

Subtitle I--Military Family Readiness Matters

SEC. 581. ADDITIONAL MEMBERS OF DEPARTMENT OF DEFENSE MILITARY FAMILY READINESS COUNCIL.

(a) Addition of Spouse of General or Admiral- Paragraph (1) of section 1781a(b) of title 10, United States Code, is amended by inserting before the period at the end of subparagraph (D) the following: `, and one individual appointed by the Secretary who is the spouse of an officer serving in the grade of general or admiral'.

(b) Addition of Director of Office of Community Support for Military Families With Special Needs- Such paragraph is further amended by adding at the end the following new subparagraph:

`(F) The Director of the Office of Community Support for Military Families With Special Needs.'.

(c) Technical Amendment- Subparagraph (E) of such paragraph is amended by striking `the senior' and all that follows through `member' and inserting `the senior enlisted advisor, or the spouse of a senior enlisted member,'.

SEC. 582. ENHANCEMENT OF COMMUNITY SUPPORT FOR MILITARY FAMILIES WITH SPECIAL NEEDS.

(a) Additional Responsibility for Office of Community Support for Military Families With Special Needs- Section 1781c(d) of title 10, United States Code, is amended--

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph (7):

`(7) To conduct periodic reviews of best practices in the United States in the provision of medical and educational services for children with special needs'.

(b) Enhancement of Support- Section 563 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2304) is amended--

(1) by redesignating subsection (c) as subsection (e); and

(2) by inserting after subsection (b) the following new subsections:

`(c) Military Department Support for Local Centers to Assist Military Children With Special Needs- Each Secretary of a military department may establish or support centers on or in the vicinity of military installations under the jurisdiction of such Secretary to coordinate and provide medical and educational services for children with special needs of members of the Armed Forces who are assigned to such installations.

`(d) Advisory Panel on Community Support for Military Families With Special Needs-

`(1) ESTABLISHMENT- Not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2011, the Secretary of Defense shall establish an advisory panel on community support for military families with special needs.

`(2) MEMBERS- The advisory panel shall consist of seven individuals who are a member of a military family with special needs, who shall be appointed by the Secretary for purposes of this subsection.

`(3) DUTIES- The advisory panel shall--

`(A) provide informed advice to the Director of the Office of Community Support for Military Families With Special Needs on the implementation of the policy required by subsection (e) of section 1781c of title 10, United States Code, and on the discharge of the programs required by subsection (f) of such section;

`(B) assess and provide information to the Director on services and support for children with special needs that is available from other departments and agencies of the Federal Government and from State and local governments; and

`(C) otherwise advise and assist the Director in the discharge of the duties of the Office of Community Support for Military Families With Special Needs in such manner as the Secretary and the Director jointly determine appropriate.

`(4) MEETINGS- The Director shall meet with the advisory panel at such times, and with such frequency, as the Director considers appropriate. The Director shall meet with the panel at least once each year. The Director may meet with the panel through teleconferencing or by other electronic means.'

SEC. 583. PILOT PROGRAM ON SCHOLARSHIPS FOR MILITARY DEPENDENT CHILDREN WITH SPECIAL EDUCATION NEEDS.

(a) Pilot Program Required-

(1) IN GENERAL- The Secretary of Defense shall, in conjunction with the Secretaries of the military departments, carry out a pilot program to assess the feasibility and advisability of awarding scholarships to military children with special education needs described in subsection (b) in order to cover the costs of such children in attending a school described in subsection (c) for the purpose of ensuring military children with special education needs 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. Such scholarships shall be known as 'academic opportunity scholarships'.

(2) PURPOSES- The purposes of the pilot program shall be as follows:

(A) To identify and assess obstacles faced by military families with children with special education needs in obtaining a free appropriate public education to address such needs.

(B) To develop options for military children with special education needs to attend public or private schools through scholarships.

(C) To identify and assess evidence-based research and best practices for providing special education and related services (as those terms are defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)) for military children with special education needs.

(D) To assess timeliness in obtaining special education and related services described in subparagraph (C).

(E) To identify and document improvements in academic performance of military children with special education needs as a result of the scholarships under the pilot program.

(F) To determine and document the cost associated with obtaining special education and related services described in subparagraph (C) through such scholarships.

(3) CRITERIA- The Secretary of Defense shall carry out the pilot program based on uniform criteria established by the Secretary, in consultation with the Secretary of Education or the appropriate State government agency.

(4) COMMENCEMENT- The Secretary of Defense shall commence carrying out the pilot program beginning with the 2011-2012 academic year.

(b) Covered Military Dependent Children- A military dependent child described in this subsection is a child who--

(1) is a dependent of a member of the Armed Forces;

(2) is a member of a family enrolled in the Exceptional Family Member program administered by the Secretary of the military department concerned;

(3) is a child with a disability under section 602 of the Individuals with Disabilities Education Act; and

(4) is covered by a current individualized education program developed and approved in accordance with section 614 of the Individuals with Disabilities Education Act (20 U.S.C. 1414) or has been identified as needing special education and related services.

