

107TH CONGRESS
2D SESSION

H. R. 4728

To provide assistance to train teachers of children with autism spectrum disorders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 14, 2002

Mr. SMITH of New Jersey (for himself, Mr. DOYLE, Mr. WELDON of Florida, Mr. PICKERING, Mr. KING, Mr. McNULTY, Mrs. MALONEY of New York, Mr. SHOWS, Mr. LATOURETTE, Mr. LYNCH, Mr. REYES, Mr. WAMP, Mr. PAYNE, and Mr. RAHALL) introduced the following bill; which was referred to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide assistance to train teachers of children with autism spectrum disorders, 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 “Teacher Education for
5 Autistic Children Act of 2002” or the “TEACH Act of
6 2002”.

1 **SEC. 2. TRAINING OF SPECIAL EDUCATION TEACHERS**
2 **WITH EXPERTISE IN AUTISM SPECTRUM DIS-**
3 **ORDERS.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—In addi-
5 tion to such sums as are otherwise authorized to be appro-
6 priated for “Special Education–Personnel Preparation to
7 Improve Services and Results for Children with Disabil-
8 ities”, there are authorized to be appropriated for “Special
9 Education–Personnel Preparation to Improve Services and
10 Results for Children with Disabilities”, for each of the fis-
11 cal year 2003 through 2007, \$15,000,000—

12 (1) to provide technical assistance grants to de-
13 velop standards for training teachers with respect to
14 the provision of education for children with autism
15 spectrum disorders (ASD) and to integrate such
16 standards into the existing training infrastructure;

17 (2) to train special education teachers with an
18 expertise in autism spectrum disorders; and

19 (3) to provide preservice or professional devel-
20 opment training of personnel to be special education
21 teachers, aides of such teachers or other paraprofes-
22 sionals providing teaching assistance, special edu-
23 cation administrators, or staff specialists (such as
24 speech-language pathologists and school psycholo-
25 gists) with an expertise in autism spectrum dis-
26 orders.

1 (b) AVAILABILITY.—Amounts appropriated pursuant
2 to the authorization of appropriations under subsection (a)
3 are authorized to remain available until expended.

4 **SEC. 3. IMPROVING RESULTS FOR CHILDREN WITH AUTISM**
5 **SPECTRUM DISORDERS.**

6 (a) AUTHORIZATION OF APPROPRIATIONS.—In addi-
7 tion to such sums as are otherwise authorized to be appro-
8 priated to carry out subpart 1 of part D of the Individuals
9 with Disabilities Education Act, there are authorized to
10 be appropriated for each of the fiscal years 2003 through
11 2007 \$5,000,000 for competitive grants under subpart 1
12 of part D of such Act to assist State educational agencies,
13 in cooperation with other appropriate entities, to improve
14 results for children with autism spectrum disorders
15 (ASD).

16 (b) AVAILABILITY.—Amounts appropriated pursuant
17 to the authorization of appropriations under subsection (a)
18 are authorized to remain available until expended.

19 **SEC. 4. REFUNDABLE TAX CREDIT FOR EDUCATION AND**
20 **TRAINING RELATING TO AUTISM SPECTRUM**
21 **DISORDERS.**

22 (a) IN GENERAL.—Subpart C of part IV of sub-
23 chapter A of chapter 1 of the Internal Revenue Code of
24 1986 (relating to refundable credits) is amended by redes-

1 ignating section 35 as section 36 and by inserting after
 2 section 34 following new section:

3 **“SEC. 35. EDUCATION AND TRAINING RELATING TO AUTISM**
 4 **SPECTRUM DISORDERS.**

5 “(a) ALLOWANCE OF CREDIT.—In the case of an eli-
 6 gible individual, there shall be allowed as a credit against
 7 the tax imposed by this chapter for the taxable year an
 8 amount equal to the qualified expenses which are paid or
 9 incurred by the taxpayer during such taxable year.

10 “(b) LIMITATION.—The amount allowed as a credit
 11 under subsection (a) for a taxable year shall not exceed
 12 \$10,000.

