

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 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.

**§ 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 invol-

untarily 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 489 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), sub-

stituted "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.

**§ 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.