

**§ 2164. Department of Defense domestic dependent elementary and secondary schools**

(a) **AUTHORITY OF SECRETARY.**—(1) If the Secretary of Defense makes a determination that appropriate educational programs are not available through a local educational agency for dependents of members of the armed forces and dependents of civilian employees of the Federal Government residing on a military installation in the United States (including territories, commonwealths, and possessions of the United States), the Secretary may enter into arrangements to provide for the elementary or secondary education of the dependents of such members of the armed forces and, to the extent authorized in subsection (c), the dependents of such civilian employees.

(2) The Secretary may, at the discretion of the Secretary, permit dependents of members of the armed forces and, to the extent provided in subsection (c), dependents of civilian employees of the Federal Government residing in a territory, commonwealth, or possession of the United States but not on a military installation, to enroll in an educational program provided by the Secretary pursuant to this subsection. If a member of the armed forces is assigned to a remote location or is assigned to an unaccompanied tour of duty, a dependent of the member who resides, on or off a military installation, in a territory, commonwealth, or possession of the United States, as authorized by the member's orders, may be enrolled in an educational program provided by the Secretary under this subsection.

(3)(A) Under the circumstances described in subparagraph (B), the Secretary may, at the discretion of the Secretary, permit a dependent of a member of the armed forces to enroll in an educational program provided by the Secretary pursuant to this subsection without regard to the requirement in paragraph (1) with respect to residence on a military installation.

(B) Subparagraph (A) applies only if—

(i) the dependents reside in temporary housing (regardless of whether the temporary housing is on Federal property)—

(I) because of the unavailability of adequate permanent living quarters on the military installation to which the member is assigned; or

(II) while the member is wounded, ill, or injured; and

(ii) the Secretary determines that the circumstances of such living arrangements justify extending the enrollment authority to include the dependents.

(b) **FACTORS FOR SECRETARY TO CONSIDER.**—(1) Factors to be considered by the Secretary of Defense in making a determination under subsection (a) shall include the following:

(A) The extent to which such dependents are eligible for free public education in the local area adjacent to the military installation.

(B) The extent to which the local educational agency is able to provide an appropriate educational program for such dependents.

(2) For purposes of paragraph (1)(B), an appropriate educational program is a program that,

as determined by the Secretary, is comparable to a program of free public education provided for children by the following local educational agencies:

(A) In the case of a military installation located in a State (other than an installation referred to in subparagraph (B)), local educational agencies in the State that are similar to the local educational agency referred to in paragraph (1)(B).

(B) In the case of a military installation with boundaries contiguous to two or more States, local educational agencies in the contiguous States that are similar to the local educational agency referred to in paragraph (1)(B).

(C) In the case of a military installation located in a territory, commonwealth, or possession, the District of Columbia public schools, except that an educational program determined comparable under this subparagraph may be considered appropriate for the purposes of paragraph (1)(B) only if the program is conducted in the English language.

(c) **ELIGIBILITY OF DEPENDENTS OF FEDERAL EMPLOYEES.**—(1)(A) A dependent of a Federal employee residing in permanent living quarters on a military installation at any time during the school year may enroll in an educational program provided by the Secretary of Defense pursuant to subsection (a) for dependents residing on such installation.

(B) A dependent of a United States Customs Service employee who resides in Puerto Rico, but not on a military installation, may enroll in an educational program provided by the Secretary pursuant to subsection (a) in Puerto Rico in accordance with the same rules as apply to a dependent of a Federal employee residing in permanent living quarters on a military installation.

(2)(A) Except as provided in subparagraphs (B) and (C), a dependent of a Federal employee who is enrolled in an educational program provided by the Secretary pursuant to subsection (a) and who is not residing on a military installation may be enrolled in the program for not more than five consecutive school years.

(B) At the discretion of the Secretary, a dependent referred to in subparagraph (A) may be enrolled in the program for more than five consecutive school years if the dependent is otherwise qualified for enrollment, space is available in the program, and the Secretary will be reimbursed for the educational services provided. Any such extension shall cover only one school year at a time.

(C) Subparagraph (A) shall not apply to an individual who is a dependent of a Federal employee in the excepted service (as defined in section 2103 of title 5) and who is enrolled in an educational program provided by the Secretary pursuant to subsection (a) in Puerto Rico, Wake Island, Guam, American Samoa, the Northern Mariana Islands, or the Virgin Islands.

(D) Subparagraph (A) shall not apply to a dependent covered by paragraph (1)(B). No requirement under this paragraph for reimbursement for educational services provided for the dependent shall apply with respect to the dependent, except that the Secretary may require the

United States Customs Service to reimburse the Secretary for the cost of the educational services provided for the dependent.

