SEC. ___. REVISION AND CONSOLIDATION OF LAWS APPLICABLE TO CHILDHOOD EDUCATION PROGRAMS OF THE DEPARTMENT OF DEFENSE.

(a) REVISION AND CONSOLIDATION.—Chapter 88 of title 10, United States Code, is amended—

(1) by amending the chapter heading to read as follows:

"**CHAPTER 88—MILITARY FAMILY PROGRAMS, MILITARY CHILD CARE, AND CHILDHOOD EDUCATION PROGRAM"**; and

(2) by adding at the end the following new subchapter:

"SUBCHAPTER III—CHILDHOOD EDUCATION PROGRAM

"Sec.
"1801. Defense dependents' school system.
"1802. Enrollment eligibility; categories of enrollment.
"1803. Special education programs.
"1804. Other educational and school programs.
"1805. Personnel matters.
"1806. School advisory committees.
"1807. Annual academic performance assessments.
"1808. Acceptance of gifts for defense dependents' schools.
"1809. Definitions.

"§1801. Defense dependents' school system

"(a) DEFENSE DEPENDENTS' SCHOOL SYSTEM ESTABLISHED.—The Secretary of Defense shall operate a school system (hereafter in this subchapter referred to as the 'defense dependents' school system') that—

"(1) shall provide or arrange elementary and secondary educational programs for dependents of members of the armed forces on active duty and Department of Defense full-time civilian employees assigned to an overseas area on an

accompanied tour of duty, on a space-required, tuition-free basis, in accordance with section 1802;

"(2) may provide or arrange educational programs for dependents of members of the armed forces on active duty and Department of Defense full-time civilian employees residing on a military installation in the United States if the Secretary makes a determination that a local educational agency that operates adjacent to the military installation does not provide educational programs—

"(A) as free public educational programs;

"(B) in the English language; or

"(C) comparable to free public educational programs provided by similar local educational agencies in the same State, or in the case of the Commonwealth of Puerto Rico or Guam, comparable to the educational programs of the District of Columbia public schools;

"(3) shall provide or arrange special education programs in accordance with section 1803;

"(4) shall provide or arrange home school auxiliary services support and school meal programs in accordance with subsections (d) and (e), respectively, of section 1804; and

"(5) may provide or arrange preschool programs, virtual elementary or secondary education programs, and summer school programs, in accordance with subsections (a), (b) and (c), respectively, of section 1804.

"(b) PROVISION OR ARRANGEMENT OF EDUCATIONAL PROGRAMS.—The Secretary, through the defense dependents' school system, shall provide or arrange an elementary or secondary educational program described in subsection (a) by—

"(1) operating an elementary or secondary school in an overseas area or in the United States;

"(2) entering into an arrangement with a non-Department of Defense educational agency in the United States to provide an elementary or secondary educational program for dependents residing on a military installation in the United States, if the Secretary determines—

"(A) the dependents are eligible under section 1802;

"(B) a school operated by the defense dependents' school system is not reasonably available to the dependents; and

"(C) a free and appropriate educational program is not available to the dependents through a local educational agency that operates adjacent to the military installation, which determination shall be made in accordance with the criteria described in subparagraphs (A) through (C) of subsection (a)(2); or

"(3) providing funds for tuition and related expenses in order to provide an educational program for dependents described in subsection (a)(1) who attend a non-Department of Defense elementary or secondary school when an elementary or secondary school in the defense dependents' school system is not reasonably available in the overseas area, which educational program—

"(A) shall be acceptable to the Secretary;

"(B) shall be consistent, to the maximum extent practicable, with the Department of State regulations relating to the availability of financial assistance for the elementary and secondary education of dependents of Department of State personnel overseas; and

"(C) may include private boarding schools located in the United States or in an overseas area.

"(c) EDUCATIONAL PROGRAM CONTENT.—Educational programs provided or arranged under this subchapter—

"(1) shall include programs for dependents who are children with disabilities or are infants or toddlers with disabilities in accordance with section 1803; and

"(2) to the maximum extent practicable, and consistent with all applicable laws, shall provide programs for each of the following groups of dependents:

"(A) Dependents who are academically gifted.

"(B) Dependents with an interest in a career technical education pathway.

"(C) Dependents who are English learners.

"(d) ADMINISTRATION OF THE DEFENSE DEPENDENTS' SCHOOL SYSTEM.—

"(1) IN GENERAL.—The Secretary shall administer the defense dependents' school system through a Defense Agency or Department of Defense Field Activity established or designated by the Secretary for that purpose.

"(2) DIRECTOR.—

"(A) IN GENERAL.—The Secretary shall select a civilian Director of the Defense Agency or Department of Defense Field Activity established or designated under paragraph (1).

"(B) PROHIBITION.—A member of the armed forces on active duty may not be assigned or detailed to serve as the Director.

"(3) FINANCIAL MATTERS.—

"(A) REIMBURSEMENT FOR EDUCATIONAL SERVICES.—When the Secretary, through the defense dependents' school system, provides educational services under this subchapter to a class of dependent whose eligibility under section 1802 is determined based on the sponsors' employment with a non-Department of Defense Federal agency or a non-Federal organization, such agency or organization shall, upon the Secretary's request, reimburse the Secretary for the educational services at rates prescribed by the Secretary for those services.

"(B) PAYMENTS RECEIVED.—Any payments received by the Secretary under this paragraph shall be credited to the account used by the Secretary for the operation of educational programs under this subchapter.

"§1802. Enrollment eligibility; categories of enrollment

"(a) ENROLLMENT ELIGIBILITY.—The Secretary shall establish—

"(1) the classes of dependents that are eligible to enroll in educational programs under this subchapter; and

"(2) the category of enrollment under which each class of dependent described in paragraph (1) is eligible to enroll in educational programs under this subchapter.

"(b) CATEGORIES OF ENROLLMENT.—

"(1) IN GENERAL.—The Secretary shall assign a category of enrollment for each such class of dependent that includes a space basis for enrollment and a tuition basis for enrollment.

"(2) SPACE BASIS FOR ENROLLMENT.—

"(A) IN GENERAL.—The Secretary shall establish the space basis for enrollment for each such class of dependent as either—

"(i) a space-required basis, under which space in the educational program shall be made available for all dependents of a class of dependent; or

"(ii) a space-available basis, under which enrollment is available for a class of dependent only if space in the educational program is available without having to add additional capacity in terms of staff, resources, or facility space.

"(B) SPACE AVAILABILITY METHOD.—The Secretary shall establish the method by which space availability is determined and prioritized.

"(3) TUITION-BASIS FOR ENROLLMENT—The Secretary shall establish the tuition basis for enrollment for each such class of dependent as either—

"(A) a tuition-free basis, under which enrollment of a class of dependent in an educational program under this subchapter is available at no cost to the class of dependent; or

"(B) a tuition-paying basis, under which enrollment of a class of dependent requires payment for the educational services provided to each dependent in the class of dependent in accordance with section 1801(d)(3).

"(c) ENROLLMENT ELIGIBILITY DETERMINATIONS.—In carrying out this subchapter the Secretary shall make initial enrollment eligibility determinations for classes of dependents. Once the Secretary establishes enrollment eligibility for a class of dependent, the Secretary may then make an enrollment determination for an individual dependent regarding—

"(1) the continued enrollment of the dependent in an educational program under this subchapter for the remainder of a school year and beyond as the Secretary determines appropriate, notwithstanding a change during such school year in the status of the sponsor that, except for this paragraph, would otherwise terminate the eligibility of the dependent to remain enrolled in the program;

"(2) the removal of the dependent from enrollment in an educational program provided by the Secretary under this subchapter at any time for good cause determined by the Secretary; or

"(3) the enrollment of the dependent in a virtual elementary or secondary educational program under this subchapter.

"§1803. Special education programs

"(a) IN GENERAL.—The Secretary of Defense shall provide or arrange special education programs under this subchapter that meet the educational needs of dependents who are children with disabilities and of dependents who are infants or toddlers with disabilities.

"(b) INDIVIDUALS WITH DISABILITIES EDUCATION ACT APPLICABILITY.—

"(1) IN GENERAL.—Notwithstanding section 1804(a), the provisions of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), other than the funding and reporting provisions, shall apply to the educational programs provided and arranged under this subchapter, including—

"(A) the requirement that children with disabilities, aged 3 to 21, inclusive, receive a free appropriate public education; and

"(B) the provision of substantive rights, protections, and procedural safeguards required by such part B to or for all dependents eligible to participate in an education program under this subchapter.

"(2) INFANTS AND TODDLERS WITH DISABILITIES.— In accordance with individualized family service plans required by section 636 of the Individuals with Disabilities Education Act (20 U.S.C. 1436 et seq.), the Secretary shall—

"(A) establish a comprehensive, coordinated, multidisciplinary program of early intervention services for dependents who are infants and toddlers with disabilities;

"(B) establish the role of each Department of Defense component involved in the provision of the program described in subparagraph (A); and

"(C) ensure that the program described in subparagraph (A) provides all substantive rights, protections, and procedural safeguards (including due process procedures) required by part C of such Act (20 U.S.C. 1431 et seq.).

"§1804. Other educational and school programs

"(a) PRESCHOOL PROGRAMS.—The Secretary of Defense may provide preschool educational programs for dependents who are of preschool age if funding for preschool educational programs is available.

"(b) VIRTUAL ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.—The Secretary may establish comprehensive and supplemental virtual elementary or secondary education programs to support the educational needs of dependents determined eligible under section 1802.

"(c) SUMMER SCHOOL PROGRAM.—

"(1) IN GENERAL.—The Secretary may provide an optional summer school program under this subchapter for dependents.

