

109TH CONGRESS
1ST SESSION

H. R. 4059

To amend the Individuals with Disabilities Education Act to enhance educational services for persons with autism spectrum disorders, to expand loan forgiveness for teachers of autistic children, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 17, 2005

Mr. SMITH of New Jersey (for himself, Mr. DOYLE, Mr. BURTON of Indiana, and Mr. WELDON of Florida) 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 enhance educational services for persons with autism spectrum disorders, to expand loan forgiveness for teachers of autistic children, 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 2005” or the “TEACH Act of
6 2005”.

7 **SEC. 2. FINDINGS AND PURPOSE.**

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

1 (1) Autism spectrum disorders (ASD), consid-
2 ered in 1965 to be a rare disorder, has grown over
3 the past 40 years from a prevalence of one in 10,000
4 to as many as one in 166 in young children today.

5 (2) Autism is a complex developmental dis-
6 ability that affects an individual in the areas of so-
7 cial interaction and communication. Because it is a
8 spectrum disorder, it affects each individual dif-
9 ferently and to varying degrees of severity. People
10 with autism process and respond to information in
11 unique ways. In some cases, aggressive or self-inju-
12 rious behavior may be present.

13 (3) Despite the progress that has been made in
14 early diagnosis and intervention of autism spectrum
15 disorders, too many children are not being diagnosed
16 until after they enter school.

17 (4) The increased number of children and
18 adults diagnosed with an autism spectrum disorder
19 is a growing and urgent concern for families, service
20 providers, and policy-makers, as existing health, edu-
21 cation, and social service systems struggle to re-
22 spond to the service needs of this population in a
23 comprehensive manner.

24 (5) Though a number of effective services and
25 funding options exist, they tend to be scattered,

1 fragmented, and poorly coordinated, there are no
2 widely accepted or implemented service guidelines
3 for autism spectrum disorders, and there are signifi-
4 cant gaps in knowledge about autism.

5 (6) Factors that have a major impact on the in-
6 tensity and types of services for individuals with an
7 autism spectrum disorder include the uniqueness of
8 the ways individuals with autism process and re-
9 spond to information, the variability of how autism
10 affects each individual, the percentage of time indi-
11 viduals with autism are successfully taught in a reg-
12 ular classroom, and the communication and social-
13 ization deficits of those individuals.

14 (7) Children with an autism spectrum disorder
15 who receive intensive behavioral therapy and edu-
16 cational services often make very significant func-
17 tional improvements.

18 (8) The Autism Coordinating Committee, cre-
19 ated as a result of the Children's Health Act of
20 2000 (Public Law 106–310, 114 Stat. 1101), estab-
21 lished a Services Subcommittee to develop a national
22 action plan for expanding and improving services re-
23 lated to autism spectrum disorders. The Services
24 Subcommittee appointed an Autism Spectrum Dis-
25 orders Expert Working Group which presented in

1 May 2005 an “Autism Spectrum Disorders (ASD)
2 Roadmap” to expand, enhance, and coordinate serv-
3 ices for children, youth, and adults with ASD, and
4 their families.

5 (b) PURPOSE.—It is the purpose of this Act to en-
6 hance educational services for individuals with autism
7 spectrum disorders, in a manner generally consistent with
8 and supportive of the “Autism Spectrum Disorders (ASD)
9 Roadmap”.

10 **SEC. 3. AUTISM EARLY SCREENING, DIAGNOSIS, AND**
11 **INTERVENTION.**

12 (a) OUTREACH PLAN.—The Secretary of Education,
13 in cooperation with the Assistant Secretary for Children
14 and Families of the Department of Health and Human
15 Services, shall award one or more grants, contracts, or co-
16 operative agreements to an organization or organizations
17 to develop a plan to conduct education and outreach activi-
18 ties for populations and individuals underserved by early
19 screening and diagnosis for neurodevelopmental delays, in-
20 cluding for individuals who may have avoided develop-
21 mental disability evaluations.

22 (b) REPORT.—Section 613 of the Individuals with
23 Disabilities Education Act (20 U.S.C. 1413) is amended
24 by adding at the end the following new subsection:

1 “(k) REPORT ON AUTISM EARLY INTERVENTION AC-
2 TIVITIES.—

3 “(1) IN GENERAL.—A local educational agency
4 that receives assistance under this part for a fiscal
5 year shall prepare and submit to the Secretary a re-
6 port that contains a description of the activities re-
7 ferred to in paragraph (2) carried out in the pre-
8 ceding fiscal year.

