

108TH CONGRESS
1ST SESSION

S. 1422

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

IN THE SENATE OF THE UNITED STATES

JULY 17, 2003

Mr. CORZINE (for himself and Mr. LAUTENBERG) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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 2003” or the “TEACH Act of
6 2003”.

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
10 and Results for Children with Disabilities”, for each of
11 the fiscal year 2004 through 2008, \$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 2004 through
11 2008 \$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. EXPANDED LOAN FORGIVENESS PROGRAM FOR**
20 **TEACHERS OF AUTISTIC CHILDREN.**

21 (a) PROGRAM.—

22 (1) IN GENERAL.—The Secretary of Education
23 (in this section referred to as the “Secretary”) shall
24 carry out a program of assuming the obligation to
25 repay, pursuant to subsection (c), a loan made, in-

1 sured, or guaranteed under part B of title IV of the
 2 Higher Education Act of 1965 or part D of such
 3 title (excluding loans made under sections 428B and
 4 428C of such Act or comparable loans made under
 5 part D of such title) for any borrower who—

6 (A) is employed, for 3 consecutive complete
 7 school years, as a full-time special education
 8 teacher of autistic children;

9 (B) satisfies the requirements of sub-
 10 section (d); and

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

13 (2) AWARD BASIS; PRIORITY.—

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

18 (B) PRIORITY.—The Secretary shall give
 19 priority in providing loan repayment under this
 20 section for a fiscal year to student borrowers
 21 who received loan repayment under this section
 22 for the preceding fiscal year.

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

1 (b) LOAN REPAYMENT.—

2 (1) ELIGIBLE AMOUNT.—The amount the Sec-
3 retary may repay on behalf of any individual under
4 this section shall not exceed—

5 (A) the sum of the principal amounts out-
6 standing (not to exceed \$5,000) of the individ-
7 ual's qualifying loans at the end of 3 consecu-
8 tive complete school years of service described
9 in subsection (a)(1)(B);

10 (B) an additional portion of such sum (not
11 to exceed \$5,000) at the end of each of the next
12 2 consecutive complete school years of such
13 service; and

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

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

19 (3) INTEREST.—If a portion of a loan is repaid
20 by the Secretary under this section for any year, the
21 proportionate amount of interest on such loan which
22 accrues for such year shall be repaid by the Sec-
23 retary.

24 (c) REPAYMENT TO ELIGIBLE LENDERS.—The Sec-
25 retary shall pay to each eligible lender or holder for each

1 fiscal year an amount equal to the aggregate amount of
 2 loans which are subject to repayment pursuant to this sec-
 3 tion for such year.

4 (d) APPLICATION FOR REPAYMENT.—

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

10 (2) YEARS OF SERVICE.—An eligible individual
 11 may apply for loan repayment under this section
 12 after completing the required number of years of
 13 qualifying employment.

14 (3) FULLY QUALIFIED TEACHERS IN PUBLIC
 15 ELEMENTARY OR SECONDARY SCHOOLS.—An appli-
 16 cation for loan repayment under this section shall
 17 include such information as is necessary to dem-
 18 onstrate that the applicant—

19 (A) if teaching in a public pre-kinder-
 20 garten, kindergarten, elementary, middle, or
 21 secondary school (other than as a teacher in a
 22 public charter school), has obtained State cer-
 23 tification as a teacher (including certification
 24 obtained through alternative routes to certifi-
 25 cation) or passed the State teacher licensing

1 exam and holds a license to teach in such State;
 2 and

3 (B) if teaching in—

4 (i) a public pre-kindergarten, kinder-
 5 garten, or elementary school, holds a bach-
 6 elor's degree and demonstrates knowledge
 7 and skills for teaching children with autism
 8 spectrum disorders; or

9 (ii) a public middle or secondary
 10 school, holds a bachelor's degree and dem-
 11 onstrates a high level of competency for
 12 teaching children with autism spectrum
 13 disorders, through—

14 (I) a high level of performance on
 15 a rigorous State or local academic
 16 subject areas test; or

17 (II) completion of an academic
 18 major specializing in autism or severe
 19 disabilities with a concentration in au-
 20 tism spectrum disorders.

21 (4) TEACHERS IN NONPROFIT PRIVATE ELE-
 22 MENTARY OR SECONDARY SCHOOLS OR CHARTER
 23 SCHOOLS.—In the case of an applicant who is teach-
 24 ing in a nonprofit private pre-kindergarten, kinder-
 25 garten, elementary, or secondary school, or in a pub-

1 lic charter school, an application for loan repayment
 2 under this section shall include such information as
 3 is necessary to demonstrate that the applicant has
 4 knowledge and skills for teaching children with au-
 5 tism spectrum disorders, as certified by the chief ad-
 6 ministrative officer of the school.

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

15 (1) a loan made under section 428 or 428H of
 16 such Act; or

17 (2) a Federal Direct Stafford Loan, or a Fed-
 18 eral Direct Unsubsidized Stafford Loan, made under
 19 part D of title IV of such Act.