13 “(c) QUALIFIED EXPENSES.—The term ‘qualified ex-
 14 penses’ means—

15 “(1) tuition, fees, books, supplies, and equip-
 16 ment required for the enrollment or attendance of
 17 such individual in a course or program of study to
 18 prepare such individual to teach children or adults
 19 with an autism spectrum disorder, and

20 “(2) interest on a qualified education loan (as
 21 defined by section 221(d)(1) the proceeds of which
 22 are used to for expenses described in paragraph (1).

23 “(d) AUTISM SPECTRUM DISORDERS.—For purposes
 24 of this section, the term ‘autism spectrum disorders’ has

1 the meaning given such term in section 9 of the Teacher
2 Education for Autistic Children Act of 2002.

3 “(e) SPECIAL RULES.—

4 “(1) APPROVAL OF COURSES AND PROGRAMS
5 OF STUDY.—A course or program of study shall not
6 be taken into account for purposes of subsection (c)
7 unless such course or program is approved by the
8 State in which such course or program is offered.

9 “(2) DENIAL OF DOUBLE BENEFIT.—No credit
10 or deduction shall be allowed under this chapter for
11 any expense for which credit is allowed under this
12 section.

13 “(3) COORDINATION WITH OTHER EDUCATION
14 PROVISIONS.—The total amount of qualified ex-
15 penses shall be reduced by the amount of such ex-
16 penses taken into account in determining any
17 amount allowed as a credit under section 25A, ex-
18 cluded under section 135, 529(c)(1), or 530(d)(2),
19 or deducted under section 222. For purposes of the
20 preceding sentence, the amount taken into account
21 in determining the amount excluded under section
22 529(c)(1) shall not include that portion of the dis-
23 tribution which represents a return of any contribu-
24 tions to the plan.

1 “(f) TERMINATION.—This section shall not apply to
2 taxable years beginning after December 31, 2007.”.

3 (b) TECHNICAL AMENDMENT.—Paragraph (2) of
4 section 1324(b) of title 31, United States Code, is amend-
5 ed by inserting “or from section 35 of such Code” before
6 the period at the end.

7 (c) CLERICAL AMENDMENT.—The table of sections
8 for subpart C of part IV of subchapter A of chapter 1
9 of the Internal Revenue Code of 1986 is amended by strik-
10 ing the last item and inserting the following:

“Sec. 35. Education and training relating to autism spectrum dis-
orders.

“Sec. 36. Overpayments of tax.”.

11 (d) EFFECTIVE DATE.—The amendments made by
12 this section shall apply to taxable years beginning after
13 December 31, 2002.

14 **SEC. 5. REPORT ON AUTISM EARLY INTERVENTION ACTIVI-**
15 **TIES.**

16 (a) REPORT.—Section 613 of the Individuals with
17 Disabilities Education Act (20 U.S.C. 1413) is amended
18 by adding at the end the following:

19 “(k) REPORT ON AUTISM EARLY INTERVENTION AC-
20 TIVITIES.—

21 “(1) IN GENERAL.—A local educational agency
22 that receives assistance under this part for a fiscal
23 year shall prepare and submit to the Secretary a re-
24 port that contains a description of the activities re-

1 ferred to in paragraph (2) carried out in the pre-
2 ceding fiscal year.

3 “(2) INFORMATION.—The activities referred to
4 in this paragraph are the following:

5 “(A) Activities carried out by the agency to
6 ensure that students who exhibit symptoms of
7 autism spectrum disorders (ASD) are referred
8 to appropriate experts for diagnosis.

9 “(B) Appropriate training provided by the
10 agency, or on behalf of the agency, of personnel
11 of the agency and schools of the agency to carry
12 out the activities described in subparagraph
13 (A).

14 “(3) DEFINITION.—In this subsection, the term
15 ‘autism spectrum disorders’ has the meaning given
16 the term in section 9 of the Teacher Education for
17 Autistic Children Act of 2002.”.

