

§ 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

Pub. L. 101-189, div. A, title III, §325(c), Nov. 29, 1989, 103 Stat. 1415, 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