(d) SCHOOL BOARDS.—(1) The Secretary of Defense shall provide for the establishment of a school board for Department of Defense elementary and secondary schools established at each military installation under this section. The Secretary may provide for the establishment of one school board for all such schools in the Commonwealth of Puerto Rico and one school board for all such schools in Guam instead of one school board for each military installation in those locations.

(2) The school board shall be composed of the number of members, not fewer than three, prescribed by the Secretary.

(3) The parents of the students attending the school shall elect the school board in accordance with procedures which the Secretary shall prescribe.

(4)(A) A school board elected for a school under this subsection may participate in the development and oversight of fiscal, personnel, and educational policies, procedures, and programs for the school, except that the Secretary may issue any directive that the Secretary considers necessary for the effective operation of the school or the entire school system.

(B) A directive referred to in subparagraph (A) shall, to the maximum extent practicable, be issued only after the Secretary consults with the appropriate school boards elected under this subsection. The Secretary shall establish a process by which a school board or school administrative officials may formally appeal the directive to the Secretary of Defense.

(5) Meetings conducted by the school board shall be open to the public, except as provided in paragraph (6).

(6) A school board need not comply with the provisions of the Federal Advisory Committee Act (5 U.S.C. App.), but may close meetings in accordance with such Act.

(7) The Secretary may provide for reimbursement of a school board member for expenses incurred by the member for travel, transportation, lodging, meals, program fees, activity fees, and other appropriate expenses that the Secretary determines are reasonable and necessary for the performance of school board duties by the member.

(e) ADMINISTRATION AND STAFF.—(1) The Secretary of Defense may enter into such arrangements as may be necessary to provide educational programs at the school.

(2) The Secretary may, without regard to the provisions of any other law relating to the number, classification, or compensation of employees—

(A) establish positions for civilian employees in schools established under this section;

(B) appoint individuals to such positions; and

(C) fix the compensation of such individuals for service in such positions.

(3)(A) Except as provided in subparagraph (B), in fixing the compensation of employees appointed for a school pursuant to paragraph (2), the Secretary shall consider—

(i) the compensation of comparable employees of the local educational agency in the cap-

ital of the State where the military installation is located;

(ii) the compensation of comparable employees in the local educational agency that provides public education to students who reside adjacent to the military installation; and

(iii) the average compensation for similar positions in not more than three other local educational agencies in the State in which the military installation is located.

(B) In fixing the compensation of employees in schools established in the territories, commonwealths, and possessions pursuant to the authority of this section, the Secretary shall determine the level of compensation required to attract qualified employees. For employees in such schools, the Secretary, without regard to the provisions of title 5, may provide for the tenure, leave, hours of work, and other incidents of employment to be similar to that provided for comparable positions in the public schools of the District of Columbia. For purposes of the first sentence, a school established before the effective date of this section pursuant to authority similar to the authority in this section shall be considered to have been established pursuant to the authority of this section.

(4)(A) The Secretary may, without regard to the provisions of any law relating to the number, classification, or compensation of employees—

(i) transfer employees from schools established under this section to schools in the defense dependents' education system in order to provide the services referred to in subparagraph (B) to such system; and

(ii) transfer employees from such system to schools established under this section in order to provide such services to those schools.

(B) The services referred to in subparagraph (A) are the following:

(i) Administrative services.

(ii) Logistical services.

(iii) Personnel services.

(iv) Such other services as the Secretary considers appropriate.

(C) Transfers under this paragraph shall extend for such periods as the Secretary considers appropriate. The Secretary shall provide appropriate compensation for employees so transferred.

(D) The Secretary may provide that the transfer of an employee under this paragraph occur without reimbursement of the school or system concerned.

(E) In this paragraph, the term "defense dependents' education system" means the program established and operated under section 1402(a) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921(a)).

(f) SUBSTANTIVE AND PROCEDURAL RIGHTS AND PROTECTIONS FOR CHILDREN.—(1) The Secretary shall provide the following substantive rights, protections, and procedural safeguards (including due process procedures) in the educational programs provided for under this section:

(A) In the case of children with disabilities aged 3 to 5, inclusive, all substantive rights, protections, and procedural safeguards (including due process procedures) available to

children with disabilities aged 3 to 5, inclusive, under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(B) In the case of infants or toddlers with disabilities, all substantive rights, protections, and procedural safeguards (including due process procedures) available to infants or toddlers with disabilities under part C of such Act (20 U.S.C. 1431 et seq.).

(C) In the case of all other children with disabilities, all substantive rights, protections, and procedural safeguards (including due process procedures) available to children with disabilities who are 3 to 5 years old under part B of such Act.

