

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).

(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.

(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