

US Code

(Unofficial compilation from the Legal Information Institute)

TITLE 20 - EDUCATION

CHAPTER 25A—OVERSEAS DEFENSE DEPENDENTS' EDUCATION

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CHAPTER 25A—OVERSEAS DEFENSE DEPENDENTS' EDUCATION

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§ 921. Defense dependents' education system

(a) Establishment

The Secretary of Defense shall establish and operate a program (hereinafter in this chapter referred to as the “defense dependents' education system”) to provide a free public education through secondary school for dependents in overseas areas.

(b) Program purposes and activities

- (1) The Secretary shall ensure that individuals eligible to receive a free public education under subsection (a) of this section receive an education of high quality.
- (2) In establishing the defense dependents' education system under subsection (a) of this section, the Secretary shall provide programs designed to meet the special needs of—
 - (A) the handicapped,
 - (B) individuals in need of compensatory education,
 - (C) individuals with an interest in vocational education,
 - (D) gifted and talented individuals, and
 - (E) individuals of limited English-speaking ability.
- (3) The Secretary shall provide a developmental preschool program to individuals eligible to receive a free public education under subsection (a) of this section who are of preschool age if a preschool program is not otherwise available for such individuals and if funds for such a program are available.

(c) Consultation requirements

The Secretary of Defense shall consult with the Secretary of Education on the educational programs and practices of the defense dependents' education system.

(d) Optional summer school programs

- (1) The Secretary of Defense may provide optional summer school programs in the defense dependents' education system.
- (2) The Secretary shall provide any summer school program under this subsection on the same financial basis as programs offered during the regular school year, except that the Secretary may charge reasonable fees for all or portions of such summer school programs to the extent that the Secretary determines appropriate.

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(3) The amounts received by the Secretary in payment of the fees shall be available to the Department of Defense for defraying the costs of conducting summer school programs under this subsection.

(Pub. L. 95–561, title XIV, § 1402, Nov. 1, 1978, 92 Stat. 2365; Pub. L. 99–145, title XII, § 1204(b)(1), Nov. 8, 1985, 99 Stat. 720; Pub. L. 102–484, div. A, title III, § 382, Oct. 23, 1992, 106 Stat. 2392; Pub. L. 106–65, div. A, title III, § 354(1), Oct. 5, 1999, 113 Stat. 572; Pub. L. 107–314, div. A, title III, § 343, Dec. 2, 2002, 116 Stat. 2515.)

References in Text

This chapter, referred to in subsec. (a), was in the original “this title”, meaning title XIV of Pub. L. 95–561, Nov. 1, 1978, 92 Stat. 2365, as amended, known as the Defense Dependents’ Education Act of 1978, which enacted this chapter, section 429 of Title 37, Pay and Allowances of the Uniformed Services, and section 1769b of Title 42, The Public Health and Welfare, amended sections 1773 and 1789 of Title 42, and enacted provisions set out as notes under this section. For complete classification of this title to the Code, see Short Title note below and Tables.

Amendments

2002—Subsec. (d)(2). Pub. L. 107–314 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The Secretary shall provide in regulations for fees to be charged for the students enrolling in a summer school program under this subsection in amounts determined on the basis of family income.”

1999—Subsec. (b)(1). Pub. L. 106–65 substituted “to receive” for “to recieve”.

1992—Subsec. (d). Pub. L. 102–484 added subsec. (d).

1985—Subsec. (c). Pub. L. 99–145 added subsec. (c).

Effective Date

Section 1415 of title XIV of Pub. L. 95–561 provided that:

“(a)(1) Except as provided in paragraph (2) this title [see Short Title note below] shall take effect on July 1, 1979.

“(2) Section 1407 (b) [enacting section 926 (b) of this title] and the amendments made by section 1407 (c) [enacting section 429 of Title 37, Pay and Allowances of the Uniformed Services], 1408(a) [enacting section 1769b of Title 42, The Public Health and Welfare], and 1408(b) [amending sections 1773 and 1789 of Title 42] shall take effect on October 1, 1978.

“(b) Notwithstanding subsection (a) or any other provision of this title no provision of this title shall be construed to impair or prevent the taking effect of the provision of any other Act providing for the transfer of the functions described in this title to an executive department having responsibility for education.”

Short Title

Section 1401 of title XIV of Pub. L. 95–561 provided that: “This title [enacting this chapter, section 429 of Title 37, Pay and Allowances of the Uniformed Services, and section 1769b of Title 42, The Public Health and Welfare, amending sections 1773 and 1789 of Title 42, and enacting provisions set out as a note under this section] may be cited as the ‘Defense Dependents’ Education Act of 1978’.”

Report on Condition of Schools Under Jurisdiction of Department of Defense Education Activity

Pub. L. 110–181, div. B, title XXVIII, § 2879, Jan. 28, 2008, 122 Stat. 564, provided that:

“(a) Report Required.—Not later than March 1, 2008, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the conditions of schools under the jurisdiction of the Department of Defense Education Activity.

“(b) Content.—The report required under subsection (a) shall include the following:

“(1) A description of each school under the control of the Secretary, including the location, year constructed, grades of attending children, maximum capacity, and current capacity of the school.

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“(2) A description of the standards and processes used by the Secretary to assess the adequacy of the size of school facilities, the ability of facilities to support school programs, and the current condition of facilities.

“(3) A description of the conditions of the facility or facilities at each school, including the level of compliance with the standards described in paragraph (2), any existing or projected facility deficiencies or inadequate conditions at each facility, and whether any of the facilities listed are temporary structures.

“(4) An investment strategy planned for each school to correct deficiencies identified in paragraph (3), including a description of each project to correct such deficiencies, cost estimates, and timelines to complete each project.

“(5) A description of requirements for new schools to be constructed over the next 10 years as a result of changes to the population of military personnel.

