

116TH CONGRESS  
1ST SESSION

# H. R. 3070

To amend the Rehabilitation Act of 1973 to establish a demonstration program to assist transition-aged youth with covered disabilities in obtaining customized, competitive integrated employment.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 3, 2019

Mr. MOULTON (for himself and Mrs. RODGERS of Washington) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the Rehabilitation Act of 1973 to establish a demonstration program to assist transition-aged youth with covered disabilities in obtaining customized, competitive integrated employment.

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 “Customized Ap-  
5 proaches to Providing And Building Independent Lives of  
6 Inclusion for Transition-aged Youth Act of 2019” or the  
7 “CAPABILITY Act of 2019”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Good transition services are critical to the  
4 success of youth with disabilities transitioning from  
5 school to employment.

6 (2) Federal law, including the Individuals with  
7 Disabilities Education Act and the Workforce Inno-  
8 vation and Opportunity Act, require that schools and  
9 adult disability systems (including the State voca-  
10 tional rehabilitation agency (or agencies), the State  
11 developmental disabilities agency, the State mental  
12 health agency, and the State Medicaid agency) col-  
13 laborate to ensure the successful transition of stu-  
14 dents from school to competitive integrated employ-  
15 ment.

16 (3) The Workforce Innovation and Opportunity  
17 Act requires States to provide preemployment transi-  
18 tion services to students with disabilities, with the  
19 goal of assisting with the transition to competitive  
20 integrated employment.

21 (4) Despite the goals of Federal laws, schools  
22 and State systems continue to have challenges  
23 transitioning students with intellectual, develop-  
24 mental, mental health, and other significant disabil-  
25 ities and such students continue to achieve the goal  
26 of competitive integrated employment at far lower

1 rates than their non-disabled peers and even peers  
2 with other disabilities. Only 24 percent of transition-  
3 aged youth with disabilities are employed and only  
4 21 percent of youth with intellectual or develop-  
5 mental disabilities are employed (according to Cor-  
6 nell University). This leads to fewer adults with dis-  
7 abilities working. The most current data indicate  
8 that while 74 percent of working age adults with no  
9 disability are working, only 35 percent of adults with  
10 disabilities, and only 25 percent of adults with cog-  
11 nitive disabilities, are working (according to the  
12 American Community Survey).

13 (5) Schools and State systems should have  
14 knowledge and expertise in the range of evidence-  
15 based strategies that are particularly effective for  
16 employment of students with disabilities, including  
17 customized employment, the Individual Plan and  
18 Support model, and supported employment.

19 **SEC. 3. DEMONSTRATION GRANT PROGRAM FOR INDIVID-**  
20 **UALS WITH CERTAIN DISABILITIES.**

21 Section 303 of the Rehabilitation Act of 1973 (29  
22 U.S.C. 773) is amended—

23 (1) by redesignating subsections (e) through (e)  
24 as subsections (d) through (f), respectively;

1           (2) by inserting after subsection (b) the fol-  
2           lowing:

3           “(c) DEMONSTRATION GRANT PROGRAM FOR INDI-  
4           VIDUALS WITH CERTAIN DISABILITIES.—

5           “(1) GRANTS AUTHORIZED.—For each of fiscal  
6           years 2020 through 2023, the Secretary shall carry  
7           out a program under which the Secretary makes  
8           grants to States, on a competitive basis, to assist  
9           such States in carrying out activities designed to  
10          help transition-aged youth with covered disabilities  
11          obtain customized, competitive integrated employ-  
12          ment.

13          “(2) MAXIMUM NUMBER OF GRANTS.—Not  
14          more than 3 States may receive grants for fiscal  
15          year 2020 and not more than 3 States may receive  
16          grants for fiscal year 2021. A State may not receive  
17          a grant in both fiscal year 2020 and 2021.

18          “(3) DURATION.—Each grant under this sec-  
19          tion shall be made for a period of four years.

