

AMENDMENTS

1964—Subsec. (b). Pub. L. 88-448 made section 301 of the Dual Compensation Act inapplicable and struck out provisions which referred to former section 62 of title 5 and section 6 of the act of May 10, 1916.

**CHAPTER 25A—OVERSEAS DEFENSE
DEPENDENTS' EDUCATION**

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§ 921. Defense dependents' education system

(a) Establishment

The Secretary of Defense shall establish and operate a program (hereinafter in this chapter referred to as the "defense dependents' education system") to provide a free public education through secondary school for dependents in overseas areas.

(b) Program purposes and activities

(1) The Secretary shall ensure that individuals eligible to receive a free public education under subsection (a) receive an education of high quality.

(2) In establishing the defense dependents' education system under subsection (a), the Secretary shall provide programs designed to meet the special needs of—

- (A) the handicapped,
- (B) individuals in need of compensatory education,
- (C) individuals with an interest in vocational education,
- (D) gifted and talented individuals, and
- (E) individuals of limited English-speaking ability.

(3) The Secretary shall provide a developmental preschool program to individuals eligible to receive a free public education under subsection (a) who are of preschool age if a preschool program is not otherwise available for such individuals and if funds for such a program are available.

(c) Consultation requirements

The Secretary of Defense shall consult with the Secretary of Education on the educational programs and practices of the defense dependents' education system.

(d) Optional summer school programs

(1) The Secretary of Defense may provide optional summer school programs in the defense dependents' education system.

(2) The Secretary shall provide any summer school program under this subsection on the same financial basis as programs offered during the regular school year, except that the Secretary may charge reasonable fees for all or portions of such summer school programs to the extent that the Secretary determines appropriate.

(3) The amounts received by the Secretary in payment of the fees shall be available to the Department of Defense for defraying the costs of conducting summer school programs under this subsection.

(Pub. L. 95-561, title XIV, §1402, Nov. 1, 1978, 92 Stat. 2365; Pub. L. 99-145, title XII, §1204(b)(1), Nov. 8, 1985, 99 Stat. 720; Pub. L. 102-484, div. A, title III, §382, Oct. 23, 1992, 106 Stat. 2392; Pub. L. 106-65, div. A, title III, §354(1), Oct. 5, 1999, 113 Stat. 572; Pub. L. 107-314, div. A, title III, §343, Dec. 2, 2002, 116 Stat. 2515.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this title", meaning title XIV of Pub. L. 95-561, Nov. 1, 1978, 92 Stat. 2365, as amended, known as the Defense Dependents' Education Act of 1978, which enacted this chapter, section 489 of Title 37, Pay and Allowances of the Uniformed Services, and section 1769b of Title 42, The Public Health and Welfare, amended sections 1773 and 1789 of Title 42, and enacted provisions set out as notes under this section. For complete classification of this title to the Code, see Short Title note below and Tables.

AMENDMENTS

2002—Subsec. (d)(2). Pub. L. 107-314 amended par. (2) generally. Prior to amendment, par. (2) read as follows: "The Secretary shall provide in regulations for fees to be charged for the students enrolling in a summer school program under this subsection in amounts determined on the basis of family income."

1999—Subsec. (b)(1). Pub. L. 106-65 substituted "to receive" for "to receive".

1992—Subsec. (d). Pub. L. 102-484 added subsec. (d).

1985—Subsec. (c). Pub. L. 99-145 added subsec. (c).

EFFECTIVE DATE

Pub. L. 95-561, title XIV, §1415, Nov. 1, 1978, 92 Stat. 2373, provided that:

"(a)(1) Except as provided in paragraph (2) this title [see Short Title note below] shall take effect on July 1, 1979.

"(2) Section 1407(b) [enacting section 926(b) of this title] and the amendments made by section 1407(c) [enacting section 429 of Title 37, Pay and Allowances of the Uniformed Services], 1408(a) [enacting section 1769b of Title 42, The Public Health and Welfare], and 1408(b) [amending sections 1773 and 1789 of Title 42] shall take effect on October 1, 1978.

"(b) Notwithstanding subsection (a) or any other provision of this title no provision of this title shall be construed to impair or prevent the taking effect of the provision of any other Act providing for the transfer of the functions described in this title to an executive department having responsibility for education."

SHORT TITLE

Pub. L. 95-561, title XIV, §1401, Nov. 1, 1978, 92 Stat. 2365, provided that: "This title [enacting this chapter, section 429 of Title 37, Pay and Allowances of the Uniformed Services, and section 1769b of Title 42, The Public Health and Welfare, amending sections 1773 and 1789 of Title 42, and enacting provisions set out as a note

under this section] may be cited as the ‘Defense Dependents’ Education Act of 1978.’”

DEPARTMENT OF DEFENSE EDUCATION ACTIVITY POLICIES AND PROCEDURES ON SEXUAL HARASSMENT OF STUDENTS OF ACTIVITY SCHOOLS

Pub. L. 115–232, div. A, title V, §562, Aug. 13, 2018, 132 Stat. 1776, provided that:

“(a) APPLICABILITY OF TITLE IX PROTECTIONS.—The provisions of title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) (in this section referred to as ‘title IX’) with respect to education programs or activities receiving Federal financial assistance shall apply equally to education programs and activities administered by the Department of Defense Education Activity (DODEA).