"(2) FINANCIAL BASIS.—(A) The summer school program shall be provided on the same financial basis as programs offered during the regular school year, except that the Secretary may require the sponsor of any dependent to pay reasonable fees for all or a portion of the summer school program in which the dependent is enrolled, to the extent that the Secretary determines such payment is appropriate.

(B) Amounts collected pursuant to this paragraph shall be credited to the account used by the Secretary for the operation of the summer school program.

"(d) HOME SCHOOL AUXILIARY SERVICES SUPPORT.—

"(1) IN GENERAL.—The Secretary shall ensure that dependents who are educated in a home school setting and are otherwise eligible to enroll in a school

operated by the defense dependents' school system on a tuition-free, space-required basis, are permitted to use or receive auxiliary services of or at the school so operated on the same basis as the dependents enrolled in such school.

"(2) AUXILIARY SERVICES.—In this subsection, the term 'auxiliary services', when used with respect to a school, includes—

"(A) the taking of national assessments and college admission tests administered by the school;

"(B) the use of academic resources of the school;

"(C) access to the school media center;

"(D) after- hours use of the school facilities in the same manner as such use is provided to students who are not home- schooled; and

"(E) participation in the school's music, sports, and other extracurricular and interscholastic activities.

"(e) SCHOOL MEAL PROGRAMS.—

"(1) IN GENERAL.—The Secretary shall operate school meal programs within the defense dependents' school system in accordance with the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.) and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.).

"(2) AUTHORITY TO USE APPROPRIATED FUNDS.—Subject to paragraph (3), amounts appropriated to the Department of Defense for the operation of the schools under this subchapter may be used by the Secretary to pay the difference between—

"(A) the cost of operating a school meal program; and

"(B) funds received from operating the school meal program.

"(3) LIMITATION.—The authority provided by paragraph (2) may be used only if the Secretary determines that the funds received from operating a school meal program are insufficient to operate the school meal program.

"§1805. Personnel matters

"(a) EXCEPTED SERVICE.—

"(1) EDUCATOR POSITIONS IN THE EXCEPTED SERVICE.—The Secretary of Defense may establish, as positions in the excepted service, such educator positions within the defense dependents' school system that the Secretary determines are necessary to carry out the educational functions of the defense dependents' school system.

"(2) GOVERNANCE OF EDUCATORS APPOINTED TO, AND EDUCATOR POSITIONS IN, THE EXCEPTED SERVICE.—Notwithstanding any provision of title 5, in carrying out this section, the Secretary shall have sole and exclusive discretion to provide for—

"(A) the establishment and classification of educator positions;

"(B) the recruitment and appointment of educators;

"(C) the fixing of compensation for service in educator positions, including basic pay, benefits, incentives, and allowances;

"(D) the fixing of travel and related expenses for educators;

"(E) the leave and the leave system for educators;

"(F) the performance management system for educators; and

"(G) the employment of teachers during a recess period.

"(3) INAPPLICABILITY OF SECTION 5533 OF TITLE 5 TO TEACHERS EMPLOYED DURING RECESS PERIODS.—Section 5533 of title 5 shall not apply to a teacher described in paragraph (2)(G) with respect to—

"(A) employment during a recess period; or

"(B) the receipt of quarters, allowances, or additional compensation related to employment during a school break.

"(4) RATES OF BASIC PAY.—Subject to subsection (c), the Secretary shall have sole and exclusive discretion to fix the rates of basic pay for educator positions established under this section in amounts that are—

"(A) in relation to the rates of pay provided for comparable positions in the Department of Defense; and

"(B) subject to the same limitations on maximum rates of pay established for employees of the Department of Defense.

"(5) BENEFITS, INCENTIVES, ALLOWANCES, TRAVEL AND RELATED EXPENSES, AND LEAVE.—The Secretary may provide benefits, incentives, allowances, travel and related expenses, and leave for educators under this section at a level that is not in excess of the level of benefits, incentives, allowances, travel and related expenses, and leave, respectively, provided for comparable positions under title 5.

"(b) CONVERSION OF POSITIONS FROM EXCEPTED SERVICE TO COMPETITIVE SERVICE.—

"(1) IN GENERAL.—All non-educator, non-attorney, excepted service positions pursuant to section 2164 of this title, as such section was in effect on the day before

the date of the enactment of the National Defense Authorization Act for Fiscal Year 2019, are converted from the excepted service to the competitive service.

"(2) TIMING OF CONVERSIONS.—The Secretary of Defense shall make the conversions described in paragraph (1) not later than 90 days after the date of the enactment of the National Defense Authorization Act for Fiscal Year 2019.

"(c) GRANDFATHER PROVISION.—No individual who is employed under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.) or under section 2164 of this title, as such Act or section, respectively, was in effect on the day before the date of the enactment of the National Defense Authorization Act for Fiscal Year 2019, shall suffer any loss of or decrease in pay as a result of a conversion made under subsection (a) or (b).

"§1806. School advisory committees

"(a) COMMITTEES ESTABLISHED.—The Secretary of Defense shall establish a school advisory committee for each elementary or secondary school operated by the defense dependents' school system.

"(b) SCHOOL ADVISORY COMMITTEE COMPOSITION.—The Secretary shall establish the composition of a school advisory committee, the method by which a member of the school advisory committee is elected, and the length of service of members of the school advisory committee.

"(c) SCHOOL ADVISORY COMMITTEE OPERATIONS.—

"(1) IN GENERAL.—The Secretary shall establish the role of the school advisory committee in advising—

"(A) the school principal and superintendent with respect to—

"(i) curriculum and local budget execution; and

"(ii) other matters relevant to the provision of high-quality educational programs; and

"(B) the local military commander with respect to issues concerning dependents' education within the jurisdiction of the command.

"(2) MEETINGS.—Meetings conducted by school advisory committees shall be open to the public, except as provided in paragraph (3).

"(3) FEDERAL ADVISORY COMMITTEE ACT.—School advisory committees established under this section 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.

"(4) REIMBURSEMENT FOR EXPENSES.—School advisory committee members shall serve on the school advisory committee without pay, except that the Secretary may provide for reimbursement of a school advisory committee member for expenses, related to service on the school advisory committee, incurred by the member for travel, transportation, lodging, meals, program fees, activity fees, and other expenses that the Secretary determines are reasonable and necessary.

"§1807. Annual academic performance assessments

"(a) ASSESSMENTS.—The Secretary of Defense shall establish the method for annually assessing the academic performance of the students, the schools, and the defense dependents' school system under this subchapter.

"(b) RESULTS AVAILABLE TO SPONSOR.—The Secretary shall make available the results of the annual academic assessment of a dependent enrolled in the defense dependents' school system to the sponsor of such dependent.

"(c) PUBLIC SUMMARY.—The Secretary shall also make available publicly the summary results of the annual academic assessment, except where the public availability of such results—

"(1) would not yield statistically reliable information; or

"(2) would reveal personally identifiable information about an individual student.

"§1809. Definitions

"In this subchapter:

"(1) ACTIVE DUTY.—The term 'active duty' has the meaning given the term in section 101(d) of this title, except that—

"(A) a member of a reserve component shall be considered on active duty only if such member possesses an order that directs the member's activation for not less than one full year (365 days or more); and

"(B) a member of the National Guard on full-time National Guard duty with an order that directs such duty for not less than one full year (365 days or more) shall be deemed to be on active duty.

"(2) CHILD WITH A DISABILITY.—The term 'child with a disability' has the meaning given the term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

"(3) CLASS OF DEPENDENT.—The term 'class of dependent' means a category of dependents that the Secretary of Defense determines has similar sponsors with respect to citizenship, sponsoring agency, and condition of service.

"(4) COMPETITIVE SERVICE.—The term 'competitive service' has the meaning given the term in section 2102 of title 5.

"(5) DEPENDENT.—The term 'dependent' means an individual who—

"(A) has not completed secondary school;

"(B)(i) is the child, stepchild, adopted child, ward, or spouse of a sponsor; or

"(ii)(I) is a resident in the household of a sponsor who stands in loco parentis to such individual; and

"(II) receives one-half or more of such individual's support from the sponsor; and

"(C) is eligible to enroll in an educational program under this subchapter.

"(6) EDUCATOR.—The term 'educator' means an individual qualified to administer, manage, supervise, perform, or support education or training work when the paramount requirement of the position is knowledge of, or skill in, education, training, or instruction processes.

"(7) EXCEPTED SERVICE.—The term 'excepted service' has the meaning given the term in section 2103 of title 5.

"(8) INFANT OR TODDLER WITH A DISABILITY.—The term 'infant or toddler with a disability' has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

"(9) OVERSEAS AREA.—The term 'overseas area,' when used in a geographic sense, means any area situated outside the United States.

"(10) SCHOOL MEAL PROGRAM.—The term 'school meal program' means a program operated by the Secretary to provide breakfast meals, lunch meals, or afternoon snacks, to dependents enrolled in the schools operated by the defense dependents' school system.

"(11) SPONSOR.—The term 'sponsor' means a person who is eligible to enroll a dependent of the person in an educational program under this subchapter.

"(12) UNITED STATES.—The term 'United States,' when used in a geographic sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and Guam.".

(b) ACCEPTANCE OF GIFTS FOR DEFENSE DEPENDENTS' SCHOOLS.—

(1) TRANSFER AND REDESIGNATION.—Section 2605 of title 10, United States Code, is transferred to subchapter III of chapter 88 of such title (as added by subsection (a)), inserted after section 1807, and redesignated as section 1808.

