

**(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 defense committees a report setting forth a plan to provide assistance to local educational agencies that experience growth in the enrollment of military dependent students as a result of any of the following events:

- (1) Force structure changes.
- (2) The relocation of a military unit.
- (3) The closure or realignment of military installations pursuant to defense base closure and realignment under the base closure laws.

**(b) Elements**

The report required by subsection (a), and each updated report required by subsection (c),<sup>1</sup> shall include the following:

- (1) An identification, current as of the date of the report, of the total number of military

<sup>1</sup> See References in Text note below.

dependent students who are anticipated to be arriving at or departing from military installations as a result of any event described in subsection (a), including—

(A) an identification of the military installations affected by such arrivals and departures;

(B) an estimate of the number of such students arriving at or departing from each such installation; and

(C) the anticipated schedule of such arrivals and departures.

(2) Such recommendations as the Office of Economic Adjustment of the Department of Defense considers appropriate for means of assisting affected local educational agencies in accommodating increases in enrollment of military dependent students as a result of any such event.

(3) A plan for outreach to be conducted to affected local educational agencies, commanders of military installations, and members of the Armed Forces and civilian personnel of the Department of Defense regarding information on the assistance to be provided under the plan under subsection (a).

**(c) Transition of military dependents among local educational agencies**

(1) The Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transitions of military dependent students from Department of Defense dependent schools to other schools and among schools of local educational agencies.

(2) The Secretary of Defense may use funds of the Department of Defense Education Activity for the following purposes:

(A) To share expertise and experience of the Activity with local educational agencies as military dependent students make the transitions described in paragraph (1), including transitions resulting from the closure or realignment of military installations under a base closure law, global rebasing, and force restructuring.

(B) To provide grant assistance programs for local educational agencies with military dependent students undergoing the transitions described in paragraph (1), including programs on the following:

(i) Access to virtual and distance learning capabilities and related applications.

(ii) Training for teachers.

(iii) Academic strategies to increase academic achievement.

(iv) Curriculum development.

(v) Support for practices that minimize the impact of transition and deployment.

(vi) Other appropriate services to improve the academic achievement of such students.

**(d) Definitions**

In this section:

(1) The term “base closure law” has the meaning given that term in section 101 of title 10.

(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;

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

(C) elementary and secondary school students who are dependents of personnel who are not members of the Armed Forces or civilian employees of the Department of Defense but who are employed on Federal property.

(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.)

REFERENCES IN TEXT

Subsection (c), referred to in subsec. (b), was repealed, and former subsec. (d) was redesignated (c), by Pub. L. 114-92, div. A, title X, §1072(h), Nov. 25, 2015, 129 Stat. 995.

Section 7713 of this title, referred to in subsec. (d)(2), was in the original a reference to section 8013 of Pub. L. 89-10, which was renumbered section 7013 of that Act by Pub. L. 114-95, title VII, §7001(c)(2), Dec. 10, 2015, 129 Stat. 2074.

CODIFICATION

Section was formerly set out as a note under section 7703b of this title.

Section was enacted as part of the John Warner National Defense Authorization Act for Fiscal Year 2007, and not as part of the Elementary and Secondary Education Act of 1965 which comprises this chapter.

AMENDMENTS

2017—Subsec. (c)(3), Pub. L. 115-91, §552(a), struck out par. (3) which read as follows: “The authority provided by this subsection expires September 30, 2017.”

2016—Subsec. (c)(3), Pub. L. 114-328 substituted “September 30, 2017” for “September 30, 2016”

2015—Subsecs. (c) to (e), Pub. L. 114-92 redesignated subsecs. (d) and (e) as (c) and (d), respectively, and struck out subsec. (c). Prior to amendment, text of subsec. (c) read as follows: “Not later than March 1, 2008, and annually thereafter to coincide with the submission of the budget of the President for a fiscal year under section 1105 of title 31, the Secretary of Defense shall submit to the congressional defense committees an update of the report required by subsection (a).”

2011—Subsec. (d)(2)(B), Pub. L. 112-81, §573(a), inserted “grant assistance” after “To provide”, substituted “including programs on the following:” for “including—”, added cls. (i) to (vi), and struck out former cls. (i) and (ii) which read as follows:

“(i) distance learning programs; and

“(ii) training programs to improve the ability of military dependent students who attend public schools in the United States and their teachers to meet the educational needs of such students.”