“(c) Use of Report as Master Plan for Repair, Upgrade, and Construction of Schools.—The Secretary shall use the report required under subsection (a) as a master plan for the repair, upgrade, and construction of schools in the Department of Defense system that support dependents of members of the Armed Forces and civilian employees of the Department of Defense.”

Pilot Program on Private Operation of Defense Dependents' Schools

Pub. L. 104–106, div. A, title III, § 355, Feb. 10, 1996, 110 Stat. 269, provided that:

“(a) Pilot Program.—The Secretary of Defense may conduct a pilot program to evaluate the feasibility of using private contractors to operate schools of the defense dependents' education system established under section 1402(a) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 (a)).

“(b) Selection of School for Program.—If the Secretary conducts the pilot program, the Secretary shall select one school of the defense dependents' education system for participation in the program and provide for the operation of the school by a private contractor for not less than one complete school year.

“(c) Report.—Not later than 30 days after the end of the first school year in which the pilot program is conducted, the Secretary shall submit to Congress a report on the results of the program. The report shall include the recommendation of the Secretary with respect to the extent to which other schools of the defense dependents' education system should be operated by private contractors.”

.....

§ 922. Administration of defense dependents' education system

(a) Operation; Director

The defense dependents' education system is operated through the field activity of the Department of Defense known as the Department of Defense Education Activity. That activity is headed by a Director, who is a civilian and is selected by the Secretary of Defense. The Director reports to an Assistant Secretary of Defense designated by the Secretary of Defense for purposes of this chapter.

(b) Implementation of program functions of Secretary of Defense through Director

Except with respect to the authority to prescribe regulations, the Secretary of Defense may carry out his functions under this chapter through the Director.

(c) Functions of Director

The Director shall—

- (1) establish personnel policies, consistent with the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901 et seq.), for employees in the defense dependents' education system,
- (2) have authority to transfer professional employees in the defense dependents' education system from one position to another,
- (3) prepare a unified budget for each fiscal year, which shall include necessary funds for construction and operation and maintenance of facilities, for the defense dependents' education system for inclusion in the Department of Defense budget for that year,
- (4) have authority to establish, in accordance with section 928 of this title, local school advisory committees,

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- (5) have authority to arrange for inservice and other training programs for employees in the defense dependents' education system, and
 - (6) perform such other functions as may be required or delegated by the Secretary of Defense or the Assistant Secretary of Defense designated under subsection (a) of this section.
- (d) Establishment of regional or area offices; reports to Congress on reorganizations; authorized number of civilian employees**
- (1) The Director shall establish appropriate regional or area offices in order to provide for thorough and efficient administration of the defense dependents' education system.
 - (2) Whenever the Department of Defense Education Activity is reorganized in a manner that affects the defense dependents' education system, the Secretary of Defense shall submit a report to the Congress describing the reorganization.
 - (3) Subject to the approval of the Secretary of Defense, the Department of Defense Education Activity is authorized an appropriate number of civilian employees in its central office and such regional or area office as are established pursuant to paragraph (1).

(Pub. L. 95-561, title XIV, § 1403, Nov. 1, 1978, 92 Stat. 2365; Pub. L. 106-65, div. A, title III, § 354(2), Oct. 5, 1999, 113 Stat. 572; Pub. L. 106-398, § 1 [[div. A], title X, § 1087(g)(8)], Oct. 30, 2000, 114 Stat. 1654, 1654A-294.)

References in Text

The Defense Department Overseas Teachers Pay and Personnel Practices Act, referred to in subsec. (c)(1), is Pub. L. 86-91, July 17, 1959, 73 Stat. 213, as amended, which is classified generally to chapter 25 (§ 901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 901 of this title and Tables.

Amendments

2000—Subsec. (c)(6). Pub. L. 106-398 struck out “the” before “the Assistant Secretary of Defense”.

1999—Pub. L. 106-65, § 354(2)(A), amended section catchline.

Subsec. (a). Pub. L. 106-65, § 354(2)(A), added subsec. (a) and struck out former subsec. (a) which read as follows:

“(1) There is established within the Department of Defense an office to be known as the Office of Dependents' Education.

“(2) The Office of Dependents' Education shall be headed by a Director of Dependents' Education (hereinafter in this chapter referred to as the ‘Director’), who shall be a civilian and who shall be selected by the Secretary of Defense and shall report to the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics.”

Subsec. (b). Pub. L. 106-65, § 354(2)(B), made technical amendment to reference in original act which appears in text as reference to this chapter.

Subsec. (c)(1). Pub. L. 106-65, § 354(2)(C), inserted “(20 U.S.C. 901 et seq.)” after “Personnel Practices Act”.

Subsec. (c)(2). Pub. L. 106-65, § 354(2)(D), substituted a comma for the period at end.

Subsec. (c)(6). Pub. L. 106-65, § 354(2)(E), substituted “the Assistant Secretary of Defense designated under subsection (a) of this section” for “Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics”.

Subsec. (d)(1). Pub. L. 106-65, § 354(2)(F), struck out “for the Office of Dependents' Education” after “area offices”.

Subsec. (d)(2). Pub. L. 106-65, § 354(2)(G), struck out first sentence which read: “Not later than six months after November 1, 1978, the Secretary of Defense shall submit to the Congress a report (A) describing the organization of the Office of Dependents' Education in accordance with paragraph (1), (B) describing the assignment of personnel to the central office of the Office of Dependents' Education and to such regional or area offices as are established pursuant to paragraph (1), and (C) detailing the personnel requirements of the defense dependents' education system.” and substituted “Whenever the Department of Defense Education Activity” for “Whenever the Office of Dependents' Education”, “in a manner that affects the defense dependents' education system” for “after the submission of the report required under the preceding sentence”, and “a report” for “an additional report”.

Subsec. (d)(3). Pub. L. 106-65, § 354(2)(H), substituted “the Department of Defense Education Activity” for “the Office of Dependents' Education”.

.....

