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Description and Analysis of “TEAM” Bills Introduced by Congressman Harper Proposing Amendments to IDEA, the Rehabilitation Act, and the DD Act

On February 5, 2013 Congressman Harper (R. Miss) introduced three related bills:

- H.R. 509--Transition toward Excellence, Achievement and Mobility through Employment Act of 2011 or TEAM-Employment Act of 2011;
- H.R. 510--Transition toward Excellence, Achievement and Mobility through Education Act of 2011 or TEAM-Education Act of 2011; and
- H.R. 511--Transition toward Excellence, Achievement and Mobility through Empowerment Act of 2011 or TEAM-Empowerment Act of 2011.

These bills are identical in every respect to the three bills (H.R. 602-604) introduced by Representative Harper during the 112th Congress.

Below is a description and analysis of these three bills. In general, the bills include many proposed policies that will enhance opportunities for youth with the most significant disabilities, including proposals to create a holistic system across multiple entities to enhance coordination and collaboration; focusing systemically on cultivating the high expectations of youth; recognizing that individuals with the most significant disabilities should enjoy a presumption that they can achieve integrated employment with a preferred outcome of advancing integrated employment; and ensuring that transition services include training in self-advocacy, self-determination skills, and peer mentoring; family involvement and supports.

However, each of the bills includes provisions that undermine core value and principles embedded in the Individuals with Disabilities Education Act, the Rehabilitation Act, and the Developmental Disabilities Assistance and Bill of Rights Act.

- First, the bills undermine informed choice and self-determination of individuals with disabilities and their legal guardians.
- Second, and foremost, the bills will likely reduce, not increase, employment opportunities for many individuals with the most significant disabilities.
- Third, the bills restrict, and in some cases preclude, the provision of necessary and appropriate services and supports that lead to employment opportunities.
- Fourth, the bills allow systems to ignore an individual’s unique needs, strengths, priorities, abilities and capabilities and substitute a one-size-fits-all approach.

For example, the bills include policies that provide for the categorical exclusion of certain transition services deemed appropriate (i.e., meet the child's unique needs) by family members and professionals such as services provided in center-based programs, habilitation centers, mobile work crews or enclave work settings; restrict employment-related transition objectives to include only those objectives leading to sustained integrated employment (at or above minimum wage); categorically prohibit the use of center-based employment, day habilitation centers, mobile work crews, or enclave work settings in any child's IEP; and limit the definition of supported employment under the Rehabilitation Act.

H.R. 509: Transition toward Excellence, Achievement and Mobility through Employment Act of 2011 or TEAM-Employment Act of 2011

The TEAM-Employment Act includes numerous amendments to the Rehabilitation Act. The purpose of Title I of the Rehabilitation Act is to empower individuals with disabilities to maximize employment, economic self-sufficiency, independence, and inclusion and integration into society through comprehensive and coordinated state-of-the-art programs of vocational rehabilitation. The designated state unit must complete the assessment for determining vocational rehabilitation needs. The individualized plan for employment must be developed and implemented in a manner that affords the opportunity for the individual to exercise informed choice.

The TEAM-Employment Act includes several proposals that are consistent with and enhance employment opportunities for transition-age youth. Examples include:

- Recognizing that individuals with the most significant disabilities should enjoy a presumption that they can achieve integrated employment with a preferred outcome of advancing integrated employment;
- Creating a holistic system across multiple entities to enhance coordination and collaboration;
- Focusing systemically on cultivating the high expectations of youth;
- Defining transition services as including training in self-advocacy, self-determination skills, and peer mentoring; family involvement and supports; and
- Supporting grants for transition of youths with significant disabilities to adulthood.

The TEAM-Employment Act, however, also includes several provisions that undermine the core principles and policies included in the Rehabilitation Act. The overall effect of these proposals is likely to reduce, not increase, employment opportunities for many individuals with the most significant disabilities. The TEAM-Employment Act undermines the policy that employment-related decisions should be appropriate to the individual, based on the child's unique needs and restricts the availability of appropriate services for youth with disabilities, particularly youth with the most significant disabilities. The TEAM-Employment Act also restricts informed choice and self-determination. Examples of policies that undermine core principles of the Rehabilitation Act include:

- In completing the assessment for determining eligibility and vocational rehabilitation needs, prohibiting the use of information from assessments of experiences in center-based programs;
- Excluding from the definition of supported employment individuals working toward competitive employment, excluding enclaves from supported employment, and excluding individuals paid a commensurate wage consistent with the Fair Labor Standards Act;

- Categorically excluding from transition services the use of center-based employment programs, day habilitation centers, and enclave work settings; and
- Failing to include as advisors in the transition demonstration projects persons with expertise in the employment of individuals with the most significant disabilities who work in center-based employment programs.