(2) TECHNICAL CORRECTION.—Subsection (c) of such section, as so transferred and redesignated, is amended by striking "Subsection (c)" and inserting "Subsection (g)".

(3) CONFORMING AMENDMENT.—Subsection (g) of such section, as so transferred and redesignated, is amended by striking "the following:" and all that follows through the period and inserting "a school established pursuant to section 1801.".

(4) CLERICAL AMENDMENTS.—

(A) SECTION HEADING. –The heading of such section, as so transferred and redesignated, is amended to read as follows:

"§ 1808. Acceptance of gifts for defense dependents' schools".

(B) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 155 of such title is amended by striking the item relating to section 2605.

(c) AUTHORITY TO ACCEPT VOLUNTARY SERVICES IN SUPPORT OF THE DEFENSE DEPENDENTS' SCHOOL SYSTEM.—Subparagraph (B) of section 1588(a)(3) of title 10, United States Code, is amended by inserting ", including voluntary services in support of the defense dependents' school system described in subchapter III of chapter 88 of this title" before the period.

(d) CLERICAL AMENDMENTS TO THE TABLE OF CHAPTERS AND THE TABLE OF SUBCHAPTERS.—

(1) TABLE OF CHAPTERS.—The items relating to chapter 88 in the table of chapters at the beginning of subtitle A of title 10, United States Code, and in the table of chapters at the beginning of part II of such subtitle, are each amended to read as follows:

"88. Military Family Programs, Military Child Care, and Childhood Education Program .. 1781".

(2) TABLE OF SUBCHAPTERS.—The table of subchapters at the beginning of chapter 88 of such title is amended by adding at the end the following new item:

"III. Childhood Education Program ……..… 1801.".

(e) CONFORMING REPEALS.—

(1) REPEALS.—

(A) IN GENERAL.—The following provisions of law are repealed:

(i) The Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

(ii) The Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901 et seq.)

(iii) Section 2164 of title 10, United States Code.

(iv) Section 2243 of title 10, United States Code.

(2) SCHOOL LUNCH AND CHILD NUTRITION PROGRAM AMENDMENTS RELATED TO THE REPEAL OF SECTION 2243 OF TITLE 10, UNITED STATES CODE.—

(A) SCHOOL LUNCH PROGRAM.—Section 20 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b) is amended—

(i) in the section heading, by striking "DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS' SCHOOLS"; and inserting "DEFENSE DEPENDENTS' SCHOOL SYSTEM IN OVERSEAS AREAS"; and

(ii) in subsection (a), by striking "Department of Defense dependents' schools which are located outside the United States, its territories or possessions" and inserting "overseas schools established pursuant to section 1801 of title 10, United States Code".

(B) CHILD NUTRITION PROGRAM.—Section 20 of the Child Nutrition Act of 1966 (42 U.S.C. 1789) is amended—

(i) in the section heading, by striking "DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS' SCHOOLS" and inserting "DEFENSE DEPENDENTS' SCHOOL SYSTEM IN OVERSEAS AREAS"; and

(ii) in subsection (a), by striking "Department of Defense dependents' schools which are located outside the United States, its territories or possessions" and inserting "overseas schools established pursuant to section 1801 of title 10, United States Code".

(3) CLERICAL AMENDMENTS TO TABLE OF SECTIONS.—

(A) SECTION 2164.—The table of sections at the beginning of chapter 108 of title 10, United States Code, is amended by striking the item relating to section 2164.

(B) SECTION 2243.—The table of sections at the beginning of chapter 134 of title 10, United States Code, and at the beginning of subchapter I of such chapter, are each amended by striking the item relating to section 2243.

(f) CROSS REFERENCE CONFORMING AMENDMENTS.—

(1) Paragraph (22) of section 5102(c) of title 5, United States Code, is amended by striking "'teachers' and 'teaching positions' as defined by section 901 of title 20" and inserting "teachers and teaching positions in a school established pursuant to section 1801 of title 10".

(2) Subsection (d) of section 5334 of title 5, United States Code, is amended by striking "as defined by section 901 of title 20" and inserting "in a school established pursuant to section 1801 of title 10".

(3) Subparagraph (D) of section 5533(d)(7) of title 5, United States Code, is amended by striking "section 907 of title 20" and inserting "section 1805(a)(2)(G) of title 10".

(4) Clause (xiii) of matter following section 5541(2)(C) of title 5, United States Code, is amended by striking "as defined by section 901 of title 20" and inserting "in a school established pursuant to section 1801 of title 10".

(5) Section 5722 of title 5, United States Code, is amended—

(A) in subsection (b)(1), by striking “chapter 25 of title 20” and inserting “subchapter III of chapter 88 of title 10”; and

(B) in subsection (c)(1), by striking “chapter 25 of title 20” and inserting “subchapter III of chapter 88 of title 10”.

(6) Clause (ix) of matter following section 6301(2)(B) of title 5, United States Code, is amended by striking “as defined by section 901 of title 20” and inserting “in a school established pursuant to section 1801 of title 10”.

(7) The matter following clause (xii) of section 8331(1) of title 5, United States Code, is amended by striking “have the meanings given them by section 901 of title 20” and inserting “means a teacher or teaching position in a school established pursuant to section 1801 of title 10”.

(8) Subsection (b) of section 8701 of title 5, United States Code, is amended by striking “have the meanings given them by section 901 of title 20” and inserting “means a teacher or teaching position in a school established pursuant to section 1801 of title 10”.

(9) Subparagraph (C) of section 202(7) of the Toxic Substances Control Act (15 U.S.C 2642(7)) is amended by striking “school operated under the defense dependents’ education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.)” and inserting “school established pursuant to section 1801 of title 10, United States Code”.

(10) Paragraph (1) of section 203(l) of the Toxic Substances Control Act (15 U.S.C. 2643(l)) is amended by striking “school operated under the defense dependents’ education system provided for under the Defense Dependents' Education Act of 1978 (20

U.S.C. 921 et seq.)" and inserting "school established pursuant to section 1801 of title 10, United States Code." .

(11) The second sentence of section 206(b)(2) of the Toxic Substances Control Act (15 U.S.C 2646(b)(2)) is amended by striking "school operated under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.)" and inserting "school established pursuant to section 1801 of title 10, United States Code" .

(12) Subsection (c) of section 1231 of the Panama Canal Act of 1979 (22 U.S.C. 3671) is amended—

(A) in paragraph (1)—

(i) by striking "Section 5(c) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 903(c))" and inserting "Section 1805 of title 10, United States Code, ; and

(ii) by striking "Department of Defense Overseas Dependent School System" and inserting "defense dependents' school system established pursuant to section 1801 of title 10, United States Code,"; and

(B) in paragraph (2)—

(i) by striking "Section 6(a)(2) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 904(a)(2))" and inserting "Section 1805 of title 10, United States Code, "; and

(ii) by striking “Department of Defense Overseas Dependent School System” and inserting “defense dependents’ school system established pursuant to section 1801 of title 10, United States Code,”.

(13) Subparagraph (B) of section 1132(g)(1) of the Education Amendments of 1978 (25 U.S.C. 2012(g)(1)) is amended—

(A) in clause (i), by striking “under the Defense Department Overseas Teacher Pay and Personnel Practices Act” and inserting “established pursuant to section 1801 of title 10, United States Code”; and

(B) in clause (ii)—

(i) in the first sentence, by striking “aspects of the Defense Department Overseas Teachers Pay and Personnel Practices Act pay provisions” and inserting “aspects of the pay provisions established under section 1805 of title 10, United States Code,”; and

(ii) in the second sentence, by striking “that entire Act” and inserting “all provisions of subchapter III of chapter 88 of title 10, United States Code”.

(14) The first sentence of section 489(a) of title 37, United States Code, is amended by striking “operated by the Department of Defense under the Defense Dependents’ Education Act of 1978 (20 U.S.C. 921 et seq.)” and inserting “established pursuant to section 1801 of title 10”.

(15) The third sentence of section 490(b)(1) of title 37, United States Code, is amended by striking “operated under the Defense Dependents’ Education Act of 1978 (20 U.S.C. 921 et seq.)” and inserting “established pursuant to section 1801 of title 10”.

(16) Subparagraph (C) of section 1461(3) of the Safe Drinking Water Act (42 U.S.C. 300j-21(3)) is amended by striking "operating under the defense dependent's education system provided for under the Defense Dependent's Education Act of 1978 (20 U.S.C. 921 and following)" and inserting "established pursuant to section 1801 of title 10, United States Code".

(17) Paragraphs (1)(C) and (2)(A) of section 41201(c) of the Violence Against Women Act of 1994 (34 U.S.C. 12451(c)) are each amended by striking "under section 2164 of title 10, United States Code or section 1402 of the Defense Dependents' Education Act of 1978" and inserting "pursuant to section 1801 of title 10, United States Code".

(18) Paragraphs (2)(A) and (3) of section 41303(c) of the Violence Against Women Act of 1994 (34 U.S.C. 12463(c)) are each amended by striking "under section 2164 of title 10, United States Code or section 1402 of the Defense Dependents' Education Act of 1978" and inserting "pursuant to section 1801 of title 10, United States Code".

(19) Section 223 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 106 note) is amended by striking "meet the eligibility requirements of section 2164(c) of title 10" and insert "meet the requirements of section 1803 of title 10".

(g) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2019.

(h) TRANSITION PROVISION FOR CERTAIN STUDENTS.—The Secretary shall permit a dependent who meets the eligibility requirements of a provision of law repealed by clause (i) or (iii) of subsection (e)(1), as such provision was in effect on June 30, 2019, to continue to attend

1 the school the dependent attended or was enrolled in on June 30, 2019, through the terminal year

2 of such school.