§ 923. Space-available enrollment of students; tuition

(a) Enrollment of ineligible child in system school

Subject to subsection (b) of this section and in accordance with regulations issued under subsection (c) of this section, the Director may authorize the enrollment in a school of the defense dependents' education system of a child not otherwise eligible to enroll in such a school if and to the extent that there is space available for such child in the school.

(b) Determination of amount of tuition; use of payments

(1) Except as otherwise provided under subsection (c) of this section, any child permitted to enroll in a school of the defense dependents' education system under this section shall be required to pay tuition at a rate determined by the Secretary of Defense, which shall not be less than the rate necessary to defray the average cost of the enrollment of children in the system under this section.

(2) Amounts received under paragraph (1) shall be available to the defense dependents' education system to assist in defraying the cost of enrollment of children in the system under this section.

(c) Regulations respecting enrollment requirements

(1) The Secretary of Defense may by regulation identify classes of children who shall be eligible to enroll in schools of the defense dependents' education system under this section if and to the extent that there is space available, establish priorities among such classes, waive the tuition requirement of subsection (b)(1) of this section with respect to any such class, and issue such other regulations as may be necessary to carry out this section.

(2) (A) The Secretary shall include in the regulations prescribed under this subsection a requirement that children in the class of children described in subparagraph (B) shall be subject to the same tuition requirements, or waiver of tuition requirements, as children in the class of children described in subparagraph (C).

(B) The class of children described in this subparagraph are children of members of reserve components of the Armed Forces who—

(i) are on active duty under an order to active duty under section 12301 or 12302 of title 10;

(ii) were ordered to active duty from a location in the United States (other than in Alaska or Hawaii); and

(iii) are serving on active duty outside the United States or in Alaska or Hawaii.

(C) The class of children described in this subparagraph are children of members of reserve components of the Armed Forces who—

(i) are on active duty under an order to active duty under section 12301 or 12302 of title 10;

(ii) were ordered to active duty from a location outside the United States (or in Alaska or Hawaii); and

(iii) are serving on active duty outside the United States or in Alaska or Hawaii.

(d) Enrollment of certain children in overseas schools

(1) The Secretary of Defense may authorize the enrollment in schools of the defense dependents' education system of children in the following classes:

(A) Children of officers and employees of the United States (other than civilian officers and employees who are sponsors under section 932 (2) of this title) stationed in overseas areas.

(B) Children of employees of contractors employed in carrying out work for the United States in overseas areas.

(C) Children of other citizens or nationals of the United States or of foreign nationals, if the Secretary determines that enrollment of such children is in the national interest.

(2) Notwithstanding subsection (c) of this section, the Secretary may not waive the tuition requirements of subsection (b)(1) of this section with respect to children referred to in paragraph (1).

(Pub. L. 95–561, title XIV, § 1404, Nov. 1, 1978, 92 Stat. 2366; Pub. L. 99–145, title XII, § 1205, Nov. 8, 1985, 99 Stat. 721; Pub. L. 101–189, div. A, title III, § 325(b), Nov. 29, 1989, 103 Stat. 1415; Pub. L. 108–136, div. A, title V, § 563, Nov. 24, 2003, 117 Stat. 1483.)

Amendments

2003—Pub. L. 108–136, § 563(b), substituted “Space-available enrollment of students; tuition” for “Tuition-paying students” in section catchline.

Subsec. (c). Pub. L. 108–136, § 563(a), designated existing provisions as par. (1) and added par. (2).

1989—Subsec. (d)(1)(A). Pub. L. 101–189 substituted “(other than civilian officers and employees who are sponsors under section 932 (2) of this title)” for “(including employees of nonappropriated fund activities of the Department of Defense)”.

1985—Subsec. (d). Pub. L. 99–145 added subsec. (d).

Effective Date of 1989 Amendment

Section 325(c) of Pub. L. 101–189 provided that: “The amendments made by this section [amending this section and section 932 of this title] shall apply with respect to periods of enrollment in schools of the defense dependents’ education system beginning after September 30, 1989.”

.....

§ 923a. Enrollment of certain additional children on tuition-free basis

(a) Enrollment authorized

Under regulations to be prescribed by the Secretary of Defense, the Secretary may authorize the enrollment in schools of the defense dependents’ education system on a tuition-free basis of—

- (1) the children of full-time, locally-hired employees of the Department of Defense in an overseas area if such employees are citizens or nationals of the United States; and
- (2) the children of a foreign military member assigned to the Supreme Headquarters Allied Powers, Europe, but only in a school of the defense dependents’ education system in Mons, Belgium.

(b) Funding

The Secretary may use funds available for the defense dependents’ education system to provide for the education of children enrolled in the defense dependents’ education system under subsection (a).

(c) Special rules regarding enrollment of dependents of foreign military members assigned to Supreme Headquarters Allied Powers, Europe

(1) In the regulations required by subsection (a), the Secretary shall prescribe a methodology based on the estimated total number of dependents of sponsors under section 932 (2) of this title enrolled in schools of the defense dependents’ education system in Mons, Belgium, to determine the number of children described in paragraph (2) of subsection (a) who will be authorized to enroll under such subsection. The Secretary shall prescribe such methodology with the advice and assistance of the commander of the geographic combatant command with jurisdiction over Mons, Belgium.

(2) If the number of children described in paragraph (2) of subsection (a) who seek enrollment in schools of the defense dependents’ education system in Mons, Belgium, exceeds the number authorized by the Secretary under paragraph (1), the Secretary may enroll the additional children on a space-available, tuition-free basis notwithstanding section 923 (d)(2) of this title.

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(Pub. L. 95–561, title XIV, § 1404A, as added Pub. L. 109–163, div. A, title V, § 571, Jan. 6, 2006, 119 Stat. 3270; amended Pub. L. 109–364, div. A, title V, § 571(a), Oct. 17, 2006, 120 Stat. 2225; Pub. L. 110–181, div. A, title X, § 1063(e)(1), Jan. 28, 2008, 122 Stat. 323; Pub. L. 111–84, div. A, title V, § 535, Oct. 28, 2009, 123 Stat. 2292.)