(2) Paragraph (1) may not be construed as diminishing for children with disabilities enrolled in day educational programs provided for under this section the extent of substantive rights, protections, and procedural safeguards that were available under section 6(a) of Public Law 81-874 (20 U.S.C. 241(a)) to children with disabilities as of October 7, 1991.

(3) In this subsection:

(A) The term “children with disabilities” has the meaning given the term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(B) The term “infants or toddlers with disabilities” has the meaning given the term in section 632 of such Act (20 U.S.C. 1432).

(g) REIMBURSEMENT.—When the Secretary of Defense provides educational services under this section to an individual who is a dependent of an employee of a Federal agency outside the Department of Defense, the head of the other Federal agency shall, upon request of the Secretary of Defense, reimburse the Secretary for those services at rates routinely prescribed by the Secretary for those services. Any payments received by the Secretary under this subsection shall be credited to the account designated by the Secretary for the operation of educational programs under this section.

(h) CONTINUATION OF ENROLLMENT DESPITE CHANGE IN STATUS.—(1) The Secretary of Defense shall permit a dependent of a member of the armed forces or a dependent of a Federal employee to continue enrollment in an educational program provided by the Secretary pursuant to subsection (a) for the remainder of a school year notwithstanding a change during such school year in the status of the member or Federal employee that, except for this paragraph, would otherwise terminate the eligibility of the dependent to be enrolled in the program.

(2) The Secretary may, for good cause, authorize a dependent of a member of the armed forces or a dependent of a Federal employee to continue enrollment in an educational program provided by the Secretary pursuant to subsection (a) notwithstanding a change in the status of the member or employee that, except for this paragraph, would otherwise terminate the eligibility of the dependent to be enrolled in the program. The enrollment may continue for as long as the Secretary considers appropriate.

(3) Paragraphs (1) and (2) do not limit the authority of the Secretary to remove a dependent from enrollment in an educational program pro-

vided by the Secretary pursuant to subsection (a) at any time for good cause determined by the Secretary.

(i) AMERICAN RED CROSS EMPLOYEE DEPENDENTS IN PUERTO RICO.—(1) The Secretary may authorize the dependent of an American Red Cross employee described in paragraph (2) to enroll in an education program provided by the Secretary pursuant to subsection (a) in Puerto Rico if the American Red Cross agrees to reimburse the Secretary for the educational services so provided.

(2) An employee referred to in paragraph (1) is an American Red Cross employee who—

(A) resides in Puerto Rico; and

(B) performs, on a full-time basis, emergency services on behalf of members of the armed forces.

(3) In determining the dependency status of any person for the purposes of paragraph (1), the Secretary shall apply the same definitions as apply to the determination of such status with respect to Federal employees in the administration of this section.

(4) Subsection (g) shall apply with respect to determining the reimbursement rates for educational services provided pursuant to this subsection. Amounts received as reimbursement for such educational services shall be treated in the same manner as amounts received under subsection (g).

(j) TUITION-FREE ENROLLMENT OF DEPENDENTS OF FOREIGN MILITARY PERSONNEL RESIDING ON DOMESTIC MILITARY INSTALLATIONS AND DEPENDENTS OF CERTAIN DECEASED MEMBERS OF THE ARMED FORCES.—(1) The Secretary may authorize the enrollment in a Department of Defense education program provided by the Secretary pursuant to subsection (a) of a dependent not otherwise eligible for such enrollment who is the dependent of an individual described in paragraph (2). Enrollment of such a dependent shall be on a tuition-free basis.

(2) An individual referred to in paragraph (1) is any of the following:

(A) A member of a foreign armed force residing on a military installation in the United States (including territories, commonwealths, and possessions of the United States).

(B) A deceased member of the armed forces who died in the line of duty in a combat-related operation, as designated by the Secretary.

(k) ENROLLMENT OF RELOCATED DEFENSE DEPENDENTS' EDUCATION SYSTEM STUDENTS.—(1) The Secretary of Defense may authorize the enrollment in a Department of Defense education program provided by the Secretary pursuant to subsection (a) of a dependent of a member of the armed forces or a dependent of a Federal employee who is enrolled in the defense dependents' education system established under section 1402 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921) if—

(A) the dependents departed the overseas location as a result of an evacuation order;

(B) the designated safe haven of the dependent is located within reasonable commuting distance of a school operated by the Department of Defense education program; and

(C) the school possesses the capacity and resources necessary to enable the student to attend the school.

(2) Unless waived by the Secretary of Defense, a dependent described in paragraph (1) who is enrolled in a school operated by the Department of Defense education program pursuant to such paragraph may attend the school only through the end of the school year.