20          “(4) APPLICATION.—To be eligible to receive a  
21          grant under this subsection a State shall submit an  
22          application to the Secretary, at such time, in such  
23          manner, and containing such information as the Sec-  
24          retary may require. Each application shall include,  
25          at minimum, the following:

1           “(A) Identification of not fewer than three  
2 locations in the State at which services sup-  
3 ported by the grant will be coordinated, admin-  
4 istered, and made available to the community.

5           “(B) Evidence demonstrating the State’s  
6 commitment to carrying out the activities fund-  
7 ed with a grant under this subsection, which  
8 shall include a description of the extent to  
9 which State officials and State agencies will be  
10 involved in carrying out the activities, includ-  
11 ing—

12                   “(i) the Governor;

13                   “(ii) the State legislature; and

14                   “(iii) other State agencies, including  
15 the State’s vocational rehabilitation agen-  
16 cy, Medicaid agency, department of edu-  
17 cation, department of workforce develop-  
18 ment, mental health agency, developmental  
19 disability agency, and any other State  
20 agencies specifically concerned with pro-  
21 viding services to individuals with covered  
22 disabilities.

23           “(C) A description of how the State, in  
24 carrying out the activities funded with the  
25 grant, will consult and collaborate with transi-

1           tion-aged youth with covered disabilities and  
2           their families, local educational agencies serving  
3           such transition-aged youth, Developmental Dis-  
4           ability Councils, University Centers for Excel-  
5           lence in Developmental Disabilities Education,  
6           Research, and Service, and other organizations  
7           with expertise in advocating for or providing  
8           employment services to transition age youth.

9           “(D) A description of how the State will  
10          evaluate the effectiveness of the activities fund-  
11          ed with the grant.

12          “(5) PRIORITY.—In awarding grants under this  
13          subsection, the Secretary shall prioritize the award  
14          of grants to States that will—

15               “(A) ensure that the employment obtained  
16               by individuals assisted with grant funds com-  
17               plies with the requirements applicable to cus-  
18               tomized integrated employment, including wage,  
19               benefit, and location requirements;

20               “(B) seek technical assistance from appro-  
21               priate public and private sources on an ongoing  
22               basis throughout the grant period;

23               “(C) use evidence-based models and stand-  
24               ardized practices of customized employment  
25               services consistent with the Essential Elements

1 of Customized Employment for Universal Appli-  
2 cation as published by the Workforce Innova-  
3 tion Technical Assistance Center in June 2017,  
4 including the development of an employment or  
5 a career plan for each transition-aged youth  
6 with a covered disability;

7 “(D) use a coordinated approach of best  
8 practices in customized employment and sup-  
9 ported employment services to ensure flexible  
10 person-centered services for such youth, includ-  
11 ing the availability of paid internships and op-  
12 portunities for enhanced discovery activities;

13 “(E) establish partnerships with employers  
14 to advocate for, with respect to such youth, cus-  
15 tomized, competitive, and integrated job oppor-  
16 tunities, workplace inclusion, paid internships,  
17 and employment supports;

18 “(F) provide access to additional resources  
19 needed to facilitate successful employment out-  
20 comes through coordination with the employers  
21 described in subparagraph (E);

22 “(G) identify ideal paid internship and job  
23 matches for employers and such youth;

24 “(H) provide peer and family mentoring  
25 focused on employment-related information and

1 resources, including benefits planning and asset  
2 development information;

3 “(I) provide training, performance-based  
4 certification, and technical assistance support  
5 for all staff who will be engaged in the provi-  
6 sion of the customized employment and sup-  
7 ported employment services;

8 “(J) provide training and information to  
9 vocational rehabilitation counselors, school tran-  
10 sition personnel, and other persons supporting  
11 such youth;

12 “(K) collect information with respect to all  
13 employment services, internships, and job out-  
14 comes pursuant to the grant; and

15 “(L) ensure transparency of information  
16 and informed choices for such youth and em-  
17 ployers.