Amendments

2009—Subsec. (a)(2). Pub. L. 111–84, § 535(a), struck out “; and only through the 2010–2011 school year” before period at end.

Subsec. (c)(1). Pub. L. 111–84, § 535(b), inserted at end “The Secretary shall prescribe such methodology with the advice and assistance of the commander of the geographic combatant command with jurisdiction over Mons, Belgium.”

2008—Pub. L. 110–181, § 1063(e)(1), made technical correction to directory language of Pub. L. 109–163, § 571, which enacted this section.

2006—Subsec. (a). Pub. L. 109–364, § 571(a)(1), substituted “basis of—” for “basis of”, designated part of existing provisions as par. (1), substituted “; and” for period at end, and added par. (2).

Subsec. (c). Pub. L. 109–364, § 571(a)(2), added subsec. (c).

Effective Date of 2008 Amendment

Pub. L. 110–181, div. A, title X, § 1063(e), Jan. 28, 2008, 122 Stat. 323, provided that the amendment made by section 1063(e) of Pub. L. 110–181 is effective as of Jan. 6, 2006, and as if included in Pub. L. 109–163 as enacted.

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§ 924. Annual educational assessment

(a) Contents

The Director shall assess each year the performance of the defense dependents’ education system in providing an education of high quality to children enrolled in the system. Such assessment may include the use of educational assessment measures and such other means as the Director determines to be suitable for assessing student performance.

(b) Availability

The results of each annual assessment under subsection (a) of this section with respect to an individual enrolled in the defense dependents’ education system shall be made available to the sponsor of such individual, and summary results of each such annual assessment shall be made available to Members of Congress and to professional employees in the system.

(Pub. L. 95–561, title XIV, § 1405, Nov. 1, 1978, 92 Stat. 2366.)

.....

§ 925. Budget request for school construction funds for Director of Dependents’ Education

The President shall include in his budget for each fiscal year a separate request for funds for construction of school facilities by the Director.

(Pub. L. 95–561, title XIV, § 1406, Nov. 1, 1978, 92 Stat. 2367.)

.....

§ 926. School system for dependents in overseas areas

(a) Establishment and operation

The Secretary of Defense shall establish and operate a school system for dependents in overseas areas as part of the defense dependents’ education system.

(b) Tuition and assistance when schools unavailable

(1) Under such circumstances as the Secretary of Defense may prescribe in regulations, the Secretary may provide tuition to allow dependents in an overseas area where a school operated by the Secretary is not reasonably available to attend schools other than schools established under subsection (a) of this section on a tuition-free basis. Schools to which tuition may be paid under this subsection may include private boarding schools in the United States. Any school to which tuition is paid under this subsection to allow a dependent in an overseas area to attend such school shall provide an educational program satisfactory to the Secretary.

(2) (A) The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service of the Navy, may provide financial assistance to sponsors of dependents in overseas areas where schools operated by the Secretary of Defense under subsection (a) of this section are not reasonably available in order to assist the sponsors to defray the costs incurred by the sponsors for the attendance of the dependents at schools in such areas other than schools operated by the Secretary of Defense.

(B) The Secretary of Defense and the Secretary of Homeland Security shall each prescribe regulations relating to the availability of financial assistance under subparagraph (A). Such regulations shall, to the maximum extent practicable, be consistent with Department of State regulations relating to the availability of financial assistance for the education of dependents of Department of State personnel overseas.

(c) Continuation of enrollment for certain dependents of members of Armed Forces involuntarily separated

(1) A member of the Armed Forces serving on active duty on September 30, 1990, who is involuntarily separated during the period beginning on October 1, 1990, and ending on December 31, 2001, and who has a dependent described in paragraph (2) who is enrolled in a school of the defense dependents' education system (or a school for which tuition is provided under subsection (b) of this section) on the date of that separation shall be eligible to enroll or continue the enrollment of that dependent at that school (or another school serving the same community) for the final year of secondary education of that dependent in the same manner as if the member were still on active duty.

(2) A dependent referred to in paragraph (1) is a dependent who on the date of the separation of the member has completed the eleventh grade and is likely to complete secondary education within the one-year period beginning on that date.

(d) Auxiliary services available to home school students

(1) A dependent who is educated in a home school setting, but who is eligible to enroll in a school of the defense dependents' education system, shall be permitted to use or receive auxiliary services of that school without being required to either enroll in that school or register for a minimum number of courses offered by that school. The dependent may be required to satisfy other eligibility requirements and comply with standards of conduct applicable to students actually enrolled in that school who use or receive the same auxiliary services.

(2) For purposes of paragraph (1), the term "auxiliary services" includes use of academic resources, access to the library of the school, after hours use of school facilities, and participation in music, sports, and other extracurricular and interscholastic activities.

(Pub. L. 95-561, title XIV, § 1407, Nov. 1, 1978, 92 Stat. 2367; Pub. L. 101-510, div. A, title V, § 504(a), Nov. 5, 1990, 104 Stat. 1559; Pub. L. 103-160, div. A, title V, § 561(n), Nov. 30, 1993, 107 Stat. 1668; Pub. L. 105-261, div. A, title V, § 561(k), title VI, § 657, Oct. 17, 1998, 112 Stat. 2026, 2054; Pub. L. 106-398, § 1 [[div. A], title V, § 571(k)], Oct. 30, 2000, 114 Stat. 1654, 1654A-135; Pub. L. 107-107, div. A, title III, § 353, Dec. 28, 2001, 115 Stat. 1063; Pub. L. 107-296, title XVII, § 1704(e)(7), Nov. 25, 2002, 116 Stat. 2315; Pub. L. 110-181, div. A, title V, § 574, Jan. 28, 2008, 122 Stat. 120.)