(I) ENROLLMENT IN VIRTUAL ELEMENTARY AND SECONDARY EDUCATION PROGRAM.—(1) Under regulations prescribed by the Secretary of Defense, the Secretary may authorize the enrollment in the virtual elementary and secondary education program established as a component of the Department of Defense education program of a dependent of a member of the armed forces on active duty who—

(A) is enrolled in an elementary or secondary school operated by a local educational agency or another accredited educational program in the United States (other than a school operated by the Department of Defense education program); and

(B) immediately before such enrollment, was enrolled in the defense dependents' education system established under section 1402 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921).

(2) Enrollment of a dependent described in paragraph (1) pursuant to such paragraph shall be on a tuition basis.

(3) Any payments received by the Secretary of Defense under this subsection shall be credited to the account designated by the Secretary for the operation of the virtual educational program under this subsection. Payments so credited shall be merged with other funds in the account and shall be available, to the extent provided in advance in appropriation Acts, for the same purposes and the same period as other funds in the account.

(Added Pub. L. 103-337, div. A, title III, § 351(a), Oct. 5, 1994, 108 Stat. 2727; amended Pub. L. 104-106, div. A, title X, § 1075, Feb. 10, 1996, 110 Stat. 450; Pub. L. 104-201, div. A, title XVI, § 1608, Sept. 23, 1996, 110 Stat. 2737; Pub. L. 105-261, div. A, title III, § 371(a)-(c)(2), Oct. 17, 1998, 112 Stat. 1988, 1989; Pub. L. 106-65, div. A, title III, §§ 352, 353, Oct. 5, 1999, 113 Stat. 572; Pub. L. 106-398, § 1 [[div. A], title III, § 361], Oct. 30, 2000, 114 Stat. 1654, 1654A-76; Pub. L. 108-446, title III, § 305(a), Dec. 3, 2004, 118 Stat. 2804; Pub. L. 111-84, div. A, title V, § 534, Oct. 28, 2009, 123 Stat. 2292; Pub. L. 111-383, div. A, title V, § 561, Jan. 7, 2011, 124 Stat. 4221; Pub. L. 112-239, div. A, title V, § 565, Jan. 2, 2013, 126 Stat. 1749; Pub. L. 113-66, div. A, title V, § 553(a), Dec. 26, 2013, 127 Stat. 764.)

#### REFERENCES IN TEXT

The Federal Advisory Committee Act, referred to in subsec. (d)(6), is Pub. L. 92-463, Oct. 6, 1972, 86 Stat. 770, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

The effective date of this section, referred to in subsec. (e)(3)(B), is the date of enactment of Pub. L. 103-337 which was approved Oct. 5, 1994.

The Individuals with Disabilities Education Act, referred to in subsec. (f)(1), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended. Parts B and C of the Act are classified generally to subchapters II (§ 1411

et seq.) and III (§ 1431 et seq.), respectively, of chapter 33 of Title 20, Education. For complete classification of this Act to the Code, see section 1400 of Title 20 and Tables.

Section 6(a) of Public Law 81-874 (20 U.S.C. 241(a)), referred to in subsec. (f)(2), was repealed by Pub. L. 103-382, title III, § 331(b), Oct. 20, 1994, 108 Stat. 3965.

#### AMENDMENTS

2013—Subsecs. (k), (l). Pub. L. 112-239 added subsecs. (k) and (l).

Subsec. (l)(3). Pub. L. 113-66 added par. (3).

2011—Subsec. (a)(3). Pub. L. 111-383 added par. (3).

2009—Subsec. (j). Pub. L. 111-84 added subsec. (j).

2004—Subsec. (f)(1)(B). Pub. L. 108-446, § 305(a)(1), substituted “infants or toddlers” for “infants and toddlers” in two places, “part C” for “part H”, and “1431 et seq.” for “1471 et seq.”.

Subsec. (f)(3)(A). Pub. L. 108-446, § 305(a)(2)(A), substituted “section 602” for “section 602(a)(1)” and “1401” for “1401(a)(1)”.

Subsec. (f)(3)(B). Pub. L. 108-446, § 305(a)(2)(D), substituted “or toddlers” for “and toddlers”, “632” for “672(1)”, and “1432” for “1472(1)”.

Pub. L. 108-446, § 305(a)(2)(B), (C), redesignated subpar. (C) as (B) and struck out former subpar. (B) which defined the term “children with disabilities aged 3 to 5, inclusive”.

Subsec. (f)(3)(C). Pub. L. 108-446, § 305(a)(2)(C), redesignated subpar. (C) as (B).

2000—Subsec. (i). Pub. L. 106-398 added subsec. (i).