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

11 “(A) Activities carried out by the agency to
12 ensure that students who exhibit symptoms of
13 an autism spectrum disorder are referred to ap-
14 propriate experts for diagnosis.

15 “(B) Appropriate training provided by the
16 agency, or on behalf of the agency, of personnel
17 of the agency and schools of the agency to carry
18 out the activities described in subparagraph
19 (A).

20 “(3) DEFINITION.—In this subsection, the term
21 ‘autism spectrum disorder’ has the meaning given
22 the term by the Diagnostic and Statistical Manual
23 of Mental Disorders-Fourth Edition (DSM–IV).”

24 “(c) TECHNICAL ASSISTANCE.—The Secretary of Edu-
25 cation shall provide technical assistance to local edu-

1 cational agencies that receive assistance under part B of
2 the Individuals with Disabilities Education Act to assist
3 such agencies to comply with the reporting requirement
4 under section 613(k) of such Act, as added by subsection
5 (b).

6 **SEC. 4. SENSE OF CONGRESS RELATING TO GRANTS TO IM-**
7 **PROVE EDUCATION OF INDIVIDUALS WITH**
8 **DISABILITIES.**

9 It is the sense of Congress that the Secretary of Edu-
10 cation, in making an award of a grant or in entering into
11 a contract or cooperative agreement under subpart 2 or
12 subpart 3 of part D of the Individuals with Disabilities
13 Education Act, shall give special consideration to the in-
14 creased incidence of autism spectrum disorders among
15 children and the increased demands placed on educational
16 systems due to the complexity and symptoms of autism,
17 including the uniqueness of the ways individuals with au-
18 tism process and respond to information, the variability
19 of how autism affects each individual, and the extreme and
20 unusual communication and socialization deficits of those
21 individuals.

22 **SEC. 5. EXPANDED LOAN FORGIVENESS PROGRAM FOR**
23 **TEACHERS OF AUTISTIC CHILDREN.**

24 (a) PROGRAM.—

1 (1) IN GENERAL.—The Secretary of Education
2 shall carry out a program of assuming the obligation
3 to repay, pursuant to subsection (c), a loan made,
4 insured, or guaranteed under part B of title IV of
5 the Higher Education Act of 1965, and of canceling
6 the obligation to repay a loan made under part D of
7 such title (excluding loans made under section 428B
8 of such Act or comparable loans made under part D
9 of such title) for any borrower who—

10 (A) is employed, for three consecutive com-
11 plete school years, as a full-time special edu-
12 cation teacher of children with an autism spec-
13 trum disorder;

14 (B) satisfies the requirements of sub-
15 section (d); and

16 (C) is not in default on a loan for which
17 the borrower seeks forgiveness.

18 (2) AWARD BASIS; PRIORITY.—

19 (A) AWARD BASIS.—Subject to subpara-
20 graph (B), loan repayment under this section
21 shall be on a first-come, first-serve basis and
22 subject to the availability of appropriations.

23 (B) PRIORITY.—The Secretary shall give
24 priority in providing loan repayment under this
25 section for a fiscal year to student borrowers

1 who received loan repayment under this section
2 for the preceding fiscal year.

3 (3) REGULATIONS.—The Secretary is author-
4 ized to prescribe such regulations as may be nec-
5 essary to carry out the provisions of this section.

6 (b) LOAN REPAYMENT.—

7 (1) ELIGIBLE AMOUNT.—The Secretary may
8 assume or cancel the obligation to repay on behalf
9 of any individual under this section—

10 (A) the sum of the principal amounts out-
11 standing (not to exceed \$5,000) of the individ-
12 ual's qualifying loans at the end of three con-
13 secutive complete school years of service de-
14 scribed in subsection (a)(1)(B);

15 (B) an additional portion of such sum (not
16 to exceed \$5,000) at the end of each of the next
17 two consecutive complete school years of such
18 service; and

19 (C) a total of not more than \$20,000.

20 (2) CONSTRUCTION.—Nothing in this section
21 shall be construed to authorize the refunding of any
22 repayment of a loan made under part B or part D
23 of title IV of the Higher Education Act of 1965.

24 (3) INTEREST.—If a portion of a loan is repaid
25 by the Secretary under this section for any year, the

1 proportionate amount of interest on such loan which
2 accrues for such year shall be repaid by the Sec-
3 retary.

4 (c) REPAYMENT TO ELIGIBLE LENDERS.—The Sec-
5 retary shall pay to each eligible lender or holder for each
6 fiscal year an amount equal to the aggregate amount of
7 loans which are subject to repayment pursuant to this sec-
8 tion for such year.

