

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) 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) 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) 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 involuntarily 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)) 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 extra-curricular 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."