18 “(6) USE OF FUNDS.—

19 “(A) IN GENERAL.—A State that receives  
20 a grant under this subsection shall use the  
21 grant to assist transition-aged youth with cov-  
22 ered disabilities in obtaining customized, com-  
23 petitive integrated employment by—

24 “(i) providing customized employment  
25 services to such youth;



1           “(ii) carrying out preemployment  
2 transition services for such youth as de-  
3 scribed in paragraphs (1) through (7) and  
4 (9) of section 113(c);

5           “(iii) implementing service models to  
6 address the unique needs of individual  
7 transition-aged youth, such as customized  
8 employment, individual plans and support  
9 models, and supported employment; and

10           “(iv) carrying out such other activities  
11 as may be necessary to ensure that such  
12 youth are able to obtain customized, com-  
13 petitive integrated employment.

14           “(B) MILESTONES FOR IMPLEMENTA-  
15 TION.—Each State that receives a grant under  
16 this subsection shall achieve the following mile-  
17 stones during the grant period:

18           “(i) FIRST YEAR.—In the first year of  
19 the grant period, the State shall carry out  
20 such planning activities as are necessary to  
21 implement the program funded with the  
22 grant.

23           “(ii) SECOND YEAR.—In the second  
24 year of the grant period, the State shall  
25 begin carrying out the program funded

1 with the grant and shall collect data on the  
2 performance of the program.

3 “(iii) THIRD YEAR.—In the third year  
4 of the grant period, the State shall begin  
5 to identify lessons learned and methods to  
6 ensure the sustainability of the program.

7 “(iv) FOURTH YEAR.—In the fourth  
8 year of the grant period, the State shall  
9 demonstrate to the Secretary that the pro-  
10 gram funded with the grant has been fully  
11 implemented and is sustainable.

12 “(7) REPORT.—

13 “(A) IN GENERAL.—Not later than four  
14 years after the date on which the last grant is  
15 made under this subsection, the Secretary shall  
16 submit to Congress a report on the activities  
17 carried out with grants under this subsection.

18 “(B) ELEMENTS.—The report under sub-  
19 paragraph (A) shall include, with respect to  
20 each State that received a grant under this sub-  
21 section, the following:

22 “(i) a description of how the State  
23 used the grant funds;

24 “(ii) the number of individuals who  
25 obtained customized, competitive inte-

1           grated employment as a result of partici-  
2           pating in activities funded with the grant;

3           “(iii) with respect to the employment  
4           obtained by such individuals—

5                   “(I) the average wage earned;

6                   “(II) any changes in the average  
7           wage earned over time;

8                   “(III) the average number of  
9           hours worked per week;

10                  “(IV) the benefits, if any, typi-  
11           cally provided by the employer; and

12                  “(V) the average duration of the  
13           employment; and

14                  “(iv) such other information as the  
15           Secretary considers appropriate.

16           “(8) STATE INFORMATION COLLECTION.—A  
17           State that receives a grant under this subsection  
18           shall—

19                   “(A) collect and compile the information  
20           described in clauses (i) through (iii) of subpara-  
21           graph (B); and

22                   “(B) submit the information to the Sec-  
23           retary at such time and in such manner as the  
24           Secretary may require.

25           “(9) DEFINITIONS.—In this subsection:

1           “(A) COVERED DISABILITY.—The term  
2           ‘covered disability’ means an intellectual, devel-  
3           opmental, mental health, physical, or other sig-  
4           nificant disability that presents barriers to an  
5           individual transitioning to employment or post-  
6           secondary education.

7           “(B) CUSTOMIZED, COMPETITIVE INTE-  
8           GRATED EMPLOYMENT.—The term ‘customized,  
9           competitive integrated employment’ means com-  
10          petitive integrated employment that is cus-  
11          tomized to the unique skills and abilities of a  
12          youth with a covered disability.

13          “(C) TRANSITION-AGED YOUTH.—The  
14          term ‘transition-aged youth’ means a person  
15          considered to be a transition-aged youth under  
16          the laws of the State concerned.

17          “(10) AUTHORIZATION OF APPROPRIATIONS.—  
18          There are authorized to be appropriated to carry out  
19          this subsection such sums as may be necessary for  
20          each of fiscal years 2020 through 2023.”; and

21          (3) in subsection (f), as redesignated by para-  
22          graph (1), by striking “this section” and inserting  
23          “this section (other than subsection (c))”.

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