Subsec. (d)(3), Pub. L. 112-81, §573(b), substituted “September 30, 2016” for “September 30, 2013”.

2008—Subsec. (d), Pub. L. 110-417 amended subsec. (d) generally. Prior to amendment, text read as follows: “During the period beginning on October 17, 2006, and ending on September 30, 2011, the Secretary of Defense shall work collaboratively with the Secretary of Edu-

cation in any efforts to ease the transition of military dependent students from attendance in Department of Defense dependent schools to attendance in schools of local educational agencies. The Secretary of Defense may use funds of the Department of Defense Education Activity to share expertise and experience of the Activity with local educational agencies as military dependent students make such transition, including such a transition resulting from the closure or realignment of military installations under a base closure law, global rebasing, and force restructuring.”

Subsec. (e)(3)(C). Pub. L. 110-181 added subpar. (C).

INFORMATION TO BE INCLUDED WITH FUTURE REQUESTS FOR EXTENSION

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, provided that: “The budget justification materials that accompany any budget of the President for a fiscal year after fiscal year 2017 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) shall include, with respect to section 574(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 20 U.S.C. 7703b note [now 20 U.S.C. 7703c]), the following:

“(1) A full accounting of the expenditure of funds pursuant to such section 574(c) during the last fiscal year ending before the date of the submittal of the budget.

“(2) An assessment of the impact of the expenditure of such funds on the quality of opportunities for elementary and secondary education made available for military dependent students.”

“CONGRESSIONAL DEFENSE COMMITTEES” DEFINED

For definition of “congressional defense committees”, see section 3 of Pub. L. 109-364, listed in a table under section 101 of Title 10, Armed Forces.

**§ 7704. Policies and procedures relating to children residing on Indian lands**

**(a) In general**

A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 7703 of this title shall establish policies and procedures to ensure that—

(1) such children participate in programs and activities supported by such funds on an equal basis with all other children;

(2) parents of such children and Indian tribes are afforded an opportunity to present their views on such programs and activities, including an opportunity to make recommendations on the needs of those children and how the local educational agency may help such children realize the benefits of such programs and activities;

(3) parents and Indian tribes are consulted and involved in planning and developing such programs and activities;

(4) relevant applications, evaluations, and program plans are disseminated to the parents and Indian tribes; and

(5) parents and Indian tribes are afforded an opportunity to present their views to such agency regarding such agency’s general educational program.

**(b) Records**

A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 7703 of this title shall maintain records demonstrating such

agency’s compliance with the requirements contained in subsection (a).

**(c) Waiver**

A local educational agency that claims children residing on Indian lands for the purpose of receiving funds under section 7703 of this title shall not be required to comply with the requirements of subsections (a) and (b) for any fiscal year with respect to any Indian tribe from which such agency has received a written statement that the agency need not comply with those subsections because the tribe is satisfied with the provision of educational services by such agency to such children.

**(d) Technical assistance and enforcement**

The Secretary shall—

(1) provide technical assistance to local educational agencies, parents, and Indian tribes to enable such agencies, parents, and tribes to carry out this section; and

(2) enforce this section through such actions, which may include the withholding of funds, as the Secretary determines to be appropriate, after affording the affected local educational agency, parents, and Indian tribe an opportunity to present their views.

**(e) Complaints**

**(1) In general**

(A) Any tribe, or its designee, which has students in attendance at a local educational agency may, in its discretion and without regard to the requirements of any other provision of law, file a written complaint with the Secretary regarding any action of a local educational agency taken pursuant to, or relevant to, the requirements of this section.

(B) Within ten working days from receipt of a complaint, the Secretary shall—

(i) designate a time and place for a hearing into the matters relating to the complaint at a location in close proximity to the local educational agency involved, or if the Secretary determines there is good cause, at some other location convenient to both the tribe, or its designee, and the local educational agency;

(ii) designate a hearing examiner to conduct the hearing; and

(iii) notify the affected tribe or tribes and the local educational agency involved of the time, place, and nature of the hearing and send copies of the complaint to the local educational agency and the affected tribe or tribes.

**(2) Hearing**

The hearing shall be held within 30 days of the designation of a hearing examiner and shall be open to the public. A record of the proceedings shall be established and maintained.

**(3) Evidence; recommendations; cost**

The complaining tribe, or its designee, and the local educational agency shall be entitled to present evidence on matters relevant to the complaint and to make recommendations concerning the appropriate remedial actions. Each party to the hearing shall bear only its own costs in the proceedings.