1999—Subsec. (c)(3). Pub. L. 106-65, § 353(1), struck out par. (3) which read as follows: “A dependent of a Federal employee may continue enrollment in a program under this subsection for the remainder of a school year notwithstanding a change during such school year in the status of the Federal employee that, except for this paragraph, would otherwise terminate the eligibility of the dependent to be enrolled in the program. The preceding sentence does not limit the authority of the Secretary to remove the dependent from enrollment in the program at any time for good cause determined by the Secretary.”

Subsec. (d)(1). Pub. L. 106-65, § 352, inserted at end “The Secretary may provide for the establishment of one school board for all such schools in the Commonwealth of Puerto Rico and one school board for all such schools in Guam instead of one school board for each military installation in those locations.”

Subsec. (h). Pub. L. 106-65, § 353(2), added subsec. (h).

1998—Subsec. (a). Pub. L. 105-261, § 371(a)(1), (2), designated first sentence as par. (1) and second sentence as par. (2).

Subsec. (a)(2). Pub. L. 105-261, § 371(a)(3), inserted at end “If a member of the armed forces is assigned to a remote location or is assigned to an unaccompanied tour of duty, a dependent of the member who resides, on or off a military installation, in a territory, commonwealth, or possession of the United States, as authorized by the member's orders, may be enrolled in an educational program provided by the Secretary under this subsection.”

Subsec. (c)(1). Pub. L. 105-261, § 371(c)(1), designated existing provisions as subpar. (A) and added subpar. (B).

Subsec. (c)(2)(B). Pub. L. 105-261, § 371(b), added subpar. (B) and struck out former subpar. (B) which read as follows: “A dependent referred to in subparagraph (A) may be enrolled in the program for more than five consecutive school years if the Secretary determines that, in the interest of the dependent's educational well-being, there is good cause to extend the enrollment for more than the five-year period described in such subparagraph. Any such extension may be made for only one school year at a time.”

Subsec. (c)(2)(D). Pub. L. 105-261, § 371(c)(2), added subpar. (D).

1996—Subsec. (d)(7). Pub. L. 104-201 added par. (7).

Subsec. (e)(4). Pub. L. 104-106 added par. (4).

#### EFFECTIVE DATE OF 2013 AMENDMENT

Pub. L. 113-66, div. A, title V, § 553(b), Dec. 26, 2013, 127 Stat. 764, provided that: “The amendment made by sub-

section (a) [amending this section] shall apply only with respect to tuition payments received under section 2164(f) of title 10, United States Code, for enrollments authorized by such section, after the date of the enactment of this Act [Dec. 26, 2013], in the virtual elementary and secondary education program of the Department of Defense education program.”

#### EFFECTIVE DATE OF 1998 AMENDMENT

Pub. L. 105-261, div. A, title III, §371(c)(3), Oct. 17, 1998, 112 Stat. 1989, provided that: “The amendments made by this subsection [amending this section] shall apply with respect to academic years beginning on or after the date of the enactment of this Act [Oct. 17, 1998].”

#### SAVINGS PROVISION

Pub. L. 103-337, div. A, title III, §351(c), Oct. 5, 1994, 108 Stat. 2730, provided that: “Nothing in section 2164 of title 10, United States Code, as added by subsection (a), shall be construed as affecting the rights in existence on the date of the enactment of this Act [Oct. 5, 1994] of an employee of any school established under such section (or any other provision of law enacted before the date of the enactment of this Act that established a similar school) to negotiate or bargain collectively with the Secretary with respect to wages, hours, and other terms and conditions of employment.”

#### TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(l), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.

#### PILOT PROGRAM TO EXPAND ELIGIBILITY FOR ENROLLMENT AT DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS

Pub. L. 116-283, div. A, title V, §589C, Jan. 1, 2021, 134 Stat. 3659, provided that:

“(a) PILOT PROGRAM AUTHORIZED.—Beginning not later than 180 days after the date of the enactment of this Act [Jan. 1, 2021], the Secretary of Defense shall carry out a pilot program under which a dependent of a full-time, active-duty member of the Armed Forces may enroll in a covered DODEA school at the military installation to which the member is assigned, on a space-available basis as described in subsection (c), without regard to whether the member resides on the installation as described in [section] 2164(a)(1) of title 10, United States Code.

“(b) PURPOSES.—The purposes of the pilot program under this section are—

- “(1) to evaluate the feasibility and advisability of expanding enrollment in covered DODEA schools; and
- “(2) to determine how increased access to such schools will affect military and family readiness.

“(c) ENROLLMENT ON SPACE-AVAILABLE BASIS.—A student participating in the pilot program under this section may be enrolled in a covered DODEA school only if the school has the capacity to accept the student, as determined by the Director of the Department of Defense Education Activity.