9 (d) APPLICATION FOR REPAYMENT.—

10 (1) IN GENERAL.—Each eligible individual de-
11 siring loan repayment under this section shall sub-
12 mit a complete and accurate application to the Sec-
13 retary at such time, in such manner, and containing
14 such information as the Secretary may require.

15 (2) YEARS OF SERVICE.—An eligible individual
16 may apply for loan repayment under this section
17 after completing the required number of years of
18 qualifying employment.

19 (3) FULLY QUALIFIED TEACHERS IN PUBLIC
20 ELEMENTARY OR SECONDARY SCHOOLS.—An appli-
21 cation for loan repayment under this section shall
22 include such information as is necessary to dem-
23 onstrate that the applicant—

24 (A) if teaching in a public pre-kinder-
25 garten, kindergarten, elementary, middle, or

1 secondary school (other than as a teacher in a
2 public charter school), has obtained State cer-
3 tification as a teacher (including certification
4 obtained through alternative routes to certifi-
5 cation) or passed the State teacher licensing
6 exam and holds a license to teach in such State;
7 and

8 (B) if teaching in—

9 (i) a public pre-kindergarten, kinder-
10 garten, or elementary school, holds a bach-
11 elor’s degree and demonstrates knowledge
12 and skills for teaching children with an au-
13 tism spectrum disorder; or

14 (ii) a public middle or secondary
15 school, holds a bachelor’s degree and dem-
16 onstrates a high level of competency for
17 teaching children with an autism spectrum
18 disorder, through—

19 (I) a high level of performance on
20 a rigorous State or local academic
21 subject areas test; or

22 (II) completion of an academic
23 major specializing in autism or severe
24 disabilities with a concentration in au-
25 tism spectrum disorders.

1 (4) TEACHERS IN NONPROFIT PRIVATE ELE-
2 MENTARY OR SECONDARY SCHOOLS OR CHARTER
3 SCHOOLS.—In the case of an applicant who is teach-
4 ing in a nonprofit private pre-kindergarten, kinder-
5 garten, elementary, or secondary school, or in a pub-
6 lic charter school, an application for loan repayment
7 under this section shall include such information as
8 is necessary to demonstrate that the applicant has
9 knowledge and skills for teaching children with an
10 autism spectrum disorder, as certified by the chief
11 administrative officer of the school.

12 (e) TREATMENT OF CONSOLIDATION LOANS.—A loan
13 amount for a consolidation loan made under section 428C
14 of the Higher Education Act of 1965, or a Federal Direct
15 Consolidation Loan made under part D of title IV of such
16 Act, may be a qualified loan amount for the purpose of
17 this section only to the extent that such loan amount was
18 used by a borrower who otherwise meets the requirements
19 of this section to repay—

20 (1) a loan made under section 428 or section
21 428H of such Act; or

22 (2) a Federal Direct Stafford Loan or a Fed-
23 eral Direct Unsubsidized Stafford Loan made under
24 part D of title IV of such Act.

25 (f) ADDITIONAL PROVISIONS.—

1 (1) PREVENTION OF DOUBLE BENEFITS.—No
2 borrower may, for the same service, receive a benefit
3 under both this section and subtitle D of title I of
4 the National and Community Service Act of 1990
5 (42 U.S.C. 12571 et seq.).

6 (2) DEFINITION OF TEACHER OF CHILDREN
7 WITH AN AUTISM SPECTRUM DISORDER.—The term
8 “teacher of children with an autism spectrum dis-
9 order” means an individual who provides instruction
10 to children who have been diagnosed by a physician
11 or a psychologist as having an autism spectrum dis-
12 order.

13 (g) AUTHORIZATION OF APPROPRIATIONS.—There
14 are authorized to be appropriated to carry out this section
15 such sums as may be necessary for each of the fiscal years
16 2006 through 2010.

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

18 (a) ESTABLISHMENT.—The Secretary of Education,
19 acting through the Assistant Secretary for Special Edu-
20 cation and Rehabilitative Services, shall establish and pro-
21 vide administrative support for a Task Force on Autism
22 Spectrum Disorders (ASD) (in this section referred to as
23 the “Task Force”).

24 (b) DUTIES.—The Task Force shall—

1 (1) conduct a review of minimum standards re-
2 relating to the provision of special education for indi-
3 viduals with an autism spectrum disorder and pro-
4 vide recommendations to improve or otherwise
5 strengthen such standards;

6 (2) conduct a review of the effectiveness of ex-
7 isting educational models used with respect to the
8 provision of special education for individuals with an
9 autism spectrum disorder; and

10 (3) conduct an evaluation of programs carried
11 out by State and local educational agencies to train
12 teachers with respect to the provision of special edu-
13 cation for individuals with an autism spectrum dis-
14 order and provide recommendations to improve and
15 expand such programs.

