

(4) such other factors as the Director considers appropriate.

(b) Issuance, etc., of regulations

Any regulation under subsection (a) 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.

(Pub. L. 95-561, title XIV, §1409, Nov. 1, 1978, 92 Stat. 2369; Pub. L. 102-119, §24, Oct. 7, 1991, 105 Stat. 605; Pub. L. 106-65, div. A, title III, §354(3), Oct. 5, 1999, 113 Stat. 573; Pub. L. 108-446, title III, §305(b), Dec. 3, 2004, 118 Stat. 2804.)

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”.

1999—Subsec. (b). Pub. L. 106-65, §354(3)(A), substituted “Secretary of Education” for “Department of Health, Education, and Welfare” and made technical amendment to reference in original act which appears in text as reference to section 1232 of this title.

Subsec. (c)(1). Pub. L. 106-65, §354(3)(B), struck out “by academic year 1993-1994” after “public education”.

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

Pub. L. 102-119, §27, Oct. 7, 1991, 105 Stat. 608, 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, [former] 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].”

§ 928. School advisory committees

(a) Establishment; functions; membership

(1) The Director shall provide for the establishment of an advisory committee for each school in the defense dependents' education system. An advisory committee for a school shall advise the principal or superintendent of the school with respect to the operation of the school, may make recommendations with respect to curriculum and budget matters, and, except as provided under paragraph (2), shall advise the local military commander with respect to problems concerning dependents' education within the jurisdiction of the commander. The membership of each such advisory committee shall include an equal number of parents of students enrolled in the school and of employees working at the school and, when appropriate, may include a student enrolled in the school. The membership of each such advisory committee shall also include one nonvoting member designated by the organization recognized as the exclusive bargaining representative of the employees working at the school.

(2) In the case of any military installation or overseas area where there is more than one school in the defense dependents' education system, the Director shall provide for the establishment of an advisory committee for such military installation or overseas area to advise the

local military commander with respect to problems concerning dependents' education within the jurisdiction of the commander.

(b) Election of members; regulations respecting qualifications and election procedures

Except in the case of a nonvoting member designated under the last sentence of subsection (a)(1), members of a school advisory committee established under this section shall be elected by individuals of voting age residing in the area to be served by the advisory committee. The Secretary of Defense shall by regulation prescribe the qualifications for election to an advisory committee and procedures for conducting elections of advisory committee members.

(c) Members to serve without pay

Members of school advisory committees established under this section shall serve without pay.

(Pub. L. 95-561, title XIV, § 1410, Nov. 1, 1978, 92 Stat. 2369; Pub. L. 96-88, title V, § 508(j)(1), (2), Oct. 17, 1979, 93 Stat. 693; Pub. L. 99-145, title XII, § 1204(b)(2), Nov. 8, 1985, 99 Stat. 720.)

AMENDMENTS

1985—Subsec. (a)(1). Pub. L. 99-145, § 1204(b)(2)(A), included as member of the advisory committee the designee of the exclusive bargaining representative of the employees.

Subsec. (b). Pub. L. 99-145, § 1204(b)(2)(B), (C), substituted "Except in the case of a nonvoting member designated under the last sentence of subsection (a)(1), members" for "Members" and "The Secretary of Defense" for "The Secretary of Education, in consultation with the Secretary of Defense."

1979—Subsec. (a)(1). Pub. L. 96-88, § 508(j)(1), substituted "parents" for "representatives of sponsors".

Subsec. (b). Pub. L. 96-88, § 508(j)(2), empowered the Secretary of Education, in consultation with the Secretary of Defense, to prescribe election qualifications and procedures in regard to advisory committees rather than vesting such power in the Secretary of Defense exclusively.

EFFECTIVE DATE OF 1979 AMENDMENT

Amendment by Pub. L. 96-88, effective May 4, 1980, with specified exceptions, see section 601 of Pub. L. 96-88, set out as an Effective Date note under section 3401 of this title.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided for by law. See section 14 of Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

§ 929. Repealed. Pub. L. 114-328, div. A, title V, § 576, Dec. 23, 2016, 130 Stat. 2143

Section, Pub. L. 95-561, title XIV, § 1411, Nov. 1, 1978, 92 Stat. 2370; Pub. L. 96-88, title V, § 508(j)(3)-(8), Oct. 17, 1979, 93 Stat. 693, 694; Pub. L. 99-145, title XII, § 1204(b)(3)-(5), Nov. 8, 1985, 99 Stat. 720, 721; Pub. L. 106-65, div. A, title III, § 354(4), Oct. 5, 1999, 113 Stat. 573; Pub. L. 113-291, div. A, title V, § 565, Dec. 19, 2014, 128 Stat. 3384, related to Advisory Council on Dependents' Education.

§ 930. Study of defense dependents' education system

(a) Scope; conduct and report to Director by contractor

(1) The Director may from time to time, but not more frequently than once a year, provide for a comprehensive study of the entire defense dependents' education system. Any such study shall include a detailed analysis of the education programs and the facilities of the system.

(2) Any study under paragraph (1) shall be conducted by a contractor selected by the Director after an open competition. After conducting such study, the contractor shall submit a report to the Director describing the results of the study and giving its assessment of the defense dependents' education system.

(b) Consultation requirements respecting study specifications and contractor selection

In designing the specifications for any study to be conducted pursuant to subsection (a)(1), and in selecting a contractor to conduct such study under subsection (a)(2), the Director shall consult with the Advisory Council on Dependents' Education established under section 929¹ of this title.

(c) Reporting requirements of Director

The Director shall submit to the Congress any report submitted to him under subsection (a)(2) describing the results of a study carried out pursuant to subsection (a)(1), together with the recommendations, if any, of the contractor for legislation or any increase in funding needed to improve the defense dependents' education system. Notwithstanding any law, rule, or regulation to the contrary, such report shall not be submitted to any review before its transmittal to the Congress, but the Secretary of Defense shall, at the time of the transmittal of such report, submit to the Congress such recommendations as he may have with respect to legislation or any increase in funding needed to improve the defense dependents' education system.

(Pub. L. 95-561, title XIV, § 1412, Nov. 1, 1978, 92 Stat. 2371; Pub. L. 96-46, § 2(a)(8), Aug. 6, 1979, 93 Stat. 340; Pub. L. 106-65, div. A, title III, § 354(5), Oct. 5, 1999, 113 Stat. 573.)

REFERENCES IN TEXT

Section 929 of this title, referred to in subsec. (b), was repealed by Pub. L. 114-328, div. A, title V, § 576, Dec. 23, 2016, 130 Stat. 2143.

AMENDMENTS

1999—Subsec. (a)(1). Pub. L. 106-65, § 354(5)(A), substituted "The Director may from time to time, but not more frequently than once a year, provide for" for "As soon as practicable after November 1, 1978, the Director shall provide for" and "system. Any such study" for "system, which".

Subsec. (a)(2). Pub. L. 106-65, § 354(5)(B), substituted "Any study under paragraph (1)" for "The study required by this subsection" and struck out "not later than two years after July 1, 1979," after "shall submit a report to the Director".

Subsec. (b). Pub. L. 106-65, § 354(5)(C), substituted "any study" for "the study".

Subsec. (c). Pub. L. 106-65, § 354(5)(D), substituted "any report" for "not later than one year after July 1, 1979, the report" and "a study" for "the study".

¹ See References in Text note below.