***[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text would amend existing law.]**

Section-by-Section Analysis

The proposal seeks to consolidate existing statutory law under a new subchapter of chapter 88 of title 10 of the United States Code. This requires that existing statutory law governing the Department of Defense Education Activity (DoDEA) in titles 10 and 20 of the United States Code (U.S.C.) is struck and replaced with new consolidated statutory law. This will allow for DoDEA to be governed under one set of laws in title 10 of the U.S.C. as a single school system. The sections of law that will be replaced with the new consolidated language are sections 901-907 and 921-932 of title 20 and section 2164 of title 10. The provisions codified in title 20 cover only overseas operations of DoDEA, while section 2164 of title 10 covers domestic operations of DoDEA.

DoDEA's school system is the product of two independent, but parallel statutory efforts that span the last 60 years to ensure children of Department of Defense (DoD)-affiliated families are provided a high-quality, free public education. DoDEA has assessed that a single, unified version of the law that facilitates the operation of the DoDEA elementary and secondary school system consistently as a single school system would dramatically improve DoDEA's ability to effectively and efficiently administer and operate such schools. This includes Secretary of Defense (SECDEF) authority to establish: (1) educator positions throughout DoDEA in the excepted service; (2) an enrollment eligibility framework for SECDEF use in determining the classes of dependents authorized to enroll in a DoD elementary or secondary school and the tuition and space basis under which such dependents can enroll; (3) the requirement to establish special education programs in accordance with the Individuals with Disabilities Education Act (IDEA); (4) the authority to establish other educational and school programs; (5) the requirement to establish school advisory bodies; and (6) the requirement to perform academic performance assessments. Finally, the legislative proposal will increase the SECDEF's discretion, facilitating the SECDEF's ability to govern the administration and operation of the system through regulation.

The current law: (1) is not well organized due to the many add-on provisions over the years; (2) is excessive in addressing specific operational areas limiting the SECDEF's discretion to regulate more flexibility through regulations; and (3) contains expired, time-based requirements that should not be included in enduring sections of the law.

The proposal replaces existing DoDEA-specific law with a unified version that would be established as a new subchapter of chapter 88 of title 10, United States Code. This proposal would clearly establish DoDEA as a single, unified elementary and secondary school system, facilitating operational consistency between DoDEA's domestic and overseas regions and providing the SECDEF with appropriate discretion to govern and regulate through policy.

The proposal would not go into effect until July 1, 2019. This provides DoDEA the time to put in place the necessary policies needed to implement the law and operations of DoDEA under this new statutory law.

Specifically, the proposal would do the following:

[Note: For convenience, the U.S.C. sections are used here to reference the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901 et seq.) and the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).

- **Repeal:**
  - **Section 2164 of Title 10.** This section deals with authority and standards for the SECDEF in regards to domestic dependent elementary and secondary schools; criteria for eligibility; employment matters; reimbursement agreements; and education for children with disabilities and infants or toddlers with disabilities. These authorities are laid out in the proposed language in Sections 1801-1803.
  - **Section 901 of Title 20**. This section deals with pay and personnel program for overseas teachers. Section 1805 of the proposed language addresses personnel matters for both domestic and overseas teachers.
  - **Section 902 of Title 20.** This section deals with SECDEF's authority to prescribe and issue regulations that deal with employment, compensation and other matters for educators. Section 1805 of the proposed language addresses personnel matters and Section 1801 deals with establishing and regulating the school system.
  - **Section 903 of Title 20.** This section deals with additional employment and salary practices; exempt positions and salaries and rates of basic compensation. The proposal covers these matters in Section 1805 and Section 1801.
  - **Section 904 of Title 20.** This section deals with matters related to leave, promotion or reappointment, or transfer. The proposal covers these matters in Section 1805 and Section 1801.
  - **Section 905 of Title 20.** This section deals with authorities and matters related to quarters, quarter's allowances, and storage of household goods for teachers. The proposal deals with this under Section 1801 and 1805.
  - **Section 906 of Title 20.** This section deals with matters related to items in addition to basic compensation such as cost-of-living increases, additional compensation and post differential. The proposal deals with this under Section 1801 and 1805.
  - **Section 907 of Title 20.** This section deals with applicability of other laws regarding teachers. The proposal deals with this under Section 1805.
  - **Section 921 of Title 20.** This section deals with authorities in establishing and operating a defense dependents' education system in overseas areas. Specifically, it discusses authorities in areas of eligibility, specific programs, optional summer

school and consultation requirements with Secretary of Education. The proposal deals with this in Section 1801 and 1804.

- **Section 922 of Title 20.** This section deals with matters related to Director (establishing, selecting, reporting and functions), operating the system, and establishing regional or areas offices, reports to Congress, and authorized numbers of civilian employees. The proposal deals with this matter in Section 1801.
- **Section 923 of Title 20.** This section deals with eligibility, tuition, and enrollment requirements. The proposal deals with these matters in Section 1801 and 1802.
- **Section 924 of Title 20.** This section deals with Director assessing the performance of the system, educational assessment measures and other means suitable for assessing student performance. The proposal deals with these matters in Section 1807.
- **Section 925 of Title 20.** This section deals with the requirement that President shall include in his budget for each fiscal year a separate request for funds for construction of school facilities. The proposal does not deal with this matter in any specific section.
- **Section 926 of Title 20.** This section deals with authorities related to operating school system overseas, prescribing regulation in regards to tuition and assistance where there is no DoD school in operation and matters related to continuation of enrollment for certain dependents of members of Armed Forces involuntarily separated, and auxiliary services available to home school students. The proposal deals with these matters in Sections 1801 and 1802.
- **Section 927 of Title 20.** This section deals with authorities to regulate the minimum allotment of funds to calculate for the operations of each school. It also dealt with matters related to Secretary of Education and provisions related to children with disabilities and infants and toddlers with disabilities. The proposal does not contain any specific sections related to calculating funds but would be under the general authorities in Section 1801. The proposal deals with special education needs in Section 1803.
- **Section 928 of Title 20.** This section deals with the establishment of an advisory committee for each school and its functions, membership, and elections. The proposal deals with these matters in Section 1806.
- **Section 930 of Title 20.** This section deals with authorizing the Director to conduct comprehensive study of the entire defense dependents' education system. The proposal deals with these matters in Section 1801.
- **Section 931 of Title 20.** This section deals with the SECDEF's authority to issue regulations in areas of education goals and objectives, curriculum standards, professional standards, recertification program, and other areas related to

organization and operations of the system. The proposal deals with these matters in Section 1801 and Section 1805.

- **Section 932 of Title 20.** This section deals with the definitions of the terms "dependent" and "sponsor" , among others, for the purposes of the overseas schools program. The proposal deals with these matters in Section 1809.

- **<u>Inserted Language in Chapter 88 of Title 10:</u>**
  - **Section 1801. Defense Dependents' School System.**
    - Establishes a unified defense dependents' school system that allows for elementary and secondary education program overseas and domestically. (Section 1801(a)(1) and Section 1801(a)(2)).
    - Authorizes special education programs (Section 1801(a)(3)).
    - Authorize auxiliary services support and school meal programs (Section 1801(a)(4)).
    - Authorizes preschool program, virtual elementary and secondary educational programs, and summer school program (Section 1801(a)(5)).
    - Authorizes the SECDEF with certain criteria to provide or arrange elementary or secondary education programs (Section 1801(b)).
    - Authorizes SECDEF to provide financial support to a non-Department of Defense elementary or secondary education agency to provide an education dependent when a DoD school is not reasonably available in the overseas area (Section 1801(b)(3)).
    - Authorizes education program for children with disabilities, gifted, students interested in career technical education pathways and English learners (Section 1801(c)).
    - Authorizes SECDEF to administer the system through Defense Agency or Defense Field Activity. Authorize SECDEF to select a Director and prescribes reporting to Assistant SECDEF designated by the Secretary.
    - Authorizes SECDEF to request reimbursements from other Federal agencies if dependents of their organization receive education program under DoDEA and funding is designated for operations of educational programs (Section 1801(d)(3)).
  - **Section 1802. Enrollment eligibility, categories of enrollment.**
  - **Section 1803. Special Education Program.**
  - **Section 1804. Other Educational and School Programs**
    - Authorizes the SECDEF to provide preschool educational programs (Section 1804(a)).
    - Discretionary authority to provide virtual elementary and secondary education programs (Section 1804(b)).
    - Discretionary authority to provide summer school programs (Section 1804(c)).

        - Authorize to provide auxiliary services support for dependents who are education in home school setting (Section 1804(d)).
        - Authorizes the administering of school meal programs within DoDEA in accordance with Section 20 of the Richard B. Russell National School Lunch Act and Section 20 of the Child Nutrition Act of 1966 (Section 1804(e)).
    - **Section 1805. Personnel Matters.**
        - Authorizes SECDEF regarding personnel matters for the workforce of DoDEA.
        - Specifically deals with educator positions in the excepted services (Section 1805(a)).
        - Specifically deals with non-educator positions in the excepted services (Section 1805(b)).
    - **Section 1806. School Advisory Committees.**
    - **Section 1807. Annual Academic Performance Assessments.**
    - **Section 1808. Acceptance of Gifts for Defense Dependents' Schools.**
    - **Section 1809. Definitions.**

Budget Implications: This proposal is cost-neutral; the proposed language would not result in any increased operational cost. It is simply to simplify, unify and streamline the existing statutory law that governs DoDEA schools as two systems under one component (DoDEA). Any costs or savings would be the result of any issuance (i.e., regulations and other types of policies) that are issued out of the delegated issuance authority in the future to operate DoDEA and its schools.

