ADMINISTRATIVE**
 7 **UNITS.**

8 Title I of the Developmental Disabilities Assistance
 9 and Bill of Rights Act of 2000 (42 U.S.C. 15001 et seq.)
 10 is amended by adding at the end the following:

11 **“Subtitle F—Adult Transition**
 12 **System**

13 **“SEC. 171. DEFINITIONS.**

14 “In this subtitle:

15 “(1) The term ‘asset development’ means a
 16 strategy to assist low-income workers and job seek-
 17 ers, including individuals with disabilities, move to-
 18 ward economic security and greater financial self-
 19 sufficiency through income preservation, effective
 20 money and credit management, the pursuit of post-
 21 secondary education, the purchase of a home, busi-
 22 ness startup and growth, and the setting aside of re-
 23 sources for longer-term needs and retirement.

24 “(2) The term ‘individualized education pro-
 25 gram’ has the meaning given such term in section

1 602 of the Individuals with Disabilities Education
2 Act.

3 “(3) The term ‘integrated employment’ means
4 work compensated at the greater of minimum wage
5 or competitive wages with related employment bene-
6 fits, occurring in a typical work setting where the
7 employee with the disability—

8 “(A) interacts or has the opportunity to
9 interact continuously with nondisabled co-work-
10 ers;

11 “(B) has an opportunity for advancement
12 and mobility; and

13 “(C) is preferably engaged in full-time em-
14 ployment.

15 “(4) The term ‘ITP’ means an individual tran-
16 sition plan developed under section 173.

17 “(5) The term ‘local educational agency’ has
18 the meaning given to such term in section 9101 of
19 the Elementary and Secondary Education Act of
20 1965.

21 “(6) The term ‘secondary school’ has the mean-
22 ing given to such term in section 9101 of the Ele-
23 mentary and Secondary Education Act of 1965.

24 “(7) The term ‘State intellectual and develop-
25 mental disabilities agency’ means the primary State

1 agency or subdivision with administrative, pro-
2 grammatic, and operational responsibility for the full
3 range of services and supports furnished to individ-
4 uals with intellectual and developmental disabilities.

5 “(8) The term ‘TPS administrative unit’ refers
6 to the transition planning and services administra-
7 tive unit of a State established in accordance with
8 section 174.

9 “(9)(A) The term ‘transition services’ means a
10 coordinated set of activities for a student, designed
11 within an outcome-oriented process, that promotes
12 movement from school to post school activities, in-
13 cluding postsecondary education, vocational training,
14 integrated employment (including supported employ-
15 ment and customized employment), continuing and
16 adult education, adult services, asset development
17 services, independent living, or community participa-
18 tion.

19 “(B) The coordinated set of activities shall be
20 based upon the individual student’s needs, taking
21 into account the student’s preferences and interests,
22 and shall include instruction, community experi-
23 ences, the development of employment and other
24 post school adult living objectives; school-based pre-
25 paratory experiences, career preparation, and inte-

1 grated work-based learning experiences (inclusive of
2 in-school, after school and work experiences outside
3 the traditional school setting where other youth
4 without disabilities are engaged in similar activities);
5 youth development and leadership; connecting activi-
6 ties; training in self-advocacy, self-determination
7 skills, and peer mentoring; family involvement and
8 supports; and, when appropriate, acquisition of daily
9 living skills and functional vocational evaluation.

10 “(C) Such term does not include the use of fa-
11 cility-based employment and activity settings, such
12 as sheltered workshops, day habilitation centers, and
13 enclave work settings. Additionally, the coordinated
14 set of activities should lead to the attainment of at
15 least one of the following outcomes: post-secondary
16 education, long-term integrated employment (includ-
17 ing supported employment or customized employ-
18 ment), asset development, independent living, and
19 community participation.