18 (b) TECHNICAL ASSISTANCE.—The Secretary of
19 Education shall provide technical assistance to local edu-
20 cational agencies that receive assistance under part B of
21 the Individuals with Disabilities Education Act to assist
22 such agencies comply with the reporting requirement
23 under section 613(k) of such Act (as added by subsection
24 (a)).

1 **SEC. 6. TASK FORCE ON AUTISM SPECTRUM DISORDERS.**

2 (a) ESTABLISHMENT.—The Secretary of Education,
3 acting through the Assistant Secretary for Special Edu-
4 cation and Rehabilitative Services, shall establish and pro-
5 vide administrative support for a Task Force on Autism
6 Spectrum Disorders (ASD) (in this section referred to as
7 the “Task Force”).

8 (b) DUTIES.—The Task Force shall—

9 (1) conduct a review of minimum standards re-
10 lating to the provision of special education for chil-
11 dren with autism spectrum disorders and provide
12 recommendations to improve or otherwise strengthen
13 such standards;

14 (2) conduct a review of the effectiveness of ex-
15 isting educational models used with respect to the
16 provision of special education for children with au-
17 tism spectrum disorders; and

18 (3) conduct an evaluation of programs carried
19 out by State and local educational agencies to train
20 teachers with respect to the provision of special edu-
21 cation for children with autism spectrum disorders
22 and provide recommendations to improve and ex-
23 pand such programs.

24 (c) COMPOSITION.—

25 (1) IN GENERAL.—The Secretary of Education,
26 acting through the Assistant Secretary for Special

1 Education and Rehabilitative Services and in con-
2 sultation with the Director of the National Research
3 Council (or the Director's designee), shall appoint
4 members of the Task Force as follows:

5 (A) Not less than two members shall be
6 representatives from national autism organiza-
7 tions.

8 (B) Not less than one member shall be an
9 individual with an autism spectrum disorder or
10 a parent (or legal guardian) of such an indi-
11 vidual.

12 (C) Not less than two members shall be
13 representatives from academia or professionals
14 with experience in working with children with
15 autism.

16 (D) Not less than two members shall be
17 appropriate officers or employees of the Depart-
18 ment of Education.

19 (E) Not less than two members shall be
20 appropriate officers or employees of the Depart-
21 ment of Health and Human Services (to be ap-
22 pointed in consultation with the Secretary of
23 Health and Human Services).

24 (2) COMPENSATION.—

1 (A) RATES OF PAY.—Except as provided
2 in subparagraph (B), members of the Task
3 Force shall be paid at the maximum rate of
4 basic pay for GS-14 of the General Schedule
5 for each day during which they are engaged in
6 the actual performance of duties of the Task
7 Force.

8 (B) PROHIBITION OF COMPENSATION OF
9 FEDERAL EMPLOYEES.—Members of the Task
10 Force who are full-time officers or employees of
11 the United States may not receive additional
12 pay, allowances, or benefits by reason of their
13 service on the Task Force.

14 (C) TRAVEL EXPENSES.—Each member of
15 the Task Force shall receive travel expenses, in-
16 cluding per diem in lieu of subsistence, in ac-
17 cordance with applicable provisions under sub-
18 chapter I of chapter 57 of title 5, United States
19 Code.

20 (d) REPORT.—Not later than one year after the date
21 of the enactment of this Act, and annually thereafter for
22 each of the subsequent four calendar years, the Task
23 Force shall prepare and submit to the Secretary of Edu-
24 cation a report that contains the results of the reviews
25 and evaluations conducted pursuant to subsection (b) and

1 a description of the recommendations proposed pursuant
2 to such subsection.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—

4 (1) IN GENERAL.—There are authorized to be
5 appropriated to carry out this section \$500,000 for
6 fiscal years 2003 through 2007.

7 (2) AVAILABILITY.—Amounts appropriated pur-
8 suant to the authorization of appropriations under
9 paragraph (1) are authorized to remain available
10 until expended.