“(d) LOCATIONS.—The Secretary of Defense shall carry out the pilot program under this section at not more than four military installations at which covered DODEA schools are located. The Secretary shall select military installations for participation in the program based on—

“(1) the readiness needs of the Secretary of a the military department concerned; and

“(2) the capacity of the DODEA schools located at the installation to accept additional students, as determined by the Director of the Department of Defense Education Activity.

“(e) TERMINATION.—The authority to carry out the pilot program under this section shall terminate four years after the date of the enactment of this Act.

“(f) COVERED DODEA SCHOOL DEFINED.—In this Section, the term ‘covered DODEA school’ means a domestic dependent elementary or secondary school operated by the Department of Defense Education Activity that—

“(1) has been established on or before the date of the enactment of this Act; and

“(2) is located in the continental United States.”

#### PILOT PROGRAM ON EXPANDED ELIGIBILITY FOR DEPARTMENT OF DEFENSE EDUCATION ACTIVITY VIRTUAL HIGH SCHOOL PROGRAM

Pub. L. 116-283, div. A, title V, §589D, Jan. 1, 2021, 134 Stat. 3660, provided that:

“(a) PILOT PROGRAM REQUIRED.—

“(1) IN GENERAL.—The Secretary of Defense shall carry out a pilot program on permitting dependents of members of the Armed Forces on active duty to enroll in the Department of Defense Education Activity Virtual High School program (in this section referred to as the ‘DVHS program’).

“(2) PURPOSES.—The purposes of the pilot program shall be as follows:

“(A) To evaluate the feasibility and scalability of the DVHS program.

“(B) To assess the impact of expanded enrollment in the DVHS program under the pilot program on military and family readiness.

“(3) DURATION.—The duration of the pilot program shall be four academic years.

“(b) PARTICIPANTS.—

“(1) IN GENERAL.—Participants in the pilot program shall be selected by the Secretary from among dependents of members of the Armed Forces on active duty who—

“(A) are in a grade 9 through 12;

“(B) are currently ineligible to enroll in the DVHS program; and

“(C) either—

“(i) require supplementary courses to meet graduation requirements in the current State of residence; or

“(ii) otherwise demonstrate to the Secretary a clear need to participate in the DVHS program.

“(2) PREFERENCE IN SELECTION.—In selecting participants in the pilot program, the Secretary shall afford a preference to the following:

“(A) Dependents who reside in a rural area.

“(B) Dependents who are home-schooled students.

“(3) LIMITATIONS.—The total number of course enrollments per academic year authorized under the pilot program may not exceed 400 course enrollments. No single dependent participating in the pilot program may take more than two courses per academic year under the pilot program.

“(c) REPORTS.—

“(1) INTERIM REPORT.—Not later than two years after the date of the enactment of this Act [Jan. 1, 2021], the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives an interim report on the pilot program.

“(2) FINAL REPORT.—Not later than 180 days after the completion of the pilot program, the Secretary shall submit to the committees of Congress referred to in paragraph (1) a final report on the pilot programs.

“(3) ELEMENTS.—Each report under this subsection shall include the following:

“(A) A description of the demographics of the dependents participating in the pilot program through the date of such report.

“(B) Data on, and an assessment of, student performance in virtual coursework by dependents participating in the pilot program over the duration of the pilot program.

“(C) Such recommendation as the Secretary considers appropriate on whether to make the pilot program permanent.

“(d) DEFINITIONS.—In this section:

“(1) The term ‘rural area’ has the meaning given the term in section 520 of the Housing Act of 1949 (42 U.S.C. 1490).

“(2) The term ‘home-schooled student’ means a student in a grade equivalent to grade 9 through 12 who receives educational instruction at home or by other non-traditional means outside of a public or private school system, either all or most of the time.”

#### PILOT PROGRAM ON ENHANCED CIVICS EDUCATION

Pub. L. 116-92, div. A, title II, §234, Dec. 20, 2019, 133 Stat. 1278, as amended by Pub. L. 116-283, div. A, title X, §1081(c)(1), Jan. 1, 2021, 134 Stat. 3873, provided that:

“(a) IN GENERAL.—The Secretary of Defense, in consultation with the Secretary of Education, shall carry out a pilot program under which the Secretary provides enhanced educational support and funding to eligible entities to improve civics education programs taught by such entities.

“(b) PURPOSE.—The purpose of the pilot program is to provide enhanced civics education on the following topics:

“(1) Critical thinking and media literacy.

“(2) Voting and other forms of political and civic engagement.

“(3) Interest in employment, and careers, in public service.

“(4) Understanding of United States law, history, and Government.

“(5) The ability of participants to collaborate and compromise with others to solve problems.

“(c) CONSIDERATIONS.—In carrying out the pilot program, the Secretary of Defense shall consider innovative approaches for improving civics education.

