

that funds are appropriated specifically for making such payments for that fiscal year.

**(g) Local educational agency defined**

In this section, the term “local educational agency” has the meaning given that term in section 7713 of this title.

(Pub. L. 106–398, §1 [[div. A], title III, §363], Oct. 30, 2000, 114 Stat. 1654, 1654A–77; Pub. L. 114–95, title IX, §9215(kk), Dec. 10, 2015, 129 Stat. 2175.)

REFERENCES IN TEXT

Section 7703(a)(1) of this title, referred to in subsec. (a), was in the original “section 7003(a)(1)” and was translated as meaning section 7003(a)(1) of the Elementary and Secondary Education Act of 1965, which is classified to section 7703(a)(1) of this title, to reflect the probable intent of Congress.

The Individuals with Disabilities Education Act, referred to in subsec. (b)(2)(B), is title VI of Pub. L. 91–230, Apr. 13, 1970, 84 Stat. 175, as amended, which is classified generally to chapter 33 (§1400 et seq.) of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

CODIFICATION

Section was enacted as part of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and not as part of the Elementary and Secondary Education Act of 1965 which comprises this chapter.

AMENDMENTS

2015—Subsec. (a). Pub. L. 114–95, §9215(kk)(1), substituted “subparagraph (A)(ii) or (B), or clause (i) or (ii) of subparagraph (D), of section 7703(a)(1) of this title” for “subparagraph (A)(ii), (B), (D)(i) or (D)(ii) of section 7703(a)(1) of this title”.

Subsec. (g). Pub. L. 114–95, §9215(kk)(2), substituted “section 7713 of this title.” for “section 7713(9) of this title.”

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114–95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114–95, set out as a note under section 6301 of this title.

**§ 7703b. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees**

**(a) Assistance to schools with significant numbers of military dependent students**

**(1) Assistance authorized**

The Secretary of Defense shall provide financial assistance to an eligible local educational agency described in paragraph (2) if, without such assistance, the local educational agency will be unable (as determined by the Secretary of Defense in consultation with the Secretary of Education) to provide the students in the schools of the local educational agency with a level of education that is equivalent to the minimum level of education available in the schools of the other local educational agencies in the same State.

**(2) Eligible local educational agencies**

A local educational agency is eligible for assistance under this subsection for a fiscal year if at least 20 percent (as rounded to the nearest whole percent) of the students in average

daily attendance in the schools of the local educational agency during the preceding school year were military dependent students counted under section 7703(a)(1) of this title.

**(b) Assistance to schools with enrollment changes due to base closures, force structure changes, or force relocations**

**(1) Assistance authorized**

To assist communities in making adjustments resulting from changes in the size or location of the Armed Forces, the Secretary of Defense shall provide financial assistance to an eligible local educational agency described in paragraph (2) if, during the period between the end of the school year preceding the fiscal year for which the assistance is authorized and the beginning of the school year immediately preceding that school year, the local educational agency had (as determined by the Secretary of Defense in consultation with the Secretary of Education) an overall increase or reduction of—

(A) not less than five percent in the average daily attendance of military dependent students in the schools of the local educational agency; or

(B) not less than 250 military dependent students in average daily attendance in the schools of the local educational agency.

**(2) Eligible local educational agencies**

A local educational agency is eligible for assistance under this subsection for a fiscal year if—

(A) the local educational agency is eligible for assistance under subsection (a) for the same fiscal year, or would have been eligible for such assistance if not for the reduction in military dependent students in schools of the local educational agency; and

(B) the overall increase or reduction in military dependent students in schools of the local educational agency is the result of one or more of the following:

(i) The global rebasing plan of the Department of Defense.

(ii) The official creation or activation of one or more new military units.

(iii) The realignment of forces as a result of the base closure process.

(iv) A change in the number of housing units on a military installation.

**(3) Calculation of amount of assistance**

**(A) Pro rata distribution**

The amount of the assistance provided under this subsection to a local educational agency that is eligible for such assistance for a fiscal year shall be equal to the product obtained by multiplying—

(i) the per-student rate determined under subparagraph (B) for that fiscal year; by

(ii) the net of the overall increases and reductions in the number of military dependent students in schools of the local educational agency, as determined under paragraph (1).

**(B) Per-student rate**

For purposes of subparagraph (A)(i), the per-student rate for a fiscal year shall be

equal to the dollar amount obtained by dividing—

(i) the total amount of funds made available for that fiscal year to provide assistance under this subsection; by

(ii) the sum of the overall increases and reductions in the number of military dependent students in schools of all eligible local educational agencies for that fiscal year under this subsection.

**(C) Maximum amount of assistance**

A local educational agency may not receive more than \$1,000,000 in assistance under this subsection for any fiscal year.

**(4) Duration**

Assistance may not be provided under this subsection after September 30, 2014.