Codification

Section is comprised of section 1407 of Pub. L. 95-561. Subsec. (e), formerly subsec. (c), of section 1407 enacted section 429 of Title 37, Pay and Allowances of the Uniformed Services.

Amendments

2008—Subsec. (b)(1). Pub. L. 110-181 inserted after first sentence “Schools to which tuition may be paid under this subsection may include private boarding schools in the United States.”

2002—Subsec. (b)(2). Pub. L. 107-296 substituted “of Homeland Security” for “of Transportation” in two places.

2001—Subsec. (d). Pub. L. 107-107 added subsec. (d) and redesignated former subsec. (d) as (e). See Codification note above.

2000—Subsec. (c)(1). Pub. L. 106-398 substituted “December 31, 2001” for “September 30, 2001”.

1998—Subsec. (b). Pub. L. 105-261, § 657, inserted heading, designated existing provisions as par. (1), substituted “Under such circumstances as the Secretary of Defense may prescribe in regulations, the Secretary” for “Under such circumstances as he may by regulation prescribe, the Secretary of Defense”, and added par. (2).

Subsec. (c)(1). Pub. L. 105-261, § 561(k), substituted “during the period beginning on October 1, 1990, and ending on September 30, 2001” for “during the nine-year period beginning on October 1, 1990”.

1993—Subsec. (c)(1). Pub. L. 103-160 substituted “nine-year period” for “five-year period”.

1990—Subsec. (c). Pub. L. 101-510 added subsec. (c) and redesignated former subsec. (c) as (d). See Codification note above.

Effective Date of 2002 Amendment

Amendment by Pub. L. 107-296 effective on the date of transfer of the Coast Guard to the Department of Homeland Security, see section 1704(g) of Pub. L. 107-296, set out as a note under section 101 of Title 10, Armed Forces.

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§ 927. Allotment formula

(a) Establishment by regulation of minimum allotment formula; criteria

The Director shall by regulation establish a formula for determining the minimum allotment of funds necessary for the operation of each school in the defense dependents’ education system. In establishing such formula, the Director shall take into consideration—

- (1) the number of students served by a school and the size of the school;
- (2) special cost factors for a school, including—
 - (A) geographic isolation of the school,
 - (B) a need for special staffing, transportation, or educational programs at the school, and
 - (C) unusual food and housing costs,
- (3) the cost of providing academic services of a high quality as required by section 921 (b)(1) of this title; and
- (4) such other factors as the Director considers appropriate.

(b) Issuance, etc., of regulations

Any regulation under subsection (a) of this section shall be issued, and shall become effective, in accordance with the procedures applicable to regulations required to be issued by the Secretary of Education in accordance with section 1232 of this title.

(c) Applicability of certain provisions

(1) Children with disabilities

Notwithstanding the provisions of section 921 (b)(3) of this title, the provisions of part B of the Individuals with Disabilities Education Act [20 U.S.C. 1411 et seq.], other than the funding and reporting provisions, shall apply to all schools operated by the Department of Defense under this

chapter, including the requirement that children with disabilities, aged 3 to 5, inclusive, receive a free appropriate public education.

(2) Infants and toddlers with disabilities

The responsibility to provide comparable early intervention services to infants and toddlers with disabilities and their families in accordance with individualized family service plans described in section 636 of the Individuals with Disabilities Education Act [20 U.S.C. 1436] and to comply with the procedural safeguards set forth in part C of such Act [20 U.S.C. 1431 et seq.] shall apply with respect to all eligible dependents overseas.

(3) Implementation

In carrying out paragraph (2), the Secretary shall have in effect a comprehensive, coordinated, multidisciplinary program of early intervention services for infants and toddlers with disabilities among Department of Defense entities involved in the provision of such services to such individuals.

(Pub. L. 95–561, title XIV, § 1409, Nov. 1, 1978, 92 Stat. 2369; Pub. L. 102–119, § 24, Oct. 7, 1991, 105 Stat. 605; Pub. L. 106–65, div. A, title III, § 354(3), Oct. 5, 1999, 113 Stat. 573; Pub. L. 108–446, title III, § 305(b), Dec. 3, 2004, 118 Stat. 2804.)

References in Text

The Individuals with Disabilities Education Act, referred to in subsec. (c)(1), (2), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended. Parts B and C of the Act are classified generally to subchapters II (§ 1411 et seq.) and III (§ 1431 et seq.), respectively, of chapter 33 of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

Amendments

2004—Subsec. (c)(2). Pub. L. 108–446 substituted “section 636” for “section 677” and “part C” for “part H”.

1999—Subsec. (b). Pub. L. 106–65, § 354(3)(A), substituted “Secretary of Education” for “Department of Health, Education, and Welfare” and made technical amendment to reference in original act which appears in text as reference to section 1232 of this title.

Subsec. (c)(1). Pub. L. 106–65, § 354(3)(B), struck out “by academic year 1993–1994” after “public education”.

Subsec. (c)(3). Pub. L. 106–65, § 354(3)(C), substituted “Implementation” for “Implementation timelines” in heading, substituted “In carrying out paragraph (2), the Secretary shall have in effect a comprehensive” for “In carrying out the provisions of paragraph (2), the Secretary shall—”, struck out the subpar. (A) designation and “in academic year 1991–1992 and the 2 succeeding academic years, plan and develop a comprehensive” before “, coordinated”, substituted a period for the semicolon after “such individuals”, and struck out subpars. (B) and (C) which related to implementation in academic years 1994–1995, 1995–1996, and succeeding academic years.

1991—Subsec. (c). Pub. L. 102–119 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “The provisions of the Education for All Handicapped Children Act of 1975 shall apply with respect to all schools operated by the Department of Defense under this chapter.”

Effective Date of 1991 Amendment

Section 27 of Pub. L. 102–119 provided that:

“(a) Sections 8, 9, and 10.—The amendments made by sections 8, 9, and 10 [amending sections 1423, 1431, 1434, and 1435 of this title] shall take effect on October 1, 1991, or on the date of enactment of this Act [Oct. 7, 1991], whichever is later.