Resource Requirement (In Millions)										
	FY19	**FY20**	**FY21**	**FY22**	**FY23**	**FY24**	**Appropriations From**	**Budget Activity**	**Dash1 Line**	**Program Element**
DoDEA DoDDS	1,230.9	1,239.8	1,278.1	1,295.8	1,324.6	1,324.6	Operations & Maintenance	04	4GTJ	0808715BT
DoDEA DDESS	578.0	588.9	600.8	613.1	625.7	625.7	Operations & Maintenance	04	4GTJ	0808717BT
Army	--	--	--	--	--	--	--	--	--	
Navy	--	--	--	--	--	--	--	--	--	
Marine Corps	--	--	--	--	--	--	--	--	--	--
Air Force	--	--	--	--	--	--	--	--	--	--
Total	1,808.9	1,828.7	1,878.9	1,908.9	1,950.3	1,950.3	Operations & Maintenance	04	4GTJ	N/A

Changes to Existing Law: This proposal would repeal section 2164 of title 10, United States Code, and both the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901 et seq.) and the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.). For convenience, the U.S.C. sections 901-907 and 921-932 of title 20, are used here.

Furthermore, the proposal includes additional clarifying amendments to existing law. The proposal would reestablish statutory language for DoDEA under a new subchapter III of chapter 88 of title 10, United States Code.

FOR THE TEXT OF THE NEW SUBCHAPTER III OF CHAPTER 88 OF TITLE 10, UNITED STATES CODE, SEE ABOVE

Repeal Section 2164, Title 10 U.S.C.

~~10 U.S. Code § 2164 - Department of Defense domestic dependent elementary and secondary schools~~

****

~~§ 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 capital 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 provided 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 a 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.~~

~~**(l)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.~~

REPEAL Sections 2-10 of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901-207) and Sections 1402-1414 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 921-932)

[Note: The Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901 et seq.) and the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.) appear in an uncodified title of the United States Code. For simplicity, the U.S.C. sections are used here]

~~Title 20-EDUCATION~~

~~CHAPTER 25-PAY AND PERSONNEL PROGRAM FOR OVERSEAS TEACHERS~~

~~Section 901. Definitions~~

~~For the purposes of this chapter, the term-~~

~~(1) "teaching position" means those duties and responsibilities which-~~

~~(A) are performed on a school-year basis principally in a school operated by the Department of Defense in an overseas area for dependents of members of the Armed Forces and dependents of civilian employees of the Department of Defense, or are performed by an individual who carried out certain teaching activities identified in regulations prescribed by the Secretary of Defense; and~~

~~(B) involve-~~

~~(i) classroom or other instruction or the supervision or direction of classroom or other instruction; or~~

~~(ii) any activity (other than teaching) which requires academic credits in educational theory and practice equal to the academic credits in educational theory and practice required for a bachelor's degree in education from an accredited institution of higher education; or~~

~~(iii) any activity in or related to the field of education notwithstanding that academic credits in educational theory and practice are not a formal requirement for the conduct of such activity.~~

~~(2) "teacher" means an individual-~~

~~(A) who is a citizen of the United States or, in the case of a teaching position that involves instruction in the host-nation language, a local national when a citizen of the United States is not reasonably available to provide such instruction,~~

~~(B) who is a civilian, and~~

~~(C) who is employed in a teaching position described in paragraph (1).~~

~~(3) "overseas area" means any area situated outside the United States.~~

~~(4) "United States", when used in a geographical sense, means the several States of the United States of America, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, the Canal Zone, and the possessions of the United States (excluding the Trust Territory of the Pacific Islands and Midway Islands).~~

~~Section 902. Regulations of Secretary of Defense~~

~~(A) EMPLOYMENT, COMPENSATION, ETC., OF TEACHERS~~

~~Not later than the ninetieth day following July 17, 1959, the Secretary of Defense shall prescribe and issue regulations to carry out the purposes of this chapter. Such regulations shall govern-~~

~~(1) the establishment of teaching positions;~~

~~(2) the fixing of basic compensation for teachers and teaching positions at rates equal to the average of the range of rates of basic compensation for similar positions of a comparable level of duties and responsibilities in urban school jurisdictions in the United States of 100,000 or more population;~~

~~(3) the entitlement of teachers to compensation;~~

~~(4) the payment of compensation to teachers;~~

~~(5) the appointment of teachers;~~

~~(6) the conditions of employment of teachers;~~

~~(7) the length of the school year or school years applicable to teaching positions;~~

~~(8) the leave system for teachers;~~

~~(9) quarters, allowances, and additional compensation for teachers; and~~

~~(10) such other matters as may be relevant and appropriate to the purposes of this chapter.~~

~~(B) EFFECTIVE DATE OF REGULATIONS~~

~~The regulations prescribed and issued by the Secretary of Defense under subsection (a) of this section shall become effective on such date as the Secretary of Defense shall prescribe but not later than the ninetieth day following the date of issuance of such regulations.~~

~~Section 903. Administration~~

~~(A) EMPLOYMENT AND SALARY PRACTICES~~

~~The Secretary of Defense shall conduct the employment and salary practices applicable to teachers and teaching positions in the Department of Defense in accordance with this chapter,~~

~~other applicable law, and the regulations prescribed and issued by the Secretary of Defense under section 902 of this title.~~

~~**(B) DETERMINATION OF EXEMPT POSITIONS AND INDIVIDUALS; ESTABLISHMENT OF ANNUAL SALARY RATE**~~

~~Subject to section 5103 of title 5, the Secretary of Defense-~~

~~(1) shall determine the applicability of paragraph (22) of section 5102(c) of title 5 to positions and individuals in the Department of Defense; and~~

~~(2) shall establish the appropriate annual salary rate in accordance with this chapter for each such position and individual to which such paragraph (22) is determined to be applicable.~~

~~**(C) RATES OF BASIC COMPENSATION**~~

~~The Secretary of Defense shall fix the basic compensation for teachers and teaching positions in the Department of Defense at rates equal to the average of the range of rates of basic compensation for similar positions of a comparable level of duties and responsibilities in urban school jurisdictions in the United States of 100,000 or more population.~~

~~**(D) ISSUANCE OF REGULATIONS BY SECRETARY OF DEFENSE**~~

~~The Secretary of Defense may prescribe and issue such regulations as he deems appropriate to carry out his functions under this chapter.~~

~~**Section 904. Leave**~~

~~**(A) ENTITLEMENT; AMOUNT**~~

~~Subject to the regulations prescribed and issued by the Secretary of Defense under section 902 of this title, each teacher (other than an individual employed as a substitute teacher) shall be entitled to cumulative leave, with pay, which shall accrue at the rate of one day for each calendar month, or part thereof, of a school year, except that if the school year includes more than eight months, any such teacher who shall have served for the entire school year shall be entitled to ten (or, if such teacher is employed in a supervisory position or higher, not less than ten and not more than thirteen) days of cumulative leave with pay.~~

~~**(B) SATURDAYS, SUNDAYS, HOLIDAYS, AND NONWORK DAYS**~~

~~Saturdays, Sundays, regularly scheduled holidays, and other administratively authorized nonwork days shall not be considered to be days of leave for the purposes of subsection (a) of this section.~~

~~**(C) PURPOSES FOR TAKING LEAVE**~~

~~Subject to the regulations prescribed and issued by the Secretary of Defense, leave earned by any teacher under subsection (a) of this section may be used by such teacher-~~

~~(1) for maternity purposes,~~

~~(2) in the event of the illness of such teacher,~~

~~(3) in the event of illness, contagious disease, or death in the immediate family of such teacher, and~~

~~(4) in the event of any personal emergency.~~

~~If appropriate advance notice is given of the intended absence of a teacher, not to exceed three days of such leave may be granted for any purpose in each school year to such teacher.~~

~~**(D) CREDIT FOR PERSONS HOLDING TEACHING POSITIONS AND FOR EMPLOYEES TRANSFERRED, PROMOTED OR REAPPOINTED**~~

~~Any individual-~~

~~(1) who is holding a position which is determined to be a teaching position, or~~

~~(2) who is an employee of the Federal Government or the municipal government of the District of Columbia who is transferred, promoted, or reappointed, without break in service, from a position under a different leave system to a teaching position, shall be credited, for the purposes of the leave system provided by this section, with the annual and sick leave to his credit immediately prior to the effective date of such determination, transfer, promotion, or reappointment. Sick leave so credited shall be included in the leave provided for in subsection (a) of this section. Annual leave so credited shall not be included in the leave provided for in such subsection but shall be used under regulations which shall be prescribed by the Secretary of Defense.~~

~~(E) EXCESS OF MAXIMUM AMOUNT OF ACCUMULATED LEAVE; REDUCTION~~

~~In any case in which the amount of sick leave, which is to the credit of any individual under a different leave system immediately prior to the date on which he becomes subject as a teacher to the leave system provided by this section and which is included in the leave provided for in subsection (a) of this section, is in excess of the maximum amount of accumulated leave allowable under subparagraph (2) of such subsection, such excess shall remain to the credit of such teacher until used, but the use during any leave year of an amount in excess of the aggregate amount which shall have accrued during such year shall reduce automatically the maximum allowable amount of accumulated leave at the beginning of the next leave year until such amount no longer exceeds the maximum amount allowable under subparagraph (2) of subsection (a) of this section.~~

~~(F) LIQUIDATION OF UNUSED LEAVE UPON SEPARATION~~

~~Any annual leave remaining, upon his separation from the service, to the credit of an individual within the purview of this section shall be liquidated in accordance with section 5551 of title 5, except that leave earned or included under subsection (a) of this section shall not be liquidated.~~