11 **SEC. 7. STUDY AND REPORT ON FEDERAL VOCATIONAL**
12 **TRAINING PROGRAMS.**

13 (a) STUDY.—The Secretary of Education, in conjunc-
14 tion with the Secretary of Labor (hereinafter in this sec-
15 tion referred to as the “Secretaries”), shall conduct a
16 study on the effectiveness of Federal vocational training
17 programs in providing appropriate assistance to individ-
18 uals with autism spectrum disorders (ASD)

19 (b) REPORT.—Not later than 18 months after the
20 date of the enactment of this Act, the Secretaries shall
21 submit to Congress a report that contains the following:

22 (1) The results of the study conducted under
23 subsection (a).

24 (2) Administrative and legislative recommenda-
25 tions to improve the effectiveness of Federal voca-

1 tional training programs in providing appropriate as-
2 sistance to individuals with autism spectrum dis-
3 orders.

4 (3) Recommendations on appropriate data that
5 should be collected, maintained, and disseminated in
6 order to better monitor the effectiveness of each vo-
7 cational training program that serves individuals
8 with autism spectrum disorders.

9 **SEC. 8. STATE AUTISM OMBUDSMAN OFFICES.**

10 (a) GRANTS TO STATES.—Of the amount appro-
11 priated pursuant to the authorization of appropriations
12 under subsection (d) for a fiscal year, the Secretary of
13 Education shall provide grants to each State that meets
14 the requirements of subsection (b) for the purpose of car-
15 rying out this section.

16 (b) STATE REQUIREMENTS.—A State meets the re-
17 quirements of this subsection if it establishes and operates
18 (including through the use of funds provided under a
19 grant under subsection (a)) at least one State autism om-
20 budsman office in accordance with this section. The office
21 shall be headed by an individual who shall be selected from
22 among individuals who are members of, or approved by,
23 national, non-profit organizations, including their State
24 and local affiliate organizations, dedicated to addressing,

1 by whatever means, the needs of individuals with autism
2 spectrum disorders or their families or legal guardians.

3 (c) DUTIES OF OFFICE.—

4 (1) IN GENERAL.—A State autism ombudsman
5 office established in accordance with subsection (b)
6 shall serve individuals with autism spectrum dis-
7 orders and their families or guardians as a resource
8 to assist with legal, educational, and family support
9 systems issues, including by advising families or
10 guardians on the process of the individualized edu-
11 cation program, interpreting school communications
12 regarding a child who exhibits autistic behavior, pro-
13 posing alternatives to those proposed by the IEP
14 team, and otherwise mediating between families or
15 guardians of a child with an autism spectrum dis-
16 order and officials of local or State public school sys-
17 tems, agencies, or boards.

18 (2) DEFINITION.—In this subsection, the term
19 “individualized education program” or “IEP” means
20 a written statement for a child with a disability that
21 is developed, reviewed, and revised in accordance
22 with section 614(d) of the Individuals with Disabil-
23 ities Education Act.

24 (d) REQUIREMENTS.—A State autism ombudsman
25 office established in accordance with subsection (b) shall—

1 (1) coordinate with the State developmental dis-
2 abilities council, university-affiliated programs, re-
3 gional resource centers, and other appropriate State
4 entities; and

5 (2) operate independently of the State edu-
6 cational agency and local educational agencies within
7 the State.

8 (e) AUTHORIZATION OF APPROPRIATIONS.—There
9 are authorized to be appropriated to carry out this section
10 \$8,000,000 for each of the fiscal years 2003 through
11 2007.

12 **SEC. 9. DEFINITION.**

13 In this Act, the term “autism spectrum disorders”—

14 (1) means any of a group of life-long neuro-
15 logical disabilities, characterized by problems with
16 social interactions and communication skills, and by
17 the need for sameness or repetition in behavior; and

18 (2) includes autistic disorder, Asperger’s dis-
19 order, and pervasive developmental disorder not oth-
20 erwise specified.

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