20 (f) ADDITIONAL PROVISIONS.—

21 (1) PREVENTION OF DOUBLE BENEFITS.—No
 22 borrower may, for the same service, receive a benefit
 23 under both this section and subtitle D of title I of
 24 the National and Community Service Act of 1990
 25 (42 U.S.C. 12571 et seq.).

1 (2) DEFINITION OF TEACHER OF AUTISTIC
 2 CHILDREN.—The term “teacher of autistic children”
 3 means an individual who provides instruction to chil-
 4 dren who have been diagnosed by a physician or a
 5 psychologist as having an autism spectrum disorder.

6 (g) AUTHORIZATION OF APPROPRIATIONS.—There
 7 are authorized to be appropriated to carry out this section
 8 such sums as may be necessary for each of the fiscal years
 9 2004 through 2008.

10 **SEC. 5. REPORT ON AUTISM EARLY INTERVENTION ACTIVI-**
 11 **TIES.**

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

15 “(k) REPORT ON AUTISM EARLY INTERVENTION AC-
 16 TIVITIES.—

17 “(1) IN GENERAL.—A local educational agency
 18 that receives assistance under this part for a fiscal
 19 year shall prepare and submit to the Secretary a re-
 20 port that contains a description of the activities re-
 21 ferred to in paragraph (2) carried out in the pre-
 22 ceding fiscal year.

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

1 “(A) Activities carried out by the agency to
 2 ensure that students who exhibit symptoms of
 3 autism spectrum disorders (ASD) are referred
 4 to appropriate experts for diagnosis.

5 “(B) Appropriate training provided by the
 6 agency, or on behalf of the agency, of personnel
 7 of the agency and schools of the agency to carry
 8 out the activities described in subparagraph
 9 (A).

10 “(3) DEFINITION.—In this subsection, the term
 11 ‘autism spectrum disorders’ has the meaning given
 12 the term in section 9 of the Teacher Education for
 13 Autistic Children Act of 2003.”.

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

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

22 (a) ESTABLISHMENT.—The Secretary of Education,
 23 acting through the Assistant Secretary for Special Edu-
 24 cation and Rehabilitative Services, shall establish and pro-
 25 vide administrative support for a Task Force on Autism

1 Spectrum Disorders (ASD) (in this section referred to as
2 the “Task Force”).

3 (b) DUTIES.—The Task Force shall—

4 (1) conduct a review of minimum standards re-
5 lating to the provision of special education for chil-
6 dren with autism spectrum disorders and provide
7 recommendations to improve or otherwise strengthen
8 such standards;

9 (2) conduct a review of the effectiveness of ex-
10 isting educational models used with respect to the
11 provision of special education for children with au-
12 tism spectrum disorders; and

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

19 (c) COMPOSITION.—

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

1 (A) Not less than two members shall be
2 representatives from national autism organiza-
3 tions.

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

8 (C) Not less than two members shall be
9 teachers with experience in working with chil-
10 dren with autism.

11 (D) Not less than two members shall be
12 appropriate officers or employees of the Depart-
13 ment of Education.

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

19 (2) COMPENSATION.—

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

1 the actual performance of duties of the Task
2 Force.

3 (B) PROHIBITION OF COMPENSATION OF
4 FEDERAL EMPLOYEES.—Members of the Task
5 Force who are full-time officers or employees of
6 the United States may not receive additional
7 pay, allowances, or benefits by reason of their
8 service on the Task Force.

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

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

23 (e) AUTHORIZATION OF APPROPRIATIONS.—

1 (1) IN GENERAL.—There are authorized to be
2 appropriated to carry out this section \$500,000 for
3 fiscal years 2004 through 2008.

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

8 **SEC. 7. STUDY AND REPORT ON FEDERAL VOCATIONAL**
9 **TRAINING PROGRAMS.**

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

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

19 (1) The results of the study conducted under
20 subsection (a).

21 (2) Administrative and legislative recommenda-
22 tions to improve the effectiveness of Federal voca-
23 tional training programs in providing appropriate as-
24 sistance to individuals with autism spectrum dis-
25 orders.

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

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

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

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

24 (c) DUTIES OF OFFICE.—

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

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

21 (d) REQUIREMENTS.—A State autism ombudsman
22 office established in accordance with subsection (b) shall—
23 (1) coordinate with the State developmental dis-
24 abilities council, university-affiliated programs, re-

1 gional resource centers, and other appropriate State
2 entities; and

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

6 (e) AUTHORIZATION OF APPROPRIATIONS.—There
7 are authorized to be appropriated to carry out this section
8 \$8,000,000 for each of the fiscal years 2004 through
9 2008.

10 **SEC. 9. DEFINITION.**

11 In this Act, the term “autism spectrum disorder” has
12 the meaning given the term by the Diagnostic and Statis-
13 tical Manual of Mental Disorders—Fourth Edition
14 (DSM–IV).

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