H.R. 510: Transition toward Excellence, Achievement and Mobility through Education Act of 2011 or TEAM-Education Act of 2011

The TEAM-Education Act proposes numerous amendments to the Individuals with Disabilities Education Act (IDEA). The purposes of IDEA are to ensure that all children with disabilities—regardless of the nature of severity of disability-- have available to them a free appropriate public education that emphasizes special education and related services designed to meet their unique needs and prepare them for further education, employment, and independent living. In developing a child’s IEP, the IEP must consider the strengths of the child; the concerns of the parents for enhancing the education of their child; the results of initial evaluation or most recent evaluation of the child; and the academic, developmental, and functional needs of the child. The child’s education must be provided in the least restrictive environment.

The TEAM-Education Act includes several provisions that enhance educational opportunities for youth with disabilities, including:

- Creating a holistic system across multiple partners focused on successful transition of youth with significant disabilities;
- Creating a systemic focus on achieving high expectations;
- Defining transition services to include training in self-advocacy and self-determination;
- Requiring that the IEP include a description of the training in self-advocacy, development of self-determination activities, and the skills needed to participate in making informed choices to prepare and empower the child to negotiate and advocate on the child’s own behalf;
- In preparation for development of IEP for a child in transition years, offering a preliminary meeting and advocacy training that will be conducted by a certified trainer with specific experience in self-advocacy and family advocacy training;
- Lowering the age when transition begins from 16 to 14;
- Expanding the summary of information provided to youth who “age out” of the school system;
- Requiring the state to establish a plan to ensure coordination among state agencies and to align practices and direct resources toward the effective provision of transition services; and
- Authorizing grants for establishment of local coordinators for transition services.

The TEAM-Education Act, however, also includes several provisions that are contrary to and undermine the core principles and policies included in the IDEA. The overall effect of these provisions will likely be the reduction, not increase, in employment opportunities for many persons with the most significant disabilities. The TEAM-Education Act undermines the policy that education decisions should be appropriate to the individual, based on the child’s unique needs; instead the bill imposes a one-size fits all approach and thus restricts the availability of appropriate employment outcomes for youth with disabilities, particularly youth with the most significant

disabilities. The TEAM-Education Act also restricts informed choice and self-determination by individuals with disabilities and their families. Examples of policies that contravene core principles of IDEA include:

- Specifying that transition services can never include certain services—even if deemed appropriate as part of the IEP process (i.e., meet the child’s unique needs) by family members and professionals—including services provided in center-based programs, habilitation centers, mobile work crews and enclave work settings;
- Restricting employment-related transition objectives only to those objectives leading to sustained integrated employment (at or above minimum wage);
- Categorically prohibiting the use of center-based employment, day habilitation centers, mobile work crews, or enclave work settings in any child’s IEP;
- Limiting a school system’s obligation to only provide transition services if such services are necessary to assist the child attain integrated employment (not attain other employment outcomes that are appropriate, consistent with the child’s needs, strengths and priorities); and
- Prohibiting a state educational agency to enter into a contract regarding the provision of state-level transition services related to center-based employment programs, day habilitation centers, mobile work crews, and enclave work settings.

H.R. 511: Transition toward Excellence, Achievement and Mobility through Empowerment Act of 2011 or TEAM-Empowerment Act of 2011.

The TEAM-Empowerment Act adds a new program to Title I of the Developmental Disabilities Assistance and Bill of Rights Act to develop and implement a holistic system across multiple partners focused on successful transition of youth with significant disabilities into adulthood. The fundamental concern with this bill is the policy that defines transition services to categorically exclude the use of center-based employment programs, day habilitation centers, and enclave work settings, notwithstanding the needs, strengths, priorities, abilities and capabilities of the individuals impacted by these proposed changes. The effect of this policy is to limit informed choice and self-determination, thereby restricting opportunities for individuals with the most significant disabilities.

Conclusion

While many aspects of the three bills introduced by Congressman Harper are worthy of support, a number of provisions should be opposed because they undermine the core principles of disability policy—self-determination, informed choice, and person-centered planning. A one-size-fits-all approach to this set of important issues is simply not in the best interests of youth with disabilities and their families.

Contact

For more information, contact Terry Farmer, ACCSES, CEO: 2023.49.4258 or trfarmer@accses.org. To learn more about ACCSES visit www.accses.org.