~~(G) TRANSFER OF LEAVE CREDIT FOR TEACHERS TRANSFERRED, PROMOTED OR REAPPOINTED TO POSITIONS UNDER DIFFERENT LEAVE SYSTEM~~

~~In the case of any teacher who is transferred, promoted, or reappointed, without break in service, to a position under a different leave system, the annual leave, and any other leave earned or credited under this section, which is to his credit immediately prior to such transfer, promotion, or reappointment, shall be transferred to his credit in the employing agency on an adjusted basis in accordance with regulations which shall be prescribed by the Director of the Office of Personnel Management.~~

~~(H) VOLUNTARY LEAVE TRANSFER AND BANK PROGRAMS~~

~~The Director of Dependents' Education, in consultation with the Director of the Office of Personnel Management-~~

~~(1) shall establish for teachers a voluntary leave transfer program similar to the one under subchapter III of chapter 63 of title 5; and~~

~~(2) may establish for teachers a voluntary leave bank program similar to the one under subchapter IV of chapter 63 of title 5.~~

~~Only leave described in the last sentence of subsection (c) of this section (relating to leave that may be used by a teacher for any purpose) may be transferred under any program established under this subsection.~~

~~Section 905. Quarters, quarters allowances, and storage~~

~~(A) ENTITLEMENT~~

~~Under regulations which shall be prescribed by or under authority of the President, each teacher (other than a teacher employed in a substitute capacity) shall be entitled, in addition to basic compensation, to quarters, quarters allowance, and storage as provided by this section.~~

~~(B) FURNISHING OF LIVING QUARTERS OR GRANT OF ALLOWANCE~~

~~Each teacher (other than a teacher employed in a substitute capacity) shall be entitled, for each school year for which he performs services as a teacher, to quarters or a quarters allowance equal to those authorized by section 5912 of title 5.~~

~~(C) RECESS PERIODS~~

~~Each teacher (other than a teacher employed in a substitute capacity) who is performing services as a teacher at the close of a school year and agrees in writing to serve as a teacher for the next school year may be authorized, for the recess period immediately preceding such next school year-~~

~~(1) quarters or a quarters allowance equal to those authorized by section 5912 of title 5, or~~

~~(2) in lieu of such quarters or quarters allowance, storage (including packing, drayage, unpacking, and transportation to and from storage) of his household effects and personal possessions.~~

~~(D) FAILURE TO REPORT FOR SERVICE; LIABILITY TO UNITED STATES~~

~~If a teacher does not report for service at the beginning of the next school year, he shall, except for reasons beyond his control and acceptable to the Department of Defense, be obligated to the United States in an amount equal to any quarters allowance which he may have received under subsection (c) of this section or in an amount equal to the reasonable value of any quarters or storage which he may have received under such subsection, or both, as the case may be.~~

~~(E) EMPLOYMENT IN OTHER POSITIONS DURING RECESS PERIODS~~

~~Quarters, quarters allowance, and storage provided under this section shall be in lieu of any quarters, quarters allowance, and storage to which he otherwise might be entitled by reason of employment in another position during any recess period between two school years.~~

~~(F) LEASE OF MILITARY FAMILY HOUSING BY TEACHER ASSIGNED TO TEACH AT GUANTANAMO BAY NAVAL STATION, CUBA~~

~~(1) A teacher assigned to teach at Guantanamo Bay Naval Station, Cuba, who is not accompanied at such station by any dependent shall be offered for lease any available military family housing at such station that is suitable for occupancy by the teacher and is not needed to house members of the armed forces and dependents accompanying them or other civilian personnel and any dependents accompanying them.~~

~~(2) For any period for which military family housing is leased under paragraph (1) to a teacher described in such paragraph, the teacher shall receive a quarters allowance in the amount determined under subsection (b). The teacher is entitled to such quarters allowance without regard to whether other Government furnished quarters are available for occupancy by the teacher without charge to the teacher.~~

~~Section 906. Entitlements in addition to basic compensation~~

~~(A) COST-OF-LIVING INCREASE AND ADDITIONAL COMPENSATION~~

~~Under regulations which shall be prescribed by or under authority of the President, each teacher (other than a teacher employed in a substitute capacity) shall be entitled, in addition to basic compensation, to-~~

~~(1) cost-of-living allowances equal to those authorized by section 5924 of title 5, and~~

~~(2) additional compensation equal to that authorized under section 5941 of title 5.~~

~~(B) POST DIFFERENTIAL~~

~~The cost-of-living allowances and additional compensation provided under subsection (a) of this section for any teacher shall be based on the teaching position in which he rendered services on a school-year basis, except that, if such teacher is employed in another position during any recess period between two school years, such allowances and compensation for such recess period shall be based on the position in which he is employed during such recess period.~~

~~Section 907. Applicability of other laws~~

~~In the case of any teacher who-~~

~~(1) is performing services as a teacher at the close of a school year,~~

~~(2) agrees in writing to serve as a teacher for the next school year, and~~

~~(3) is employed in another position in the recess period immediately preceding such next school year, or, during such recess period, receives quarters, allowances, or additional compensation referred to in sections 905 and 906 of this title, or both, as the case may be,~~

~~section 5533 of title 5 shall not apply to such teacher by reason of any such employment during a recess period or any such receipt of quarters, allowances, or additional compensation, or both, as the case may be.~~

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~~Section 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.~~

~~Section 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).~~

~~Section 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 enrollment of children in the system under this section.~~

~~(C) REGULATIONS RESPECTING ENROLLMENT REQUIREMENTS~~

~~(1) The Secretary of Defense may by regulation identify classes of children who shall be eligible to enroll in schools of the defense dependents' education system under this section if and to the extent that there is space available, establish priorities among such classes, waive the tuition requirement of subsection (b)(1) with respect to any such class, and issue such other regulations as may be necessary to carry out this section.~~

~~(2)(A) The Secretary shall include in the regulations prescribed under this subsection a requirement that children in the class of children described in subparagraph (B) shall be subject to the same tuition requirements, or waiver of tuition requirements, as children in the class of children described in subparagraph (C).~~

~~(B) The class of children described in this subparagraph are children of members of reserve components of the Armed Forces who-~~

~~(i) are on active duty under an order to active duty under section 12301 or 12302 of title 10;~~

~~(ii) were ordered to active duty from a location in the United States (other than in Alaska or Hawaii); and~~

~~(iii) are serving on active duty outside the United States or in Alaska or Hawaii.~~

~~(C) The class of children described in this subparagraph are children of members of reserve components of the Armed Forces who-~~

~~(i) are on active duty under an order to active duty under section 12301 or 12302 of title 10;~~

~~(ii) were ordered to active duty from a location outside the United States (or in Alaska or Hawaii); and~~

~~(iii) are serving on active duty outside the United States or in Alaska or Hawaii.~~

~~**(D) ENROLLMENT OF CERTAIN CHILDREN IN OVERSEAS SCHOOLS**~~

~~(1) The Secretary of Defense may authorize the enrollment in schools of the defense dependents' education system of children in the following classes:~~

~~(A) Children of officers and employees of the United States (other than civilian officers and employees who are sponsors under section 932(2) of this title) stationed in overseas areas.~~

~~(B) Children of employees of contractors employed in carrying out work for the United States in overseas areas.~~

~~(C) Children of other citizens or nationals of the United States or of foreign nationals, if the Secretary determines that enrollment of such children is in the national interest.~~

~~(2) Notwithstanding subsection (c), the Secretary may not waive the tuition requirements of subsection (b)(1) with respect to children referred to in paragraph (1).~~

~~**Section 924. Annual educational assessment**~~

~~**(A) CONTENTS**~~

~~The Director shall assess each year the performance of the defense dependents' education system in providing an education of high quality to children enrolled in the system. Such assessment may include the use of educational assessment measures and such other means as the Director determines to be suitable for assessing student performance.~~

~~**(B) AVAILABILITY**~~

~~The results of each annual assessment under subsection (a) with respect to an individual enrolled in the defense dependents' education system shall be made available to the sponsor of such individual, and summary results of each such annual assessment shall be made available to Members of Congress and to professional employees in the system.~~

~~**Section 925. Budget request for school construction funds for Director of Dependents' Education**~~

~~The President shall include in his budget for each fiscal year a separate request for funds for construction of school facilities by the Director.~~

~~**Section 926. School system for dependents in overseas areas**~~

~~**(A) ESTABLISHMENT AND OPERATION**~~

~~The Secretary of Defense shall establish and operate a school system for dependents in overseas areas as part of the defense dependents' education system.~~

~~**(B) TUITION AND ASSISTANCE WHEN SCHOOLS UNAVAILABLE**~~

~~(1) Under such circumstances as the Secretary of Defense may prescribe in regulations, the Secretary may provide tuition to allow dependents in an overseas area where a school operated by the Secretary is not reasonably available to attend schools other than schools established under subsection (a) on a tuition-free basis. Schools to which tuition may be paid under this subsection may include private boarding schools in the United States. Any school to which tuition is paid under this subsection to allow a dependent in an overseas area to attend such school shall provide an educational program satisfactory to the Secretary.~~

~~(2)(A) The Secretary of Defense, and the Secretary of Homeland Security with respect to the Coast Guard when it is not operating as a service of the Navy, may provide financial assistance~~

~~to sponsors of dependents in overseas areas where schools operated by the Secretary of Defense under subsection (a) are not reasonably available in order to assist the sponsors to defray the costs incurred by the sponsors for the attendance of the dependents at schools in such areas other than schools operated by the Secretary of Defense.~~