(c) Covered Schools- A school described in this subsection is any elementary or secondary school as follows:

(1) A private elementary school or secondary school.

(2) A public school in a local educational agency or location other than the local educational agency or location, as the case may be, in which the military dependent child concerned resides.

(3) A public charter school in a local educational agency or location other than the local educational agency or location, as the case may be, in which the military dependent child concerned resides.

(d) Amount, Payment, and Use of Scholarship-

(1) AMOUNT- The amount of the scholarship awarded a military dependent child under the pilot program for an academic year may not exceed the lesser of--

(A) the amount required for such academic year for the payment of tuition, fees, transportation, and other expenses in connection with attendance at a school described in subsection (c) for the purpose specified in subsection (a); or

(a); or

(B) \$7,500.

(2) PAYMENT- Payment of the amount of a scholarship awarded a military dependent child shall be made to the parent or guardian of the child for an academic year.

(3) USE- Subject to regulations prescribed by the Secretary of Defense for purposes of the pilot program, the amount of the scholarship awarded a military dependent child shall be utilized for the payment of tuition, fees, transportation,

and other expenses in connection with attendance at a school described in subsection (c) for the purpose specified in subsection (a).

(e) Evaluation of Performance of Recipient Military Dependent Children-

(1) IN GENERAL- The Secretary of Defense shall conduct an evaluation of the performance of military dependent children awarded scholarships under the pilot program. The evaluation shall address the following:

(A) The progress made by military dependent children awarded scholarships in academic and social performance.

(B) The success of the scholarships in expanding choice in education and related services for military dependent children described in subsection (b).

(C) The success of the scholarships in ensuring timely access of military dependent children described in subsection (b) to special education and related services required under their individualized education programs.

(D) Such other matters as the Secretary considers appropriate.

(2) COMPLETION- The evaluation required by paragraph (1) shall be completed not later than December 31, 2015.

(f) Options for Improvement of Educational Opportunities for Military Children With Special Education Needs-

(1) DEVELOPMENT OF OPTIONS- The Secretary of the Defense shall, in consultation with the Secretary of Education, develop a variety of options for military families with children with special education needs to enhance the benefits available to such families and children under the Individuals with Disabilities Education Act and better assist such families in meeting such needs.

(2) ACTIONS- In developing actions under paragraph (1), the Secretaries shall consider the following:

(A) The feasibility of establishing an individualized education program for military children with special education needs that is applicable across jurisdictions of local educational agencies in order to achieve reciprocity among States in acknowledging such programs.

(B) Means of improving oversight and compliance with the provisions of section 614 of the Individuals with Disabilities Education Act that require local educational agencies to support an existing individualized education program for a military child with special education needs who is relocating to another State pursuant to the permanent change of station of a military parent until an individualized education program is developed and approved for such child in the State to which the child relocates.

(C) The feasibility of establishing an expedited process for resolution of complaints by military parents with a child with special education needs about lack of access to education and related services otherwise specified in the individualized education program of such child.

(D) The feasibility of permitting the Department of Defense to contact the State to which a military family with a child with special education needs will relocate pursuant to a permanent change of station when the orders for such change of station are issued, but before the family takes residence in such State, for the purpose of commencing preparation for education and

related services specified in the individualized education program of such child.

(E) The feasibility of establishing a system within the Department of Defense to document complaints by military parents regarding access to free and appropriate public education for their children with special education needs

(F) Means to strengthen the monitoring and oversight of education and related services for military children with special education needs under the Interstate Compact on Educational Opportunities for Military Children.

(G) Such other matters as the Secretaries jointly consider appropriate.

(g) Reports-

(1) REPORT ON IMPROVEMENTS OF EDUCATIONAL OPPORTUNITIES-

Not later than September 30, 2012, the Secretary of Defense shall submit to Congress a report setting forth the options developed under subsection (f). The report shall include--

(A) a description of any options developed; and

(B) recommendations for such legislative or administrative action as the Secretary of Defense and the Secretary of Education jointly consider appropriate to implement such options.

(2) REPORT ON IMPLEMENTATION OF PILOT PROGRAM- Not later than September 30, 2011, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report setting forth the plans of the Secretary for the award of scholarships under the pilot program, including any regulations prescribed for purposes of subsection (d)(3).

(3) FINAL REPORT ON PILOT PROGRAM- Not later than September 30, 2016, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the scholarships awarded under the pilot program. The report shall include--

(A) a description of the scholarships awarded under the pilot program, including the number and amount of scholarships by school year;

(B) the results of the evaluation required by subsection (e); and

(C) such other matters as the Secretary considers appropriate.

(h) Funding- Of the amounts authorized to be appropriated for the Department of Defense for a fiscal year for operation and maintenance, up to \$5,000,000 may be available in such fiscal year to carry out the pilot program.

