

**AMENDMENT TO H.R. 1540, AS REPORTED  
OFFERED BY MR. HUNTER OF CALIFORNIA  
(Defense Authorization Bill)**

At the end of subtitle H of title V, add the following  
new section:

1 **SEC. 5\_\_\_ . PILOT PROGRAM ON SCHOLARSHIPS FOR MILI-**  
2 **TARY DEPENDENT CHILDREN WITH SPECIAL**  
3 **EDUCATION NEEDS.**

4 (a) **PILOT PROGRAM REQUIRED.—**

5 (1) **IN GENERAL.—**The Secretary of Defense  
6 shall, in conjunction with the Secretaries of the mili-  
7 tary departments, carry out a pilot program to as-  
8 sess the feasibility and advisability of awarding  
9 scholarships to military children with special edu-  
10 cation needs described in subsection (b) in order to  
11 cover the costs of such children in attending a school  
12 described in subsection (c) for the purpose of ensur-  
13 ing military children with special education needs a  
14 free appropriate public education that emphasizes  
15 special education and related services designed to  
16 meet their unique needs and prepare them for fur-  
17 ther education, employment and independent living.

1       Such scholarships shall be known as “academic op-  
2       portunity scholarships”.

3               (2) PURPOSES.—The purposes of the pilot pro-  
4       gram shall be as follows:

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

9               (B) To develop options for military chil-  
10       dren with special education needs to attend  
11       public or private schools through scholarships.

12              (C) To identify and assess evidence-based  
13       research and best practices for providing special  
14       education and related services (as those terms  
15       are defined in section 602 of the Individuals  
16       with Disabilities Education Act (20 U.S.C.  
17       1401)) for military children with special edu-  
18       cation needs.

19              (D) To assess timeliness in obtaining spe-  
20       cial education and related services described in  
21       subparagraph (C).

22              (E) To identify and document improve-  
23       ments in academic performance of military chil-  
24       dren with special education needs as a result of  
25       the scholarships under the pilot program.

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

5 (3) CRITERIA.—The Secretary of Defense shall  
6 carry out the pilot program based on uniform cri-  
7 teria established by the Secretary, in consultation  
8 with the Secretary of Education or the appropriate  
9 State government agency.

10 (4) COMMENCEMENT.—The Secretary of De-  
11 fense shall commence carrying out the pilot program  
12 beginning with the 2012-2013 academic year.

13 (b) COVERED MILITARY DEPENDENT CHILDREN.—  
14 A military dependent child described in this subsection is  
15 a child who—

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

18 (2) is a member of a family enrolled in the Ex-  
19 ceptional Family Member program administered by  
20 the Secretary of the military department concerned;

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

24 (4) is covered by a current individualized edu-  
25 cation program developed and approved in accord-

1           ance with section 614 of the Individuals with Dis-  
2           abilities Education Act (20 U.S.C. 1414) or has  
3           been identified as needing special education and re-  
4           lated services.

5           (c) COVERED SCHOOLS.—A school described in this  
6           subsection is any elementary or secondary school as fol-  
7           lows:

8                   (1) A private elementary school or secondary  
9                   school.

10                   (2) A public school in a local educational agen-  
11                   cy or location other than the local educational agen-  
12                   cy or location, as the case may be, in which the mili-  
13                   tary dependent child concerned resides.

14                   (3) A public charter school in a local edu-  
15                   cational agency or location other than the local edu-  
16                   cational agency or location, as the case may be, in  
17                   which the military dependent child concerned re-  
18                   sides.

19           (d) AMOUNT, PAYMENT, AND USE OF SCHOLAR-  
20           SHIP.—

21                   (1) AMOUNT.—The amount of the scholarship  
22                   awarded a military dependent child under the pilot  
23                   program for an academic year may not exceed the  
24                   lesser of—

1 (A) the amount required for such academic  
2 year for the payment of tuition, fees, transpor-  
3 tation, and other expenses in connection with  
4 attendance at a school described in subsection  
5 (c) for the purpose specified in subsection (a);  
6 or

7 (B) \$7,500.

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

12 (3) USE.—Subject to regulations prescribed by  
13 the Secretary of Defense for purposes of the pilot  
14 program, the amount of the scholarship awarded a  
15 military dependent child shall be utilized for the pay-  
16 ment of tuition, fees, transportation, and other ex-  
17 penses in connection with attendance at a school de-  
18 scribed in subsection (c) for the purpose specified in  
19 subsection (a).

20 (e) EVALUATION OF PERFORMANCE OF RECIPIENT  
21 MILITARY DEPENDENT CHILDREN.—

22 (1) IN GENERAL.—The Secretary of Defense  
23 shall conduct an evaluation of the performance of  
24 military dependent children awarded scholarships

1 under the pilot program. The evaluation shall ad-  
2 dress the following:

3 (A) The progress made by military depend-  
4 ent children awarded scholarships in academic  
5 and social performance.

6 (B) The success of the scholarships in ex-  
7 panding choice in education and related services  
8 for military dependent children described in  
9 subsection (b).

10 (C) The success of the scholarships in en-  
11 suring timely access of military dependent chil-  
12 dren described in subsection (b) to special edu-  
13 cation and related services required under their  
14 individualized education programs.