**(c) Notification**

Not later than June 30, 2006, and June 30 of each fiscal year thereafter for which funds are made available to carry out this section, the Secretary of Defense shall notify each local educational agency that is eligible for assistance under this section for that fiscal year of—

(1) the eligibility of the local educational agency for the assistance, including whether the agency is eligible for assistance under either subsection (a) or (b) or both subsections; and

(2) the amount of the assistance for which the local educational agency is eligible.

**(d) Disbursement of funds**

The Secretary of Defense shall disburse assistance made available under this section for a fiscal year not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (c) for that fiscal year.

**(e) Definitions**

In this section:

(1) The term “base closure process” means the 2005 base closure and realignment process authorized by Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) or any base closure and realignment process conducted after January 6, 2006, under section 2687 of title 10 or any other similar law enacted after January 6, 2006.

(2) The term “local educational agency” has the meaning given that term in section 7713(9) of this title.

(3) The term “military dependent students” refers to—

(A) elementary and secondary school students who are dependents of members of the Armed Forces; and

(B) elementary and secondary school students who are dependents of civilian employees of the Department of Defense.

(4) The term “State” means each of the 50 States and the District of Columbia.

(Pub. L. 109-163, div. A, title V, § 572, Jan. 6, 2006, 119 Stat. 3271; Pub. L. 111-84, div. A, title V, § 533, Oct. 28, 2009, 123 Stat. 2292; Pub. L. 112-239, div. A, title V, § 561(b)(1), (c), Jan. 2, 2013, 126 Stat. 1743, 1744; Pub. L. 114-95, title IX, § 9215(ccc), Dec. 10, 2015, 129 Stat. 2185.)

REFERENCES IN TEXT

The Defense Base Closure and Realignment Act of 1990, referred to in subsec. (e)(1), is part A of title XXIX of div. B of Pub. L. 101-510, Nov. 5, 1990, 104 Stat. 1808, as amended, which is set out as a note under section 2687 of Title 10, Armed Forces. For complete classification of this Act to the Code, see Tables.

CODIFICATION

Section is comprised of section 572 of Pub. L. 109-163. Subsec. (g) of section 572 of Pub. L. 109-163 repealed section 386 of Pub. L. 102-484, formerly set out as a note under section 7703 of this title.

Section was enacted as part of the National Defense Authorization Act for Fiscal Year 2006, and not as part of the Elementary and Secondary Education Act of 1965 which comprises this chapter.

AMENDMENTS

2015—Subsec. (a)(2). Pub. L. 114-95, § 9215(ccc)(1), made technical amendment to reference in original act which appears in text as reference to section 7703(a)(1) of this title.

Subsec. (e)(2). Pub. L. 114-95, § 9215(ccc)(2), made technical amendment to reference in original act which appears in text as reference to section 7713(9) of this title.

2013—Subsec. (b)(4). Pub. L. 112-239, § 561(b)(1), substituted “September 30, 2014” for “September 30, 2012”.

Subsecs. (e), (f). Pub. L. 112-239, § 561(c), redesignated subsec. (f) as (e) and struck out former subsec. (e) which read as follows: “Of the amount authorized to be appropriated pursuant to section 301(5) for operation and maintenance for Defense-wide activities—

“(1) \$30,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (a) of this section; and

“(2) \$10,000,000 shall be available only for the purpose of providing assistance to local educational agencies under subsection (b) of this section.”

2009—Subsec. (b)(4). Pub. L. 111-84 substituted “September 30, 2012” for “September 30, 2010”.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

PLAN AND AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES EXPERIENCING GROWTH IN ENROLLMENT DUE TO FORCE STRUCTURE CHANGES, RELOCATION OF MILITARY UNITS, OR BASE CLOSURES AND REALIGNMENTS

Pub. L. 114-328, div. A, title V, § 572(b), Dec. 23, 2016, 130 Stat. 2141, as amended by Pub. L. 115-91, div. A, title V, § 552(b), Dec. 12, 2017, 131 Stat. 1401, formerly set out as a note under this section, was transferred and is set out as a note under section 7703c of this title.

Pub. L. 109-364, div. A, title V, § 574, Oct. 17, 2006, 120 Stat. 2226, as amended by Pub. L. 110-181, div. A, title V, § 573, Jan. 28, 2008, 122 Stat. 120; Pub. L. 110-417, [div. A], title V, § 553, Oct. 14, 2008, 122 Stat. 4469; Pub. L. 112-81, div. A, title V, § 573, Dec. 31, 2011, 125 Stat. 1427; Pub. L. 114-92, div. A, title X, § 1072(h), Nov. 25, 2015, 129 Stat. 995; Pub. L. 114-328, div. A, title V, § 572(a), Dec. 23, 2016, 130 Stat. 2141; Pub. L. 115-91, div. A, title V, § 552(a), Dec. 12, 2017, 131 Stat. 1401, formerly set out as a note under this section, was transferred to section 7703c of this title.

**§ 7703c. Plan and authority to assist local educational agencies experiencing growth in enrollment due to force structure changes, relocation of military units, or base closures and realignments**

**(a) Plan required**

Not later than January 1, 2007, the Secretary of Defense shall submit to the congressional de-