

2008 National Defense Authorization Act (NDAA):

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SEC. 587. EDUCATION AND TREATMENT SERVICES FOR MILITARY DEPENDENT CHILDREN WITH AUTISM.

(a) ASSESSMENT OF AVAILABILITY OF SERVICES.—The Secretary of Defense shall conduct a comprehensive assessment of the availability of Federal, State, and local education and treatment services on and in the vicinity of a covered military installation for children of members of the Armed Forces who are diagnosed with autism. This assessment shall include the following:

(1) The local availability of adequate educational services for children with autism.

(2) The local availability of adequate medical services for children with autism.

(3) The local availability of supplemental services for children with autism.

(4) The ease of access of children with autism to adequate educational services, such as the length of time on waiting lists.

(b) REVIEW OF BEST PRACTICES.—In preparing the assessment under subsection (a), the Secretary of Defense shall conduct a review of best practices in the United States in the provision of covered educational services and treatment services for children with autism, including an assessment of Federal and State education and treatment services for children with autism in each State, with an emphasis on locations where eligible members and eligible dependents reside. The Secretary of Defense shall conduct the review in coordination with the Secretary of Education.

(c) PERSONNEL MANAGEMENT REQUIREMENTS.—

(1) LIMITED STATIONING OPTIONS.—The Secretary of the military department concerned shall ensure that, whenever practicable, eligible members are only assigned to military installations that are identified in the report required by subsection (g)(1).

(2) STABILIZATION POLICY.—The Secretary of the military department concerned shall ensure that, whenever practicable, the families of eligible members residing at a military installation that is identified in such report are permitted to remain at that installation for a period of not less than four years.

(d) CASE MANAGERS AND SERVICES.—

(1) CASE MANAGERS.—The Secretary of the military department concerned shall ensure that eligible members are assigned case managers for both medical services and covered educational services for eligible dependents, which shall be required under the Exceptional Family Member Program pursuant to the policy established by the Secretary.

(2) INDIVIDUALIZED SERVICES PLAN.—The Secretary of the military department concerned shall provide for the voluntary development for eligible dependents of individualized autism services plans for use by case managers, caregivers, and families to ensure continuity of services throughout the active military service of eligible members.

(3) AUTISM SUPPORT CENTERS.—Secretary of the military department concerned may establish local centers on military installations for the purpose of providing and coordinating autism services for eligible dependents.

(4) PARTNERSHIPS AND CONTRACTS.—The Secretary of the military department concerned is encouraged to enter into partnerships or contracts with other appropriate public and private entities to carry out the responsibilities of this section.

(e) DEMONSTRATION PROJECTS.—

(1) PROJECTS AUTHORIZED.—The Secretary of Defense may conduct one or more demonstration projects to evaluate improved approaches to the provision of covered educational services and treatment services to eligible dependents for the purpose of evaluating strategies for integrated treatment and case manager services, including early intervention and diagnosis, medical care, parent involvement, special education services, intensive behavioral intervention, and language, communications, and other interventions considered appropriate by the Secretary.

(2) CASE MANAGERS AND SERVICES PLAN.—Each demonstration project shall include the assignment of case managers under paragraph (1) of subsection (d) and utilize the services plans prepared for eligible dependents under paragraph (2) of such subsection.

(3) SUPERVISORY LEVEL PROVIDERS.—The Secretary of Defense may utilize for purposes of the demonstration projects personnel who are professionals with a level (as determined by the Secretary) of post-secondary education that is appropriate for the provision of safe and effective services for autism and who are from an accredited educational facility in the mental health, human development, social work, or education field to act as supervisory level providers of behavioral intervention services for autism. In so acting, such personnel may be authorized—

(A) to develop and monitor intensive behavior intervention plans for eligible dependents who are participating in the demonstration projects; and

(B) to provide appropriate training in the provision of approved services to participating eligible dependents.