“(b) Sections 5, 12, 13, 14, 15, 17, and 18.—The amendments made by sections 5, 12, 13, 14, 15, 17, and 18 [amending sections 1413, 1472, 1476, 1477, 1478, 1480, and 1482 of this title] shall take effect July 1, 1992, except that each State shall have the option to have any of the amendments apply earlier than such date.

“(c) Remaining Provisions.—The remaining sections of this Act [enacting section 1484a of this title, amending this section, sections 241, 1087ee, 1400 to 1402, 1404, 1405, 1407, 1411 to 1417, 1419, 1421 to 1425, 1431 to 1433, 1435, 1442, 1443, 1451, 1452, 1461, 1471 to 1473, and 1475 to 1485 of this title, sections 2503 and 2504 of Title 25, Indians, sections 721, 774, 777a, 795m, and 796d of Title 29, Labor, and sections 1396b, 1396n, 6022, 6024, 9835, 9855d,

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2010 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

9862, and 9886 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under this section and sections 1400 and 1484 of this title] and the amendments made by such sections shall take effect on the date of the enactment of this Act [Oct. 7, 1991].”

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§ 928. School advisory committees

(a) Establishment; functions; membership

(1) The Director shall provide for the establishment of an advisory committee for each school in the defense dependents' education system. An advisory committee for a school shall advise the principal or superintendent of the school with respect to the operation of the school, may make recommendations with respect to curriculum and budget matters, and, except as provided under paragraph (2), shall advise the local military commander with respect to problems concerning dependents' education within the jurisdiction of the commander. The membership of each such advisory committee shall include an equal number of parents of students enrolled in the school and of employees working at the school and, when appropriate, may include a student enrolled in the school. The membership of each such advisory committee shall also include one nonvoting member designated by the organization recognized as the exclusive bargaining representative of the employees working at the school.

(2) In the case of any military installation or overseas area where there is more than one school in the defense dependents' education system, the Director shall provide for the establishment of an advisory committee for such military installation or overseas area to advise the local military commander with respect to problems concerning dependents' education within the jurisdiction of the commander.

(b) Election of members; regulations respecting qualifications and election procedures

Except in the case of a nonvoting member designated under the last sentence of subsection (a)(1) of this section, members of a school advisory committee established under this section shall be elected by individuals of voting age residing in the area to be served by the advisory committee. The Secretary of Defense shall by regulation prescribe the qualifications for election to an advisory committee and procedures for conducting elections of advisory committee members.

(c) Members to serve without pay

Members of school advisory committees established under this section shall serve without pay.

(Pub. L. 95-561, title XIV, § 1410, Nov. 1, 1978, 92 Stat. 2369; Pub. L. 96-88, title V, § 508(j)(1), (2), Oct. 17, 1979, 93 Stat. 693; Pub. L. 99-145, title XII, § 1204(b)(2), Nov. 8, 1985, 99 Stat. 720.)

Amendments

1985—Subsec. (a)(1). Pub. L. 99-145, § 1204(b)(2)(A), included as member of the advisory committee the designee of the exclusive bargaining representative of the employees.

Subsec. (b). Pub. L. 99-145, § 1204(b)(2)(B), (C), substituted “Except in the case of a nonvoting member designated under the last sentence of subsection (a)(1) of this section, members” for “Members” and “The Secretary of Defense” for “The Secretary of Education, in consultation with the Secretary of Defense.”

1979—Subsec. (a)(1). Pub. L. 96-88, § 508(j)(1), substituted “parents” for “representatives of sponsors”.

Subsec. (b). Pub. L. 96-88, § 508(j)(2), empowered the Secretary of Education, in consultation with the Secretary of Defense, to prescribe election qualifications and procedures in regard to advisory committees rather than vesting such power in the Secretary of Defense exclusively.

Effective Date of 1979 Amendment

Amendment by Pub. L. 96-88, effective May 4, 1980, with specified exceptions, see section 601 of Pub. L. 96-88, set out as an Effective Date note under section 3401 of this title.

Termination of Advisory Committees

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

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§ 929. Advisory Council on Dependents' Education

(a) Establishment; membership; Director

(1) There is established in the Department of Defense an Advisory Council on Dependents' Education (hereinafter in this section referred to as the "Council"). The Council shall be composed of—

- (A) the Secretary of Defense and the Secretary of Education, or their respective designees;
- (B) 12 individuals appointed jointly by the Secretary of Defense and the Secretary of Education who shall be individuals who have demonstrated an interest in the field of primary or secondary education and who shall include representatives of professional employee organizations, school administrators, and parents of students enrolled in the defense dependents' education system, and one student enrolled in such system; and
- (C) a representative of the Secretary of Defense and of the Secretary of Education.

(2) Individuals appointed to the Council from professional employee organizations shall be individuals designated by those organizations.

(3) The Secretary of Defense, or the Secretary's designee, and the Secretary of Education, or the Secretary's designee, shall serve as cochairmen of the Council.

(4) The Director shall be the Executive Secretary of the Council.

(b) Terms of office of members

The term of office of each member of the Council appointed under subsection (a)(2) of this section shall be three years, except that—

- (1) of the members first appointed under such paragraph, four shall serve for a term of one year, four shall serve for a term of two years, and four shall serve for a term of three years, as determined by the Secretary of Defense and the Secretary of Education at the time of their appointment, and
- (2) any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

No member appointed under subsection (a)(2) of this section shall serve more than two full terms on the Council.

(c) Meetings; functions

The Council shall meet at least two times each year. The functions of the Council shall be to—

- (1) recommend to the Director general policies for operation of the defense dependents' education system with respect to curriculum selection, administration, and operation of the system,
- (2) provide information to the Director from other Federal agencies concerned with primary and secondary education with respect to education programs and practices which such agencies have found to be effective and which should be considered for inclusion in the defense dependents' education system,
- (3) advise the Director on the design of the study and the selection of the contractor referred to in section 930 (a)(2) of this title, and
- (4) perform such other tasks as may be required by the Secretary of Defense.

