

111TH CONGRESS
2D SESSION

H. R. 6513

To amend title 38, United States Code, to allow for the transfer of educational assistance under the Post-9/11 Educational Assistance Program to certain dependents to be used for special education.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 9, 2010

Mr. FORTENBERRY introduced the following bill; which was referred to the Committee on Veterans' Affairs

A BILL

To amend title 38, United States Code, to allow for the transfer of educational assistance under the Post-9/11 Educational Assistance Program to certain dependents to be used for special education.

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. USE OF TRANSFERRED POST-9/11 EDU-**
4 **CATIONAL ASSISTANCE PROGRAM BENEFITS**
5 **FOR SPECIAL EDUCATION.**

6 (a) IN GENERAL.—Section 3319 of title 38, United
7 States Code, is amended—

1 (1) by redesignating subsection (k) as sub-
2 section (l); and

3 (2) by inserting after subsection (j) the fol-
4 lowing new subsection (k):

5 “(k) USE OF TRANSFERRED EDUCATIONAL ASSIST-
6 ANCE FOR SPECIAL EDUCATION.—(1) In accordance with
7 paragraph (5), a dependent described in paragraph (2) to
8 whom entitlement to educational assistance is transferred
9 under this section may use such assistance for special edu-
10 cation described in paragraph (3), regardless of whether
11 such dependent has completed the requirements of a sec-
12 ondary school diploma (or equivalency certificate).

13 “(2) A dependent described in this paragraph is a
14 dependent whom the Secretary of Defense determines—

15 “(A) is a student with an intellectual disability
16 (as defined in section 760(2) of the Higher Edu-
17 cation Act of 1965 (20 U.S.C. 1140(2))); or

18 “(B) has a developmental disability (as defined
19 in section 102(8) of the Developmental Disabilities
20 Assistance and Bill of Rights Act of 2000 (42
21 U.S.C. 15002(8))).

22 “(3) Special education described in this paragraph in-
23 cludes the following, regardless of whether the instruction,
24 program, or course is an approved program of education
25 for purposes of section 3313(b) of this title:

1 “(A) Instruction described in section 602(29) of
2 the Individuals with Disabilities Education Act (20
3 U.S.C. 1401).

4 “(B) Model comprehensive transition and post-
5 secondary programs under section 767 of the Higher
6 Education Act of 1965 (20 U.S.C. 1140g).

7 “(C) Educational summer camp programs.

8 “(D) Life skills courses.

9 “(E) Programs with respect to training related
10 to assistive technologies.

11 “(F) College preparatory courses or other pro-
12 grams related to transitioning after secondary edu-
13 cation (or the equivalent).

14 “(G) Programs regarding communication skills
15 training, including training involving augmentative
16 communication devices and other assistive tech-
17 nology.

18 “(H) Functional skills training courses.

19 “(I) Service learning programs.

20 “(J) Work study programs.

21 “(K) Vocational education programs.

22 “(4) The Secretary of Defense shall prescribe regula-
23 tions to determine whether any dependents described in
24 paragraph (2) who use educational assistance under this
25 subsection for special education described in paragraph

1 (3) shall be required to enroll in the exceptional family
 2 member program of the Department of Defense.

3 “(5) In the case of educational assistance used under
 4 this subsection for special education described in para-
 5 graph (3), the Secretary concerned shall not pay the
 6 monthly stipend described in section 3313(c)(1)(B) of this
 7 title if the Secretary determines that the stipend is not
 8 relevant for such special education.

9 “(6) Any educational assistance provided to a de-
 10 pendent under this subsection for special education de-
 11 scribed in paragraph (3)—

12 “(A) is in addition to any other educational as-
 13 sistance benefits provided to the dependent by the
 14 Federal Government (other than under this chap-
 15 ter); and

16 “(B) may not be included in calculating income
 17 for purposes of determining whether such dependent
 18 is eligible for any other educational assistance bene-
 19 fits provided by the Federal Government.”.

20 (b) CONFORMING AMENDMENTS.—Such section is
 21 further amended—

22 (1) in subsection (g)(2), by striking “in the
 23 case of” and inserting “except as provided in sub-
 24 section (k), in the case of”; and

25 (2) in subsection (h)—

1 (A) in paragraph (2), by inserting “and
2 subsection (k)” after “(e)(2)”; and

3 (B) in paragraph (6), by striking the pe-
4 riod at the end and inserting the following:
5 “and, in the case of a dependent described in
6 subsection (k)(2), the pursuit of special edu-
7 cation described in subsection (k)(3).”.

8 (c) EFFECTIVE DATE.—The amendments made by
9 this Act shall take effect on the date that is 180 days
10 after the date of the enactment of this Act.

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