16 (c) COMPOSITION.—

17 (1) IN GENERAL.—The Secretary of Education,
18 acting through the Assistant Secretary for Special
19 Education and Rehabilitative Services and in con-
20 sultation with the Director of the National Research
21 Council (or the Director’s designee), shall appoint
22 members of the Task Force as follows:

23 (A) Not less than two members shall be
24 representatives from national autism organiza-
25 tions.

1 (B) Not less than one member shall be an
2 individual with an autism spectrum disorder or
3 a parent (or legal guardian) of such an indi-
4 vidual.

5 (C) Not less than two members shall be
6 teachers with experience in working with chil-
7 dren with an autism spectrum disorder.

8 (D) Not less than two members shall be
9 appropriate officers or employees of the Depart-
10 ment of Education.

11 (E) Not less than two members shall be
12 appropriate officers or employees of the Depart-
13 ment of Health and Human Services (to be ap-
14 pointed in consultation with the Secretary of
15 Health and Human Services).

16 (2) COMPENSATION.—

17 (A) RATES OF PAY.—Except as provided
18 in subparagraph (B), members of the Task
19 Force shall be paid at the maximum rate of
20 basic pay for GS–14 of the General Schedule
21 for each day during which they are engaged in
22 the actual performance of duties of the Task
23 Force.

24 (B) PROHIBITION OF COMPENSATION OF
25 FEDERAL EMPLOYEES.—Members of the Task

1 Force who are full-time officers or employees of
2 the United States may not receive additional
3 pay, allowances, or benefits by reason of their
4 service on the Task Force.

5 (C) TRAVEL EXPENSES.—Each member of
6 the Task Force shall receive travel expenses, in-
7 cluding per diem in lieu of subsistence, in ac-
8 cordance with applicable provisions under sub-
9 chapter I of chapter 57 of title 5, United States
10 Code.

11 (d) REPORT.—Not later than one year after the date
12 of the enactment of this Act and annually thereafter for
13 each of the subsequent four calendar years, the Task
14 Force shall prepare and submit to the Secretary of Edu-
15 cation a report that contains the results of the reviews
16 and evaluations conducted pursuant to subsection (b) and
17 a description of the recommendations proposed pursuant
18 to such subsection.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—

20 (1) IN GENERAL.—There are authorized to be
21 appropriated to carry out this section \$500,000 for
22 fiscal years 2006 through 2010.

23 (2) AVAILABILITY.—Amounts appropriated pur-
24 suant to the authorization of appropriations under

1 paragraph (1) are authorized to remain available
2 until expended.

3 **SEC. 7. REPORT ON SERVICES PROVIDED TO INDIVIDUALS**
4 **WITH AUTISM.**

5 (a) IN GENERAL.—Not later than one year after the
6 date of the enactment of this Act, the Secretary of Edu-
7 cation, in cooperation with the Assistant Secretary for
8 Children and Families of the Department of Health and
9 Human Services, shall submit to Congress a report on the
10 services provided to individuals with an autism spectrum
11 disorder in accordance with the Individuals with Disabil-
12 ities Education Act (20 U.S.C. 1400 et seq.) and the Head
13 Start Act (42 U.S.C. 9831 et seq.).

14 (b) CONTENTS OF REPORT.—The report shall include
15 the types and levels of services provided to individuals with
16 an autism spectrum disorder, the specialization or exper-
17 tise of providers who work with such individuals, and the
18 effectiveness of such services and such providers for such
19 individuals. The report should cover all individuals served,
20 and shall also include a section on postsecondary, voca-
21 tional, technical, continuing, and adult education pro-
22 grams in providing appropriate assistance to individuals
23 with an autism spectrum disorder. The report shall also
24 include a projection and assessment of future educational
25 needs required to adequately serve individuals with an au-

1 tism spectrum disorder based on the estimated incidence
2 for such individuals born in 2005.

3 (c) PUBLIC AVAILABILITY.—The report shall be
4 made available to the public.

5 **SEC. 8. DEFINITION.**

6 In this Act, the term “autism spectrum disorder” has
7 the meaning given the term by the Diagnostic and Statis-
8 tical Manual of Mental Disorders-Fourth Edition (DSM-
9 IV).

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