(d) Compensation, etc., of members

Members of the Council who are not in the regular full-time employ of the United States shall, while attending meetings or conferences of the Council or otherwise engaged in the business of the Council, be entitled to receive compensation at the daily equivalent of the rate specified at the time of such service for level IV of the Executive Schedule under section 5315 of title 5, including traveltime, and while so serving on the business of the Council away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5 for persons employed intermittently in the Government service.

(e) Termination

The Council shall continue in existence until terminated by law.

(Pub. L. 95-561, title XIV, § 1411, Nov. 1, 1978, 92 Stat. 2370; Pub. L. 96-88, title V, § 508(j)(3)-(8), Oct. 17, 1979, 93 Stat. 693, 694; Pub. L. 99-145, title XII, § 1204(b)(3)-(5), Nov. 8, 1985, 99 Stat. 720, 721; Pub. L. 106-65, div. A, title III, § 354(4), Oct. 5, 1999, 113 Stat. 573.)

Amendments

1999—Subsec. (d). Pub. L. 106-65 substituted “level IV of the Executive Schedule under section 5315 of title 5” for “grade GS-18 in section 5332 of title 5”.

1985—Subsec. (a). Pub. L. 99-145, § 1204(b)(3)(A), amended subsec. (a) generally. Prior to amendment subsec. (a) read as follows: “There is established in the Department of Education an Advisory Council on Dependents’ Education (hereinafter in this section referred to as the ‘Council’). The Council shall be composed of—

“(1) the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics, and the Administrator of Education for Overseas Dependents of such department, who shall be co-chairman of the Council;

“(2) twelve individuals appointed by the Secretary of Education, who shall be individuals who have demonstrated an interest in the fields of primary or secondary education and who shall include representatives of professional employee organizations, school administrators, parents of dependents enrolled in the dependents’ education system, and one student enrolled in such system;

“(3) a representative of the Secretary of Education and of the Secretary of Defense.

The Director shall be the Executive Secretary of the Council.”

Subsec. (b)(1). Pub. L. 99-145, § 1204(b)(4), inserted reference to Secretary of Defense.

Subsec. (c). Pub. L. 99-145, § 1204(b)(5)(A), substituted “two times each year” for “four times each year” in provisions before par. (1).

Subsec. (c)(2), (3). Pub. L. 99-145, § 1204(b)(5)(B), (C), redesignated par. (3) as (2), and struck out par. (2) which required the Council to make recommendations to the Director and to the Secretary of Education on the orderly transfer of the functions under this chapter to the Secretary and Department of Education.

Subsec. (c)(4), (5). Pub. L. 99-145, § 1204(b)(5)(C), (D), redesignated par. (5) as (4), and substituted Secretary of Defense for Secretary of Education. Former par. (4) redesignated (3).

1979—Subsec. (a). Pub. L. 96-88, § 508(j)(3), substituted “Department of Education” for “Department of Defense” in text preceding par. (1).

Subsec. (a)(1). Pub. L. 96-88, § 508(j)(4), provided that the Administrator of Education for Overseas Dependents of the Department of Education was to be a member of the council and its co-chairman.

Subsec. (a)(2). Pub. L. 96-88, § 508(j)(5), substituted “Secretary of Education” for “Assistant Secretary”, “demonstrated an interest” for “versed by training or experience”, “parents of dependents” for “sponsors of students”, and “dependents’ education system” for “defense dependents’ education system”.

Subsec. (a)(3). Pub. L. 96-88, § 508(j)(5), required membership on the Council for representatives of the Secretaries of Education and Defense and struck out requirements for representation of the Commissioner of Education, Director of the National Institute of Education, Director of the Educational Directorate of the National Science Foundation, Chairman of the National Endowment for the Arts, Chairman of the National Endowment for the Humanities, and the Secretaries of the military departments.

Subsec. (b)(1). Pub. L. 96-88, § 508(j)(6), substituted “Secretary of Education” for “Assistant Secretary”.

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Subsec. (c)(2) to (5). Pub. L. 96–88, § 508(j)(7), (8), added par. (2), redesignated former pars. (2), (3), and (4) as (3), (4), and (5), respectively, and in par. (5), as so redesignated, substituted “Secretary of Education” for “Assistant Secretary”.

Effective Date of 1979 Amendment

Amendment by Pub. L. 96–88 effective May 4, 1980, with specified exceptions, see section 601 of Pub. L. 96–88, set out as an Effective Date note under section 3401 of this title.

§ 930. Study of defense dependents' education system

(a) Scope; conduct and report to Director by contractor

(1) The Director may from time to time, but not more frequently than once a year, provide for a comprehensive study of the entire defense dependents' education system. Any such study shall include a detailed analysis of the education programs and the facilities of the system.

(2) Any study under paragraph (1) shall be conducted by a contractor selected by the Director after an open competition. After conducting such study, the contractor shall submit a report to the Director describing the results of the study and giving its assessment of the defense dependents' education system.

(b) Consultation requirements respecting study specifications and contractor selection

In designing the specifications for any study to be conducted pursuant to subsection (a)(1) of this section, and in selecting a contractor to conduct such study under subsection (a)(2) of this section, the Director shall consult with the Advisory Council on Dependents' Education established under section 929 of this title.

(c) Reporting requirements of Director

The Director shall submit to the Congress any report submitted to him under subsection (a)(2) of this section describing the results of a study carried out pursuant to subsection (a)(1) of this section, together with the recommendations, if any, of the contractor for legislation or any increase in funding needed to improve the defense dependents' education system. Notwithstanding any law, rule, or regulation to the contrary, such report shall not be submitted to any review before its transmittal to the Congress, but the Secretary of Defense shall, at the time of the transmittal of such report, submit to the Congress such recommendations as he may have with respect to legislation or any increase in funding needed to improve the defense dependents' education system.