20 **“SEC. 172. STATE ASSISTANCE.**

21 “For each fiscal year, the Secretary, acting through
22 the Commissioner of the Administration on Developmental
23 Disabilities, shall—

1 “(1) make grants on a competitive basis to
2 States that agree to carry out the activities required
3 of States under this subtitle; and

4 “(2) among the States receiving grants under
5 paragraph (1), allocate payments pursuant to a for-
6 mula that—

7 “(A) is established by the Secretary, acting
8 through the Commissioner; and

9 “(B) takes into consideration an estimate
10 of the number of individuals to be served under
11 this subtitle in each State.

12 **“SEC. 173. INDIVIDUALIZED TRANSITION PLANS.**

13 “(a) IN GENERAL.—Each State that receives assist-
14 ance under this subtitle shall, with respect to each indi-
15 vidual with a developmental disability in the State who is
16 making the transition from the secondary school system
17 into adulthood, develop, and assist in the implementation
18 of, an individual transition plan to coordinate transition
19 services intended to assist the individual in achieving the
20 outcomes of integrated employment, postsecondary edu-
21 cation, independent living, and community engagement.

22 “(b) FORMULATION.—An ITP shall be—

23 “(1) coordinated with any pre-existing transi-
24 tion services being provided to the individual as a re-
25 sult of an individualized education program devel-

1 oped for the individual prior to exiting secondary
2 school pursuant to the Individuals with Disabilities
3 Education Act;

4 “(2) developed not later than 30 days after the
5 date on which the individual graduates from or oth-
6 erwise exits the State’s secondary school system; and

7 “(3) applicable through the date on which the
8 individual attains 26 years of age;

9 “(4) reviewed annually and updated as needed;
10 and

11 “(5) developed during in-person meetings
12 that—

13 “(A) are led by the TPS administrative
14 unit of the State intellectual and developmental
15 disabilities agency established under section
16 174; and

17 “(B) at a minimum, include the following
18 stakeholders: the individual, the individual’s
19 family, a transition broker (as described in sec-
20 tion 174), a representative of the State voca-
21 tional rehabilitation agency, relevant service
22 providers that are contracted by the State or
23 chosen by the individual and the individual’s
24 family or guardian to provide transition serv-
25 ices, the transition coordinator of the local edu-

1 cational agency (where available, during the
2 first year the individual exits the secondary
3 school system), assistive technology experts (as
4 appropriate), and representatives of the work-
5 force development sector.

6 “(c) CONTENTS.—An ITP shall include strategies for
7 the implementation of service models and practices with
8 documented effectiveness that—

9 “(1) address and emphasize the 5 areas of post-
10 secondary educational experiences, career prepara-
11 tion and work-based learning experiences, develop-
12 ment and leadership, connecting activities, and fam-
13 ily involvement and supports;

14 “(2) identify the needs of the individual in each
15 of these 5 areas and articulate how the State and
16 its agencies will meet those needs; and

17 “(3) will advance economic self-sufficiency with
18 specific asset development goals and identify specific
19 tools for advancing economic self-sufficiency, such as
20 favorable tax benefits, work incentives, matched sav-
21 ings plans, education financing, and effective strate-
22 gies to manage a budget, money, and credit.

1 **“SEC. 174. TRANSITION PLANNING AND SERVICES ADMINIS-**
2 **TRATIVE UNIT.**

3 “(a) **ESTABLISHMENT.**—Each State that receives as-
4 sistance under this subtitle shall establish and maintain
5 a transition planning and services (TPS) administrative
6 unit within the State intellectual and developmental dis-
7 abilities agency.

8 “(b) **RESPONSIBILITIES.**—The primary focus of a
9 TPS administrative unit shall be to assist individuals with
10 a developmental disability in the State to make the transi-
11 tion from the secondary school system into adulthood. The
12 responsibilities of the TPS administrative unit shall in-
13 clude the following:

14 “(1) **INDIVIDUAL TRANSITION PLAN.**—The TPS
15 administrative unit shall have responsibility for de-
16 veloping and assisting in the implementation of
17 ITPs.