“(d) METRICS AND EVALUATIONS.—The Secretary of Defense shall establish metrics and undertake evaluations to determine the effectiveness of the pilot program, including each of the activities carried out under subsection (e).

“(e) TYPES OF SUPPORT AUTHORIZED.—Under the pilot program the Secretary of Defense—

“(1) shall provide support to eligible entities to address, at a minimum—

“(A) the development or modification of curricula relating to civics education;

“(B) classroom activities, thesis projects, individual or team projects, internships, or community service activities relating to civics;

“(C) collaboration with government entities, non-profit organizations, or consortia of such entities and organizations to provide participants with civics-related experiences;

“(D) civics-related faculty development programs;

“(E) recruitment of educators who are highly qualified in civics education to teach civics or to assist with the development of curricula for civics education;

“(F) presentation of seminars, workshops, and training for the development of skills associated with civic engagement;

“(G) activities that enable participants to interact with government officials and entities;

“(H) expansion of civics education programs and outreach for members of the Armed Forces, dependents and children of such members, and employees of the Department of Defense; and

“(I) opportunities for participants to obtain work experience in fields relating to civics; and

“(2) may provide any other form of support the Secretary determines to be appropriate to enhance the civics education taught by eligible entities.

“(f) REPORT.—Not later than 180 days after the conclusion of the first full academic year during which the pilot program is carried out, 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 that includes—

“(1) a description of the pilot program, including a description of the specific activities carried out under subsection (e); and

“(2) the metrics and evaluations used to assess the effectiveness of the program as required under subsection (d).

“(g) DEFINITIONS.—In this section:

“(1) The term ‘civics education program’ means an educational program that provides participants with—

“(A) knowledge of law, government, and the rights of citizens; and

“(B) skills that enable participants to responsibly participate in democracy.

“(2) The term ‘eligible entity’ means any of following:

“(A) A local education agency that hosts a unit of the Junior Reserve Officers’ Training Corps.

“(B) A school operated by the Department of Defense Education Activity.”

[Pub. L. 116-283, div. A, title X, §1081(c), Jan. 1, 2021, 134 Stat. 3873, provided that the amendment made by section 1081(c)(1) of Pub. L. 116-283 to section 234 of Pub. L. 116-92, set out above, is effective as of Dec. 20, 2020 (probably should be Dec. 20, 2019) and as if included in Pub. L. 116-92.]

#### SUPPORT FOR WORLD LANGUAGE ADVANCEMENT AND READINESS

Pub. L. 116-92, div. A, title XVII, §1751, Dec. 20, 2019, 133 Stat. 1849, provided that:

“(a) PROGRAM AUTHORITY.—

“(1) IN GENERAL.—The Secretary of Defense, in consultation with the Director of National Intelligence and the Secretary of Education, may carry out a program under which the Secretary may provide support to eligible entities for the establishment, improvement, or expansion of world language study for elementary school and secondary school students.

“(2) SPECIAL REQUIREMENTS FOR LOCAL EDUCATIONAL AGENCIES.—In providing support under paragraph (1) to an eligible entity that is a local educational agency, the Secretary of Defense shall support programs that—

“(A) show the promise of being continued after such support is no longer available;

“(B) demonstrate approaches that can be disseminated to and duplicated in other local educational agencies; and

“(C) may include a professional development component.

“(3) APPLICATIONS.—

“(A) IN GENERAL.—To be considered for support under paragraph (1), an eligible entity shall submit an application to the Secretary of Defense at such time, in such manner, and containing such information and assurances as the Secretary may require.

“(B) SPECIAL CONSIDERATION.—The Secretary of Defense shall give special consideration to applications describing programs that—

“(i) include intensive summer world language programs for professional development of world language teachers;

“(ii) link nonnative English speakers in the community with the schools in order to promote two-way language learning;

“(iii) promote the sequential study of a world language for students, beginning in elementary schools;

“(iv) make effective use of technology, such as computer-assisted instruction, language laboratories, or distance learning, to promote world language study;

“(v) promote innovative activities, such as dual language immersion, partial world language immersion, or content-based instruction; and

“(vi) are carried out through a consortium comprised of the eligible entity receiving the grant, an elementary school or secondary school, and an institution of higher education (as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

“(b) DEFINITIONS.—In this section:

“(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means the following:

“(A) A local educational agency that hosts a unit of the Junior Reserve Officers’ Training Corps.

“(B) A school operated by the Department of Defense Education Activity.

“(2) ESEA TERMS.—The terms ‘elementary school’, ‘local educational agency’ and ‘secondary school’ have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

“(3) WORLD LANGUAGE.—The term ‘world language’ means—

“(A) any natural language other than English, including—

“(i) languages determined by the Secretary of Defense to be critical to the national security interests of the United States;

“(ii) classical languages;

“(iii) American sign language; and

“(iv) Native American languages; and

“(B) any language described in subparagraph (A) that is taught in combination with English as part of a dual language or immersion learning program.”