~~(B) The Secretary of Defense and the Secretary of Homeland Security shall each prescribe regulations relating to the availability of financial assistance under subparagraph (A). Such regulations shall, to the maximum extent practicable, be consistent with Department of State regulations relating to the availability of financial assistance for the education of dependents of Department of State personnel overseas.~~

~~(C) CONTINUATION OF ENROLLMENT FOR CERTAIN DEPENDENTS OF MEMBERS OF ARMED FORCES INVOLUNTARILY SEPARATED~~

~~(1) A member of the Armed Forces serving on active duty on September 30, 1990, who is involuntarily separated during the period beginning on October 1, 1990, and ending on December 31, 2001, and who has a dependent described in paragraph (2) who is enrolled in a school of the defense dependents' education system (or a school for which tuition is provided under subsection (b)) on the date of that separation shall be eligible to enroll or continue the enrollment of that dependent at that school (or another school serving the same community) for the final year of secondary education of that dependent in the same manner as if the member were still on active duty.~~

~~(2) A dependent referred to in paragraph (1) is a dependent who on the date of the separation of the member has completed the eleventh grade and is likely to complete secondary education within the one-year period beginning on that date.~~

~~(D) AUXILIARY SERVICES AVAILABLE TO HOME SCHOOL STUDENTS~~

~~(1) A dependent who is educated in a home school setting, but who is eligible to enroll in a school of the defense dependents' education system, shall be permitted to use or receive auxiliary services of that school without being required to either enroll in that school or register for a minimum number of courses offered by that school. The dependent may be required to satisfy other eligibility requirements and comply with standards of conduct applicable to students actually enrolled in that school who use or receive the same auxiliary services.~~

~~(2) For purposes of paragraph (1), the term "auxiliary services" includes use of academic resources, access to the library of the school, after hours use of school facilities, and participation in music, sports, and other extracurricular and interscholastic activities.~~

~~Section 927. Allotment formula~~

~~(A) ESTABLISHMENT BY REGULATION OF MINIMUM ALLOTMENT FORMULA; CRITERIA~~

~~The Director shall by regulation establish a formula for determining the minimum allotment of funds necessary for the operation of each school in the defense dependents' education system. In establishing such formula, the Director shall take into consideration-~~

~~(1) the number of students served by a school and the size of the school;~~

~~(2) special cost factors for a school, including-~~

~~(A) geographic isolation of the school,~~

~~(B) a need for special staffing, transportation, or educational programs at the school, and~~

~~(C) unusual food and housing costs,~~

~~(3) the cost of providing academic services of a high quality as required by section 921(b)(1) of this title; and~~

~~(4) such other factors as the Director considers appropriate.~~

~~(B) ISSUANCE, ETC., OF REGULATIONS~~

~~Any regulation under subsection (a) shall be issued, and shall become effective, in accordance with the procedures applicable to regulations required to be issued by the Secretary of Education in accordance with section 1232 of this title.~~

~~(C) APPLICABILITY OF CERTAIN PROVISIONS~~

~~(1) CHILDREN WITH DISABILITIES~~

~~Notwithstanding the provisions of section 921(b)(3) of this title, the provisions of part B of the Individuals with Disabilities Education Act [20 U.S.C. 1411 et seq.], other than the funding and reporting provisions, shall apply to all schools operated by the Department of Defense under this chapter, including the requirement that children with disabilities, aged 3 to 5, inclusive, receive a free appropriate public education.~~

~~(2) INFANTS AND TODDLERS WITH DISABILITIES~~

~~The responsibility to provide comparable early intervention services to infants and toddlers with disabilities and their families in accordance with individualized family service plans described in section 636 of the Individuals with Disabilities Education Act [20 U.S.C. 1436] and to comply with the procedural safeguards set forth in part C of such Act [20 U.S.C. 1431 et seq.] shall apply with respect to all eligible dependents overseas.~~

~~(3) IMPLEMENTATION~~

~~In carrying out paragraph (2), the Secretary shall have in effect a comprehensive, coordinated, multidisciplinary program of early intervention services for infants and toddlers with disabilities among Department of Defense entities involved in the provision of such services to such individuals.~~

~~Section 928. School advisory committees~~

~~(A) ESTABLISHMENT; FUNCTIONS; MEMBERSHIP~~

~~(1) The Director shall provide for the establishment of an advisory committee for each school in the defense dependents' education system. An advisory committee for a school shall advise the principal or superintendent of the school with respect to the operation of the school, may make recommendations with respect to curriculum and budget matters, and, except as provided under paragraph (2), shall advise the local military commander with respect to problems concerning dependents' education within the jurisdiction of the commander. The membership of each such advisory committee shall include an equal number of parents of students enrolled in the school and of employees working at the school and, when appropriate, may include a student enrolled in the school. The membership of each such advisory committee shall also include one nonvoting member designated by the organization recognized as the exclusive bargaining representative of the employees working at the school.~~

~~(2) In the case of any military installation or overseas area where there is more than one school in the defense dependents' education system, the Director shall provide for the establishment of an advisory committee for such military installation or overseas area to advise the local military commander with respect to problems concerning dependents' education within the jurisdiction of the commander.~~

~~(B) ELECTION OF MEMBERS; REGULATIONS RESPECTING QUALIFICATIONS AND ELECTION PROCEDURES~~

~~Except in the case of a nonvoting member designated under the last sentence of subsection (a)(1), members of a school advisory committee established under this section shall be elected by individuals of voting age residing in the area to be served by the advisory committee. The Secretary of Defense shall by regulation prescribe the qualifications for election to an advisory committee and procedures for conducting elections of advisory committee members.~~

~~(C) MEMBERS TO SERVE WITHOUT PAY~~

~~Members of school advisory committees established under this section shall serve without pay.~~

~~Section 929. Repealed. Pub. L. 114–328, div. A, title V, §576, Dec. 23, 2016, 130 Stat. 2143~~

~~Section, Pub. L. 95–561, title XIV, §1411, Nov. 1, 1978, 92 Stat. 2370 ; Pub. L. 96–88, title V, §508(j)(3)–(8), Oct. 17, 1979, 93 Stat. 693 , 694; Pub. L. 99–145, title XII, §1204(b)(3)–(5), Nov. 8, 1985, 99 Stat. 720 , 721; Pub. L. 106–65, div. A, title III, §354(4), Oct. 5, 1999, 113 Stat. 573 ; Pub. L. 113–291, div. A, title V, §565, Dec. 19, 2014, 128 Stat. 3384 , related to Advisory Council on Dependents' Education.~~

~~Section 930. Study of defense dependents' education system~~

~~(A) SCOPE; CONDUCT AND REPORT TO DIRECTOR BY CONTRACTOR~~

~~(1) The Director may from time to time, but not more frequently than once a year, provide for a comprehensive study of the entire defense dependents' education system. Any such study shall include a detailed analysis of the education programs and the facilities of the system.~~

~~(2) Any study under paragraph (1) shall be conducted by a contractor selected by the Director after an open competition. After conducting such study, the contractor shall submit a report to the Director describing the results of the study and giving its assessment of the defense dependents' education system.~~

~~(B) CONSULTATION REQUIREMENTS RESPECTING STUDY SPECIFICATIONS AND CONTRACTOR SELECTION~~

~~In designing the specifications for any study to be conducted pursuant to subsection (a)(1), and in selecting a contractor to conduct such study under subsection (a)(2), the Director shall consult with the Advisory Council on Dependents' Education established under section 929 of this title.~~

~~(C) REPORTING REQUIREMENTS OF DIRECTOR~~

~~The Director shall submit to the Congress any report submitted to him under subsection (a)(2) describing the results of a study carried out pursuant to subsection (a)(1), together with the recommendations, if any, of the contractor for legislation or any increase in funding needed to improve the defense dependents' education system. Notwithstanding any law, rule, or regulation to the contrary, such report shall not be submitted to any review before its transmittal to the Congress, but the Secretary of Defense shall, at the time of the transmittal of such report, submit to the Congress such recommendations as he may have with respect to legislation or any increase in funding needed to improve the defense dependents' education system.~~

~~Section 931. Regulations; issuance and contents~~

~~The Secretary of Defense shall issue regulations to carry out this chapter. Such regulations shall–~~

~~(1) prescribe the educational goals and objectives of the defense dependents' education system,~~

~~(2) establish standards for the development of curricula for the system and for the selection of instructional materials,~~

~~(3) prescribe professional standards for professional personnel employed in the system,~~

~~(4) provide for arrangements between the Director and commanders of military installations for necessary logistic support for schools of the system located on military installations,~~

~~(5) provide for a recertification program for professional personnel employed in the system, and~~

~~(6) provide for such other matters as may be necessary to ensure the efficient organization and operation of the defense dependents' education system.~~

~~Section 932. Definitions~~

~~For purposes of this chapter:~~

~~(1) The term "dependent" means a minor individual-~~

~~(A) who has not completed secondary schooling, and~~

~~(B) who is the child, stepchild, adopted child, ward, or spouse of a sponsor, or who is a resident in the household of a sponsor who stands in loco parentis to such individual and who receives one-half or more of his support from such sponsor.~~

~~(2) The term "sponsor" means a person-~~

~~(A) who is-~~

~~(i) a member of the Armed Forces serving on active duty, or~~

~~(ii) a full-time civilian officer or employee of the Department of Defense and a citizen or national of the United States; and~~

~~(B) who is authorized to transport dependents to or from an overseas area at Government expense and is provided an allowance for living quarters in that area.~~

~~(3) The term "overseas area" means any area situated outside the United States.~~

~~(4) The term "United States", when used in a geographical sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the possessions of the United States (excluding the Trust Territory of the Pacific Islands and Midway Island).~~

~~(5) The term "involuntarily separated" has the meaning given that term in section 1141 of title 10.~~

~~(6) The term "Director" means the Director of the Department of Defense Education Activity.~~

MODIFIED SECTION 2605 Title 10 Acceptance of Gifts for Defense Dependents' Schools and Transferred to Subchapter III of Chapter 88

~~**10 USC 2605 - Acceptance of Gifts for Defense Dependents' Schools**~~

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Section 1808. Acceptance of gifts for defense dependents' schools.