(Pub. L. 95–561, title XIV, § 1412, Nov. 1, 1978, 92 Stat. 2371; Pub. L. 96–46, § 2(a)(8), Aug. 6, 1979, 93 Stat. 340; Pub. L. 106–65, div. A, title III, § 354(5), Oct. 5, 1999, 113 Stat. 573.)

Amendments

1999—Subsec. (a)(1). Pub. L. 106–65, § 354(5)(A), substituted “The Director may from time to time, but not more frequently than once a year, provide for” for “As soon as practicable after November 1, 1978, the Director shall provide for” and “system. Any such study” for “system, which”.

Subsec. (a)(2). Pub. L. 106–65, § 354(5)(B), substituted “Any study under paragraph (1)” for “The study required by this subsection” and struck out “not later than two years after July 1, 1979,” after “shall submit a report to the Director”.

Subsec. (b). Pub. L. 106–65, § 354(5)(C), substituted “any study” for “the study”.

Subsec. (c). Pub. L. 106–65, § 354(5)(D), substituted “any report” for “not later than one year after July 1, 1979, the report” and “a study” for “the study”.

Subsec. (d). Pub. L. 106–65, § 354(5)(E), struck out subsec. (d) which read as follows: “The Director may provide for additional studies of the defense dependents' education system to be conducted in accordance with the provisions of this section, but such studies shall not be conducted more frequently than once a year. A report of each study shall be submitted to the Congress in accordance with subsection (c) of this section, and the second sentence of such subsection shall apply with respect to the transmission of each such report.”

1979—Subsec. (a)(2). Pub. L. 96–46 substituted “two years after July 1, 1979” for “one year after July 1, 1979”.

Effective Date of 1979 Amendment

Section 8 of Pub. L. 96–46 provided that: “The amendments made by this Act [enacting section 3164 of this title, amending this section, sections 240, 241–1, 1211a, 1221–3, 1221h, 1226c, 1232g, 2308, 2310, 2603, 2721, 2733 to 2735, 2740, 2762, 2763, 2772, 2782, 2902, 3084, 3163, 3200, 3289, 3381 to 3386 of this title, and sections 2001, 2002, 2006, 2008, 2012 of Title 25, Indians, enacting a provision set out as a note under section 1221e of this title, and amending provisions set out as notes under sections 236, 1211b, 1221–1, 1231a, and 2701 of this title and section 13 of Title 25] shall take effect October 1, 1978.”

.....

§ 931. Regulations; issuance and contents

The Secretary of Defense shall issue regulations to carry out this chapter. Such regulations shall—

- (1) prescribe the educational goals and objectives of the defense dependents’ education system,
- (2) establish standards for the development of curricula for the system and for the selection of instructional materials,
- (3) prescribe professional standards for professional personnel employed in the system,
- (4) provide for arrangements between the Director and commanders of military installations for necessary logistic support for schools of the system located on military installations,
- (5) provide for a recertification program for professional personnel employed in the system, and
- (6) provide for such other matters as may be necessary to ensure the efficient organization and operation of the defense dependents’ education system.

(Pub. L. 95–561, title XIV, § 1413, Nov. 1, 1978, 92 Stat. 2372; Pub. L. 106–65, div. A, title III, § 354(6), Oct. 5, 1999, 113 Stat. 574.)

Amendments

1999—Subsec. (d). Pub. L. 106–65 substituted “The Secretary” for “Not later than 180 days after July 1, 1979, the Secretary” in introductory provisions.

.....

§ 932. Definitions

For purposes of this chapter:

- (1) The term “dependent” means a minor individual—
 - (A) who has not completed secondary schooling, and
 - (B) who is the child, stepchild, adopted child, ward, or spouse of a sponsor, or who is a resident in the household of a sponsor who stands in loco parentis to such individual and who receives one-half or more of his support from such sponsor.
- (2) The term “sponsor” means a person—
 - (A) who is—
 - (i) a member of the Armed Forces serving on active duty, or
 - (ii) a full-time civilian officer or employee of the Department of Defense and a citizen or national of the United States; and
 - (B) who is authorized to transport dependents to or from an overseas area at Government expense and is provided an allowance for living quarters in that area.
- (3) The term “overseas area” means any area situated outside the United States.
- (4) The term “United States”, when used in a geographical sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (excluding the Trust Territory of the Pacific Islands and Midway Island).
- (5) The term “involuntarily separated” has the meaning given that term in section 1141 of title 10.
- (6) The term “Director” means the Director of the Department of Defense Education Activity.

TITLE 20 - Section 932 - Definitions

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2010 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

(Pub. L. 95–561, title XIV, § 1414, Nov. 1, 1978, 92 Stat. 2372; Pub. L. 101–189, div. A, title III, § 325(a), Nov. 29, 1989, 103 Stat. 1415; Pub. L. 101–510, div. A, title V, § 504(b), Nov. 5, 1990, 104 Stat. 1559; Pub. L. 106–65, div. A, title III, § 354(7), Oct. 5, 1999, 113 Stat. 574.)

Amendments

1999—Par. (6). Pub. L. 106–65 added par. (6).

1990—Par. (5). Pub. L. 101–510 added par. (5).

1989—Par. (2). Pub. L. 101–189 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The term ‘sponsor’ means—

“(A) a member of the Armed Forces serving on active duty, or

“(B) a civilian officer or employee of the Department of Defense paid from appropriated funds.”

Effective Date of 1989 Amendment

Amendment by Pub. L. 101–189 applicable with respect to periods of enrollment in schools of the defense dependents’ education system beginning after Sept. 30, 1989, see section 325(c) of Pub. L. 101–189, set out as a note under section 923 of this title.

Termination of Trust Territory of the Pacific Islands

For termination of Trust Territory of the Pacific Islands, see note set out preceding section 1681 of Title 48, Territories and Insular Possessions.