(i) Sunset- The pilot program shall expire on September 30, 2016. No scholarship may be awarded under the pilot program for an academic year that begins on or after that date.

SUBTITLE I--MILITARY FAMILY READINESS MATTERS

Additional members of Department of Defense Military Family Readiness Council (sec. 581)

The committee recommends a provision that would amend section 1781a of title 10, United States Code, to require the addition of two members to the Department of Defense Military

Family Readiness Council. One representative would be the spouse of an officer serving in the grade of general or admiral, and the other would be the Director of the Office of Community Support for Military Families With Special Needs.

The committee believes that the Council would greatly benefit from the inclusion of a representative who can advocate for the needs of military families with special needs dependents. The committee is concerned that funds have not been reprogrammed to support significant improvements in programs for military families with special needs, as required by section 563 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84). The committee expects that when the plan to implement these statutory requirements is complete, funding will be aligned within available defense-wide and military department resources to fully meet requirements for fiscal years 2010 and 2011, and that these programs will be fully funded in future years.

The committee also believes that public transparency of Council actions should be increased, and encourages the Council to establish a website. This website should serve to keep military families informed about upcoming Council meetings and to post the outcomes of prior meetings, and to increase transparency of Council activities and reports. The committee understands that certain information is already available to the public due to Federal Advisory Committee Act requirements, but believes military families could be better served by the establishment of a centrally located, easy to find and navigate Council website.

Enhancement of community support for military families with special needs (sec. 582)

The committee recommends a provision that would make several modifications to requirements for the Office of Community Support for Military Families With Special Needs. The provision would:

- (1) require that the office conduct periodic reviews of best practices in the provision of medical and educational services for children with special needs;
- (2) authorize the secretaries of the military departments to establish or support centers to provide medical and educational services for military children with special needs; and
- (3) require the formation of an advisory panel comprised of military family members to provide advice to the Director of the office on services and support for military children with special needs.

Pilot program on scholarships for military dependent children with special education needs (sec. 583)

The committee recommends a provision that would require the Secretary of Defense to conduct a pilot program, beginning in the 2011-2012 school year, to assess the feasibility and advisability of awarding scholarships to military children with special education needs for the purpose of ensuring access to appropriate education and related services based on an individualized education program. The program would identify and assess obstacles faced by military families in obtaining a free and appropriate public education for their eligible children. The amount of the

scholarship would be the lesser of the cost of school tuition and fees or \$7,500. The pilot would terminate in September 2016.

The provision would also require the Secretary of Defense to consult with the Secretary of Education in the development of options and actions to enhance access to benefits available to military dependent children under the Individuals with Disabilities Education Act (Public Law 108-446).

ITEMS OF SPECIAL INTEREST

Access to appropriate facilities, services, and support for military families with dependent children with special needs

The committee seeks information to determine if the complex needs of military dependent children with special needs are being met by Department of Defense (DOD) child care and educational programs in accordance with the following applicable federal laws: the Americans with Disabilities Act (Public Law 101-336), the Rehabilitation Act of 1973 (Public Law 93-112), and the Individuals with Disabilities Education Act (Public Law 94-142). Therefore, the committee directs the Secretary of Defense to submit a report not later than February 1, 2011, on the following:

- (1) the current program for inspection of DOD child development centers, DOD funded child care programs, and DOD schools to ensure compliance with applicable law prohibiting discrimination on the basis of disability and access to and receipt of a free and appropriate public education through special education and related services;
- (2) whether or not any non-DOD entity is involved in such inspections, and if not, the feasibility of including non-DOD organizations in such inspections;
- (3) the results of the inspections conducted during calendar years 2008, 2009, and 2010;
- (4) a summary of the challenges faced by military families with dependent children with special needs in obtaining needed child care or special education and related services;
- (5) resources available to military families with dependent children with special needs who require child care or special education and related services provided by DOD;
- (6) services available to military dependent children with special needs who attend DOD child care or educational facilities, by location;
- (7) outreach programs to inform military families with dependent children with special needs of their rights in the event that child care or special education and related services are denied by a particular DOD or non-DOD facility;
- (8) description of litigation or outstanding cases involving denial of child care or special education and related services involving a military dependent child with special needs;
- (9) current DOD policy regarding administration of medications in DOD child development centers and schools;

(10) a description of the challenges faced by the Department in meeting child care and educational needs of military dependent children with special needs, especially those with autism, epilepsy, complex medical needs, or a low incidence disability; and

(11) a plan to enhance inspection of DOD child care and special education and related services in accordance with applicable federal law.

The committee directs DOD to consult with the Department of Education, the Department of Health and Human Services, and military family representatives in preparing the report and plan.

The committee further directs the United States Government Accountability Office to review DOD's report and plan, and to submit a report to the committee not later than May 1, 2012, on that review and the availability of services for military dependent children with special needs, including the DOD inspection process as it pertains to children with special needs and challenges faced by these children's families