

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

reports to an Assistant Secretary of Defense designated by the Secretary of Defense for purposes of this chapter.

(b) Implementation of program functions of Secretary of Defense through Director

Except with respect to the authority to prescribe regulations, the Secretary of Defense may carry out his functions under this chapter through the Director.

(c) Functions of Director

The Director shall—

(1) establish personnel policies, consistent with the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901 et seq.), for employees in the defense dependents' education system,

(2) have authority to transfer professional employees in the defense dependents' education system from one position to another,

(3) prepare a unified budget for each fiscal year, which shall include necessary funds for construction and operation and maintenance of facilities, for the defense dependents' education system for inclusion in the Department of Defense budget for that year,

(4) have authority to establish, in accordance with section 928 of this title, local school advisory committees,

(5) have authority to arrange for inservice and other training programs for employees in the defense dependents' education system, and

(6) perform such other functions as may be required or delegated by the Secretary of Defense or the Assistant Secretary of Defense designated under subsection (a).

(d) Establishment of regional or area offices; reports to Congress on reorganizations; authorized number of civilian employees

(1) The Director shall establish appropriate regional or area offices in order to provide for thorough and efficient administration of the defense dependents' education system.

(2) Whenever the Department of Defense Education Activity is reorganized in a manner that affects the defense dependents' education system, the Secretary of Defense shall submit a report to the Congress describing the reorganization.

(3) Subject to the approval of the Secretary of Defense, the Department of Defense Education Activity is authorized an appropriate number of civilian employees in its central office and such regional or area office as are established pursuant to paragraph (1).

(Pub. L. 95-561, title XIV, §1403, Nov. 1, 1978, 92 Stat. 2365; Pub. L. 106-65, div. A, title III, §354(2), Oct. 5, 1999, 113 Stat. 572; Pub. L. 106-398, §1 [[div. A], title X, §1087(g)(8)], Oct. 30, 2000, 114 Stat. 1654, 1654A-294.)

REFERENCES IN TEXT

The Defense Department Overseas Teachers Pay and Personnel Practices Act, referred to in subsec. (c)(1), is Pub. L. 86-91, July 17, 1959, 73 Stat. 213, as amended, which is classified generally to chapter 25 (§901 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 901 of this title and Tables.

AMENDMENTS

2000—Subsec. (c)(6). Pub. L. 106-398 struck out “the” before “the Assistant Secretary of Defense”.

1999—Pub. L. 106-65, §354(2)(A), amended section catchline.

Subsec. (a). Pub. L. 106-65, §354(2)(A), added subsec. (a) and struck out former subsec. (a) which read as follows:

“(1) There is established within the Department of Defense an office to be known as the Office of Dependents' Education.

“(2) The Office of Dependents' Education shall be headed by a Director of Dependents' Education (hereinafter in this chapter referred to as the ‘Director’), who shall be a civilian and who shall be selected by the Secretary of Defense and shall report to the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics.”

Subsec. (b). Pub. L. 106-65, §354(2)(B), made technical amendment to reference in original act which appears in text as reference to this chapter.

Subsec. (c)(1). Pub. L. 106-65, §354(2)(C), inserted “(20 U.S.C. 901 et seq.)” after “Personnel Practices Act”.

Subsec. (c)(2). Pub. L. 106-65, §354(2)(D), substituted a comma for the period at end.

Subsec. (c)(6). Pub. L. 106-65, §354(2)(E), substituted “the Assistant Secretary of Defense designated under subsection (a)” for “Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics”.

Subsec. (d)(1). Pub. L. 106-65, §354(2)(F), struck out “for the Office of Dependents' Education” after “area offices”.

Subsec. (d)(2). Pub. L. 106-65, §354(2)(G), struck out first sentence which read: “Not later than six months after November 1, 1978, the Secretary of Defense shall submit to the Congress a report (A) describing the organization of the Office of Dependents' Education in accordance with paragraph (1), (B) describing the assignment of personnel to the central office of the Office of Dependents' Education and to such regional or area offices as are established pursuant to paragraph (1), and (C) detailing the personnel requirements of the defense dependents' education system.” and substituted “Whenever the Department of Defense Education Activity” for “Whenever the Office of Dependents' Education”, “in a manner that affects the defense dependents' education system” for “after the submission of the report required under the preceding sentence”, and “a report” for “an additional report”.

Subsec. (d)(3). Pub. L. 106-65, §354(2)(H), substituted “the Department of Defense Education Activity” for “the Office of Dependents' Education”.

§ 923. Space-available enrollment of students; tuition

(a) Enrollment of ineligible child in system school

Subject to subsection (b) and in accordance with regulations issued under subsection (c), the Director may authorize the enrollment in a school of the defense dependents' education system of a child not otherwise eligible to enroll in such a school if and to the extent that there is space available for such child in the school.

(b) Determination of amount of tuition; use of payments

(1) Except as otherwise provided under subsection (c), any child permitted to enroll in a school of the defense dependents' education system under this section shall be required to pay tuition at a rate determined by the Secretary of Defense, which shall not be less than the rate necessary to defray the average cost of the enrollment of children in the system under this section.

(2) Amounts received under paragraph (1) shall be available to the defense dependents' education system to assist in defraying the cost of