18 “(2) **TRANSITION BROKERS.**—

19 “(A) **IN GENERAL.**—The TPS administra-
20 tive unit shall employ or otherwise secure the
21 services of transition brokers.

22 “(B) **ROLE.**—A transition broker of the
23 TPS administrative unit shall—

24 “(i) facilitate coordination among
25 State agencies in the development of ITPs;
26 and

1 “(ii) provide assistance to individuals
2 with developmental disabilities, consistent
3 with the individual’s ITP, in navigating the
4 complex system of supports and services
5 available through Federal and State pro-
6 grams.

7 “(C) QUALIFICATIONS.—To be eligible to
8 serve as a transition broker of the TPS admin-
9 istrative unit, an individual shall possess two or
10 more of the following qualifications:

11 “(i) Expertise relating to individuals
12 with developmental disabilities, benefits
13 planning, the provision of transition serv-
14 ices, employment and job development, and
15 negotiating among various State stake-
16 holders.

17 “(ii) Experience with and knowledge
18 of the generic workforce development sec-
19 tor, vocational rehabilitation, and job de-
20 velopment.

21 “(iii) Knowledge and expertise in the
22 use of tools to advance asset development
23 and economic self-sufficiency, including fa-
24 vorable tax benefits, work incentives,
25 matched savings plans, education financ-

1 ing, and effective strategies to manage a
2 budget, money, and credit.

3 “(iv) Knowledge about self-direction
4 and person-centered planning processes.

5 “(D) ASSIGNMENT.—A transition broker
6 of the TPS administrative unit shall be as-
7 signed to an individual upon—

8 “(i) the individual or the individual’s
9 family or guardian selecting the broker;
10 and

11 “(ii) the State intellectual and devel-
12 opmental disabilities agency approving the
13 selection.

14 “(3) SELF-ADVOCACY, SELF-DETERMINATION
15 SKILLS, AND PEER MENTORING.—The TPS adminis-
16 trative unit shall offer strategies and training to in-
17 dividuals with developmental disabilities and their
18 families regarding self-advocacy, self-determination
19 skills, and peer mentoring to improve the ability of
20 such individuals to advocate and negotiate on their
21 own behalf.

22 “(4) EFFECTIVE INFORMATION AND RE-
23 SOURCES.—The TPS administrative unit shall pro-
24 vide information to individuals with developmental
25 disabilities and their families on Federal and State

1 services, supports, and regulations, including with
2 respect to asset development, insurance and benefit
3 programs, financial savings tools, and asset or in-
4 come limits that affect eligibility for Federal and
5 State means-tested services, supports, or programs.
6 Such information shall be easily understood and up-
7 dated on a quarterly basis each year.

8 “(c) FOSTERING MULTIAGENCY COLLABORATION.—
9 The State intellectual and developmental disabilities agen-
10 cy of each State that receives assistance under this subtitle
11 shall facilitate memoranda of understanding among key
12 State agencies for the purpose of coordinating and improv-
13 ing the services and supports provided by such agencies
14 to individuals with developmental disabilities during the
15 transition into adulthood.

16 **“SEC. 175. ANNUAL REPORT.**

17 “Not later than the end of fiscal year 2012, and an-
18 nually thereafter, the Secretary shall submit a report to
19 the Congress containing an evaluation of the implementa-
20 tion and effectiveness of this subtitle, including an evalua-
21 tion of—

22 “(1) the number of individuals in each State
23 who had an ITP developed on their behalf over the
24 past fiscal year;

1 “(2) progress made at the individual level in
2 implementing the objectives of ITPs developed since
3 the date of enactment; and

4 “(3) with respect to individuals for whom an
5 ITP is developed, their employment status, edu-
6 cation status, income level, race, gender, and current
7 residence.

8 **“SEC. 176. AUTHORIZATION OF APPROPRIATIONS.**

9 “To carry out this subtitle, there is authorized to be
10 appropriated \$50,000,000 for each of fiscal years 2012
11 through 2016.”.

○