TITLE 20 - EDUCATION
CHAPTER 25A - OVERSEAS DEFENSE DEPENDENTS EDUCATION

§ 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.


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”.


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, 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].”