

95-561, Nov. 1, 1978, 92 Stat. 2365, as amended, known as the Defense Dependents' Education Act of 1978, which enacted this chapter, section 489 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 receive".

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.

"(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' edu-

cation 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,

(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).