“(b) POLICIES AND PROCEDURES.—Not later than March 31, 2019, the Department of Defense Education Activity shall establish policies and procedures to protect students at schools of the Activity who are victims of sexual harassment. Such policies and procedures shall afford protections at least comparable to the protections afforded under title IX.

“(c) ELEMENTS.—The policies and procedures required by subsection (b) shall include, at a minimum, the following:

“(1) A policy addressing sexual harassment of students at the schools of the Department of Defense Education Activity that uses and incorporates terms, procedures, protections, investigation standards, and standards of evidence consistent with title IX.

“(2) A procedure by which—

“(A) a student of a school of the Activity, or a parent of such a student, may file a complaint with the school alleging an incident of sexual harassment at the school; and

“(B) such a student or parent may appeal the decision of the school regarding such complaint.

“(3) A procedure and mechanisms for the appointment and training of, and allocation of responsibility to, a coordinator at each school of the Activity for sexual harassment matters involving students from the military community served by such school.

“(4) Training of employees of the Activity, and volunteers at schools of the Activity, on the policies and procedures.

“(5) Mechanisms for the broad distribution and display of the policy described in paragraph (1), including on the Internet website of the Activity and on Internet websites of schools of the Activity, in printed and online versions of student handbooks, and in brochures and flyers displayed on school bulletin boards and in guidance counselor offices.

“(6) Reporting and recordkeeping requirements designed to ensure that—

“(A) complaints of sexual harassment at schools of the Activity are handled—

“(i) with professionalism and consistency; and

“(ii) in a manner that permits coordinators referred to in paragraph (3) to track trends in incidents of sexual harassment and to identify repeat offenders of sexual harassment; and

“(B) appropriate members of the local leadership of military communities are held accountable for acting upon complaints of sexual harassment at schools of the Activity.”

DEPARTMENT OF DEFENSE EDUCATION ACTIVITY MISCONDUCT DATABASE

Pub. L. 115–232, div. A, title V, §563, Aug. 13, 2018, 132 Stat. 1777, provided that:

“(a) COMPREHENSIVE DATABASE.—The Secretary of Defense shall consolidate the various databases and mechanisms for the reporting and tracking of juvenile misconduct in Department of Defense Education Activity (hereinafter in this section referred to as ‘DODEA’) schools into one comprehensive database for DODEA juvenile misconduct. The comprehensive database shall include all unresolved and all substantiated allegations of juvenile-on-juvenile sexual misconduct.

“(b) POLICY.—The Secretary shall establish a comprehensive policy regarding the reporting and tracking of juvenile misconduct cases occurring in DODEA schools, including policies establishing appropriate safeguards to prevent unauthorized disclosure of sensitive information contained in the comprehensive database required by subsection (a).”

REPORT ON CONDITION OF SCHOOLS UNDER JURISDICTION OF DEPARTMENT OF DEFENSE EDUCATION ACTIVITY

Pub. L. 110–181, div. B, title XXVIII, §2879, Jan. 28, 2008, 122 Stat. 564, provided that:

“(a) REPORT REQUIRED.—Not later than March 1, 2008, the Secretary of Defense shall submit to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] a report on the conditions of schools under the jurisdiction of the Department of Defense Education Activity.

“(b) CONTENT.—The report required under subsection (a) shall include the following:

“(1) A description of each school under the control of the Secretary, including the location, year constructed, grades of attending children, maximum capacity, and current capacity of the school.

“(2) A description of the standards and processes used by the Secretary to assess the adequacy of the size of school facilities, the ability of facilities to support school programs, and the current condition of facilities.

“(3) A description of the conditions of the facility or facilities at each school, including the level of compliance with the standards described in paragraph (2), any existing or projected facility deficiencies or inadequate conditions at each facility, and whether any of the facilities listed are temporary structures.

“(4) An investment strategy planned for each school to correct deficiencies identified in paragraph (3), including a description of each project to correct such deficiencies, cost estimates, and timelines to complete each project.

“(5) A description of requirements for new schools to be constructed over the next 10 years as a result of changes to the population of military personnel.

“(c) USE OF REPORT AS MASTER PLAN FOR REPAIR, UPGRADE, AND CONSTRUCTION OF SCHOOLS.—The Secretary shall use the report required under subsection (a) as a master plan for the repair, upgrade, and construction of schools in the Department of Defense system that support dependents of members of the Armed Forces and civilian employees of the Department of Defense.”

PILOT PROGRAM ON PRIVATE OPERATION OF DEFENSE DEPENDENTS’ SCHOOLS

Pub. L. 104–106, div. A, title III, §355, Feb. 10, 1996, 110 Stat. 269, provided that the Secretary of Defense could conduct a pilot program to evaluate the feasibility of using private contractors to operate overseas schools of the defense dependents’ education system established under this section, subject to certain conditions and providing that no later than 30 days after the end of the first school year in which the pilot program is conducted, the Secretary would submit to Congress a report on the results of the program and a recommendation of the extent to which other schools of the defense dependents’ education system should be operated by private contractors.

§ 922. Administration of defense dependents’ education system

(a) Operation; Director

The defense dependents’ education system is operated through the field activity of the Department of Defense known as the Department of Defense Education Activity. That activity is headed by a Director, who is a civilian and is selected by the Secretary of Defense. The Director