#### § 2165. National Defense University: component institutions

(a) IN GENERAL.—There is a National Defense University in the Department of Defense.

(b) COMPONENT INSTITUTIONS.—The National Defense University consists of the following institutions:

(1) The National War College.

(2) The Dwight D. Eisenhower School for National Security and Resource Strategy.

(3) The Joint Forces Staff College.

(4) The Institute for National Strategic Studies.

(5) The College of Information and Cyberspace.

(6) Any other educational institution of the Department of Defense that the Secretary considers appropriate and designates as an institution of the university.

[(c) Repealed. Pub. L. 109-364, div. A, title IX, § 904(b)(2)(B), Oct. 17, 2006, 120 Stat. 2353.]

(d) SOURCE OF FUNDS FOR PROFESSIONAL DEVELOPMENT EDUCATION OPERATIONS.—Funding for the professional development education operations of the National Defense University shall be provided from funds made available to the Secretary of Defense from the annual appropriation “Operation and Maintenance, Defense-wide”.

(e) ACCEPTANCE OF FACULTY RESEARCH GRANTS.—(1) The Secretary of Defense may authorize the President of the National Defense University to accept qualifying research grants. Any such grant may only be accepted if the work under the grant is to be carried out by a professor or instructor of one of the institutions comprising the University for a scientific, literary, or educational purpose.

(2) A qualifying research grant under this subsection is a grant that is awarded on a competitive basis by an entity referred to in paragraph (3) for a research project with a scientific, literary, or educational purpose.

(3) A grant may be accepted under this subsection only from a corporation, fund, foundation, educational institution, or similar entity that is organized and operated primarily for scientific, literary, or educational purposes.

(4) The Secretary shall establish an account for administering funds received as research grants under this subsection. The President of the University shall use the funds in the account in accordance with applicable provisions of the regulations and the terms and condition of the grants received.

(5) Subject to such limitations as may be provided in appropriations Acts, appropriations available for the National Defense University may be used to pay expenses incurred by the University in applying for, and otherwise pursuing, the award of qualifying research grants.

(6) The Secretary shall prescribe regulations for the administration of this subsection.

(f) COOPERATIVE RESEARCH AND DEVELOPMENT AGREEMENTS.—(1) In engaging in research and development projects pursuant to subsection (a) of section 2358 of this title by a contract, cooperative agreement, or grant pursuant to subsection (b)(1) of such section, the Secretary may enter into such contract or cooperative agreement or award such grant through the National Defense University.

(2) The National Defense University shall be considered a Government-operated Federal laboratory for purposes of section 12 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a).

(Added and amended Pub. L. 105-85, div. A, title IX, §§ 921(a)(1), 922(a), Nov. 18, 1997, 111 Stat. 1862, 1863; Pub. L. 105-261, div. A, title IX, §§ 904, 905(a), Oct. 17, 1998, 112 Stat. 2093; Pub. L. 106-398, § 1 [[div. A], title IX, § 913(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-230; Pub. L. 107-107, div. A, title V, § 527(c)(1), Dec. 28, 2001, 115 Stat. 1102; Pub. L. 109-163, div. A, title V, § 522(a), Jan. 6, 2006, 119 Stat. 3240; Pub. L. 109-364, div. A, title IX, § 904(b)(2), Oct. 17, 2006, 120 Stat. 2353; Pub. L. 112-81, div. B, title XXVIII, § 2861(b), Dec. 31, 2011, 125 Stat. 1701; Pub. L. 114-328, div. A, title II, § 214(a), title XVI, § 1648(a), Dec. 23, 2016, 130 Stat. 2048, 2606; Pub. L. 116-283, div. A, title XVIII, § 1841(e)(1), Jan. 1, 2021, 134 Stat. 4244.)

#### AMENDMENT OF SUBSECTION (f)(1)

*Pub. L. 116-283, div. A, title XVIII, §§ 1801(d), 1841(e)(1), Jan. 1, 2021, 134 Stat. 4244, 4155, provided that, effective Jan. 1, 2022, with additional provisions for delayed implementation and applicability of existing law, subsection (f)(1) of this section is amended by striking “section 2358” and inserting “section 4001”. See 2021 Amendment note below.*

#### AMENDMENTS

2021—Subsec. (f)(1). Pub. L. 116-283 substituted “section 4001” for “section 2358”.

2016—Subsec. (b)(5). Pub. L. 114-328, § 1648(a), substituted “College of Information and Cyberspace” for “Information Resources Management College”.