(4) SERVICES UNDER CORPORATE SERVICES PROVIDER MODEL.—In carrying out the demonstration projects, the Secretary of Defense may utilize a corporate services provider model. Employees of a provider under such a model shall include personnel who implement special educational and behavioral intervention plans for eligible dependents that are developed, reviewed, and maintained by supervisory level providers approved by the Secretary. In authorizing such a model, the Secretary shall establish—

(A) minimum education, training, and experience criteria required to be met by employees who provide services to eligible dependents;

(B) requirements for supervisory personnel and supervision, including requirements for supervisor credentials and for the frequency and intensity of supervision; and

(C) such other requirements as the Secretary considers appropriate to ensure safety and the protection of the eligible dependents who receive services from such employees under the demonstration projects.

(5) PERIOD.—If the Secretary of Defense determines to conduct demonstration projects under this subsection, the Secretary shall commence such demonstration projects not later than 180 days after the date of the enactment of this Act. The demonstration projects shall be conducted for not less than two years.

(6) EVALUATION.—The Secretary of Defense shall conduct an evaluation of each demonstration project conducted under this section. The evaluation shall include the following:

(A) An assessment of the extent to which the activities under the demonstration project contributed to positive outcomes for eligible dependents.

(B) An assessment of the extent to which the activities under the demonstration project led to improvements in services and continuity of care for eligible dependents.

(C) An assessment of the extent to which the activities under the demonstration project improved military family readiness and enhanced military retention.

(f) RELATIONSHIP TO OTHER BENEFITS.—Nothing in this section precludes the eligibility of members of the Armed Forces and their dependents for extended benefits under section 1079 of title 10, United States Code.

(g) REPORTS.—

(1) REPORT IDENTIFYING COVERED MILITARY INSTALLATIONS.— As a result of the assessment required by subsection

(a), the Secretary of Defense shall submit to the congressional defense committees, not later than December 31, 2008, a report identifying those covered military installations that have covered educational services and facilities available (on the installation or in the vicinity of the installation) for eligible dependents that provide special education and related services consistent with the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.).

(2) REPORTS ON DEMONSTRATION PROJECTS.—Not later than 30 months after the commencement of any demonstration project under subsection (e), the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the demonstration project. The report shall include a description of the project, the results of the evaluation under subsection (e)(6) with respect to the project, and a description of plans for the further provision of services for eligible dependents under the project.

(h) COVERED EDUCATIONAL SERVICES PLAN.—After completing the assessment required by subsection (a) and the report required by subsection (g)(1), the Secretary of Defense shall develop a plan that would ensure that all eligible dependents are able to obtain covered educational services. In the event that eligible members are assigned to military installations that are not identified in the report required by subsection (g)(1), the plan should ensure that such eligible dependents are still able to obtain covered educational services, including by the use of authority granted to the Secretary under section

2164 of title 10, United States Code. The plan shall also include any legislative actions that the Secretary recommends to implement the plan and describe what funding or funding mechanisms may be needed to ensure eligible dependents obtain covered educational services. The Secretary shall submit the plan to the congressional defense committees not later than July 1, 2009.

(i) DEFINITIONS.—In this section:

(1) The term “autism” refers to the Autism Spectrum Disorders, which are developmental disabilities that cause substantial impairments in the areas of social interaction, emotional regulation, communication, and the integration of higher-order cognitive processes and are often characterized by the presence of unusual behaviors and interests. The term includes autistic disorder, pervasive developmental disorder (not otherwise specified), and Asperger’s syndrome.

(2) The term “child” has the meaning given that term in section 1072 of title 10, United States Code.

(3) The term “covered military installation” means a military installation at which at least 1,000 members of the Armed Forces are assigned who are eligible for an assignment accompanied by dependents.

(4) The term “eligible member” means a member of the Armed Forces who—

(A) has a dependent child who is diagnosed with autism; and

(B) is enrolled in an Exceptional Family Member Program of the Department of Defense.

(5) The term “eligible dependent” means a child of an eligible member who is diagnosed with autism.

(6) The term “local educational agency” has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)), except that the term includes publicly financed schools in communities, Department of Defense domestic dependent elementary and secondary schools, and schools of the defense dependents’ education system.

(7) The term “covered educational services” includes behavioral intervention services for autism, such as Applied Behavioral Analysis.