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

17 (2) COMPLETION.—The evaluation required by  
18 paragraph (1) shall be completed not later than De-  
19 cember 31, 2015.

20 (f) OPTIONS FOR IMPROVEMENT OF EDUCATIONAL  
21 OPPORTUNITIES FOR MILITARY CHILDREN WITH SPE-  
22 CIAL EDUCATION NEEDS.—

23 (1) DEVELOPMENT OF OPTIONS.—The Sec-  
24 retary of the Defense shall, in consultation with the  
25 Secretary of Education, develop a variety of options

1 for military families with children with special edu-  
2 cation needs to enhance the benefits available to  
3 such families and children under the Individuals  
4 with Disabilities Education Act and better assist  
5 such families in meeting such needs.

6 (2) ACTIONS.—In developing actions under  
7 paragraph (1), the Secretaries shall consider the fol-  
8 lowing:

9 (A) The feasibility of establishing an indi-  
10 vidualized education program for military chil-  
11 dren with special education needs that is appli-  
12 cable across jurisdictions of local educational  
13 agencies in order to achieve reciprocity among  
14 States in acknowledging such programs.

15 (B) Means of improving oversight and  
16 compliance with the provisions of section 614 of  
17 the Individuals with Disabilities Education Act  
18 that require local educational agencies to sup-  
19 port an existing individualized education pro-  
20 gram for a military child with special education  
21 needs who is relocating to another State pursu-  
22 ant to the permanent change of station of a  
23 military parent until an individualized education  
24 program is developed and approved for such  
25 child in the State to which the child relocates.

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

5           (D) The feasibility of permitting the Department of Defense to contact the State to  
6 which a military family with a child with special  
7 education needs will relocate pursuant to a permanent change of station when the orders for  
8 such change of station are issued, but before  
9 the family takes residence in such State, for the  
10 purpose of commencing preparation for education and related services specified in the individualized  
11 education program of such child.

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

17           (F) Means to strengthen the monitoring  
18 and oversight of education and related services  
19 for military children with special education  
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1 needs under the Interstate Compact on Edu-  
2 cational Opportunities for Military Children.

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

5 (g) REPORTS.—

6 (1) REPORT ON IMPROVEMENTS OF EDU-  
7 CATIONAL OPPORTUNITIES.—Not later than Sep-  
8 tember 30, 2013, the Secretary of Defense shall sub-  
9 mit to Congress a report setting forth the options  
10 developed under subsection (f). The report shall in-  
11 clude—

12 (A) a description of any options developed;  
13 and

14 (B) recommendations for such legislative  
15 or administrative action as the Secretary of De-  
16 fense and the Secretary of Education jointly  
17 consider appropriate to implement such options.

18 (2) REPORT ON IMPLEMENTATION OF PILOT  
19 PROGRAM.—Not later than September 30, 2012, the  
20 Secretary of Defense shall submit to the Committees  
21 on Armed Services of the Senate and the House of  
22 Representatives a report setting forth the plans of  
23 the Secretary for the award of scholarships under  
24 the pilot program, including any regulations pre-  
25 scribed for purposes of subsection (d)(3).

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

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

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

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

15 (h) FUNDING FOR SCHOLARSHIPS.—

16           (1) ADDITIONAL, DISCRETIONARY BUDGET AU-  
17 THORITY.—Of the amounts authorized to be appro-  
18 priated by section 301 for Defense-wide operation  
19 and maintenance for family advocacy activities, as  
20 specified in the corresponding funding table in divi-  
21 sion D, the Secretary of Defense shall obligate an  
22 additional \$10,000,000 to award scholarships to  
23 military dependent children under the pilot program.

24           (2) LIMITATION ON ADMINISTRATIVE EX-  
25 PENSES.—Not more than five percent of the amount

1 specified in paragraph (1) may be used to cover ad-  
2 ministrative expenses to carry out the pilot program.

3 (3) MERIT-BASED OR COMPETITIVE DECI-  
4 SIONS.—A decision to commit, obligate, or expend  
5 funds made available under paragraph (1) with or to  
6 a specific entity or person shall—

7 (A) be based on merit-based selection pro-  
8 cedures in accordance with the requirements of  
9 sections 2304(k) and 2374 of title 10, United  
10 States Code, or on competitive procedures; and

11 (B) comply with other applicable provisions  
12 of law.

13 (i) SUNSET.—The pilot program shall expire on Sep-  
14 tember 30, 2016. No scholarship may be awarded under  
15 the pilot program for an academic year that begins on or  
16 after that date.

17 (j) FUNDING INCREASE AND OFFSETTING REDUC-  
18 TION.—Notwithstanding the amounts set forth in the  
19 funding tables in division D—

20 (1) the amount authorized to be appropriated in  
21 section 301 for Defense-wide operation and mainte-  
22 nance, as specified in the corresponding funding  
23 table in division D, is hereby increased by  
24 \$10,000,000, with the amount of the increase allo-  
25 cated to carrying out the pilot program; and

1           (2) the amount authorized to be appropriated in  
2           section 1433 for the Mission Force Enhancement  
3           Transfer Fund, as specified in the corresponding  
4           funding table in division D, is hereby reduced by  
5           \$10,000,000.