(a) The Secretary of Defense may accept, hold, administer, and spend any gift (including any gift of an interest in real property) made on the condition that it be used in connection with the operation or administration of a defense dependents' school. The Secretary may pay all necessary expenses in connection with the acceptance of a gift under this subsection.

(b) There is established in the Treasury a fund to be known as the "Department of Defense Dependents' Education Gift Fund". Gifts of money, and the proceeds of the sale of property, received under subsection (a) shall be deposited in the fund. The Secretary may disburse funds deposited under this subsection for the benefit or use of defense dependents' schools, subject to the terms of the gift.

~~(c) Subsection (c)~~ Subsection (g) of section 2601 of this title applies to property that is accepted under subsection (a) in the same manner that such subsection applies to property that is accepted under subsection (a) of that section.

(d)(1) Upon request of the Secretary of Defense, the Secretary of the Treasury may—

(A) retain money, securities, and the proceeds of the sale of securities, in the Department of Defense Dependents' Education Gift Fund; and

(B) invest money and reinvest the proceeds of the sale of securities in that fund in securities of the United States or in securities guaranteed as to principal and interest by the United States.

(2) The interest and profits accruing from those securities shall be deposited to the credit of the fund and may be disbursed as provided in subsection (b).

(e) In this section, the term "gift" includes a devise of real property or a bequest of personal property.

(f) The Secretary of Defense shall prescribe regulations to carry out this section.

(g) In this section, the term "defense dependents' school" means ~~the following:~~

~~(1) A school established as part of the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).~~

~~(2) An elementary or secondary school established pursuant to section 2164 of this title.~~ a school established pursuant to section 1801.

****

REPEAL Section 2243 of Title 10

~~10 U.S. Code § 2243 - Authority to use appropriated funds to support student meal programs in overseas defense dependents' schools~~

~~**(a) Authority.**~~

~~Subject to subsection (b), amounts appropriated to the Department of Defense for the operation of overseas defense dependents' schools may be used by the Secretary of Defense to enable an overseas meal program to provide students enrolled in such a school with meals at a price equal~~

~~to the average price paid by students for equivalent meals under a comparable public school meal program in the United States.~~

~~**(b) Limitation.**~~

~~The authority provided by subsection (a) may be used only if the Secretary of Defense determines that Federal payments and commodities provided under section 20 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b) and section 20 of the Child Nutrition Act of 1966 (42 U.S.C. 1789) to support an overseas meal program are insufficient to provide meals under that program at a price for students equal to the average price paid by students for equivalent meals under a comparable public school meal program in the United States.~~

~~**(c) Determining Average Price.**~~

~~In determining the average price paid by students in the United States for meals under a school meal program, the Secretary of Defense shall exclude free and reduced price meals provided pursuant to income guidelines.~~

~~**(d) Overseas Meal Program Defined.**~~

~~In this section, the term "overseas meal program" means a program administered by the Secretary of Defense to provide breakfasts or lunches to students attending overseas defense dependents' schools.~~

~~**(e) Overseas Defense Dependents' School Defined.** In this section, the term "overseas defense dependents' school" means the following:~~

~~**(1)** A school established as part of the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.).~~

~~**(2)** An elementary or secondary school established pursuant to section 2164 of this title that is located in a territory, commonwealth, or possession of the United States.~~

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AMEND Section 20 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1769b)

42 U.S. Code § 1769b - ~~Department of Defense overseas dependents' schools~~ DEFENSE DEPENDENTS' SCHOOL SYSTEM IN OVERSEAS AREA

(a) Purpose of program; availability of payments and commodities

For the purpose of obtaining Federal payments and commodities in conjunction with the provision of lunches to students attending ~~Department of Defense dependents' schools which are located outside the United States, its territories or possessions~~ overseas schools established pursuant to section 1801 of title 10, United States Code, the Secretary of Agriculture shall make available to the Department of Defense, from funds appropriated for such purpose, the same payments and commodities as are provided to States for schools participating in the National School Lunch Program in the United States.

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Section 20 of the Child Nutrition Act of 1966 (42 U.S.C. 1789)

42 U.S. Code § 1789 - ~~Department of Defense overseas dependents' schools~~DEFENSE DEPENDENTS' SCHOOL SYSTEM IN OVERSEAS AREAS

(a) Purpose of program; availability of payments and commodities

For the purpose of obtaining Federal payments and commodities in conjunction with the provision of breakfasts to students attending ~~Department of Defense dependents' schools which are located outside the United States, its territories or possessions~~ overseas schools established pursuant to section 1801 of title 10, United States Code, the Secretary of Agriculture shall make available to the Department of Defense, from funds appropriated for such purpose, the same payments and commodities as are provided to States for schools participating in the school breakfast program in the United States.

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CLERICAL AMENDMENTS TO TABLE OF SECTIONS

CHAPTER 155-ACCEPTANCE OF GIFTS AND SERVICES

Sec.
2601. General Gift funds
2601a. Direct acceptance of gifts by members of the armed forces and Department of Defense and Coast Guard employees and their families.
2602. Americans National Red Cross
2603. Acceptance of fellowships, scholarships, or grants.
2604. United Seamen's Service; cooperation and assistance.
~~2605. Acceptance of gifts for defense dependents' schools.~~

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CHAPTER 88-MILITARY FAMILY PROGRAMS, ~~AND~~ MILITARY CHILD CARE, AND CHILDHOOD EDUCATION PROGRAM

Subchapter		Sec.
I.	Military Family Programs	1781
II.	Military Child Care	1791
III.	Childhood Education Program	1801

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CHAPTER 108—DEPARTMENT OF DEFENSE SCHOOLS
Sec.
2161. Degree granting authority for National Intelligence University.
2162. Preparation of budget requests for operation of professional military education schools.
2163. Degree granting authority for National Defense University.
~~2164. Department of Defense domestic dependent elementary and secondary schools.~~
2165. National Defense University: component institutions.
[2166.Renumbered.]***

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CHAPTER 134—MISCELLANEOUS ADMINISTRATIVE PROVISIONS

Subchapter	Sec.
I. Miscellaneous Authorities, Prohibitions, and Limitations on the Use of Appropriated Funds	**2241**
II.Miscellaneous Administrative Authority	**2251**

SUBCHAPTER I—MISCELLANEOUS AUTHORITIES, PROHIBITIONS, AND LIMITATIONS ON THE USE OF APPROPRIATED FUNDS

Sec.
2241. Availability of appropriations for certain purposes.
2241a. Prohibition on use of funds for publicity or propaganda purposes within the United States.
2241b. Prohibition on contracts providing payments for activities at sporting events to honor members of the armed forces.
2242. Authority to use appropriated funds for certain investigations and security services.
~~2243. Authority to use appropriated funds to support student meal programs in overseas defense dependents' schools.~~
2244. Security investigations.***

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Cross Reference Conforming Amendments

5 U.S. Code § 5102(c) - Definitions; application

****

(c) This chapter does not apply to--

(22) ~~teachers and teaching positions as defined by section 901 of title 20;~~teachers and teaching positions in a school established pursuant to section 1801 of title 10.

****

5 U.S. Code § 5334 - Rate on change of position or type of appointment; regulations

****

(d) The rate of pay established for a teaching position ~~as defined by section 901 of title 20~~ in a school established pursuant to section 1801 of title 10 held by an individual who becomes subject to subsection (a) of this section is deemed increased by an amount determined under regulations which the Secretary of Defense shall prescribe for the determination of the yearly rate of pay of the position. The amount by which a rate of pay is increased under the regulations may not exceed the amount equal to 20 percent of that rate of pay.

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5 U.S. Code § 5533 - Dual pay from more than one position; limitations; exceptions

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(d) Subsection (a) of this section does not apply to—

(1) pay on a when-actually-employed basis received from more than one consultant or expert position if the pay is not received for the same hours of the same day;

(2) pay consisting of fees paid on other than a time basis;

(3) pay received by a teacher of the public schools of the District of Columbia for employment in a position during the summer vacation period;

(4) pay paid by the Tennessee Valley Authority to an employee performing part-time or intermittent work in addition to his normal duties when the Authority considers it to be in the interest of efficiency and economy;

(5) pay received by an individual holding a position—

(A) the pay of which is paid by the Secretary of the Senate, the Chief Administrative Officer of the House of Representatives, or the Chief of the Capitol Police; or

(B) under the Architect of the Capitol;

(6) pay paid by the United States Coast Guard to an employee occupying a part-time position of lamplighter; and

(7) pay within the purview of any of the following statutes:

(A) section 162 of title 2;

(B) section 23(b) of title 13;

(C) section 327 of title 15;

(D) ~~section 907 of title 20~~ section 1805(a)(2)(G) of title 10;

****

5 U.S. Code § 5541 - Definitions

For the purpose of this subchapter--

(2) "employee" means—

(A) an employee in or under an Executive agency;

(B) an individual employed by the government of the District of Columbia; and

(C) an employee in or under the judicial branch, the Library of Congress, the Botanic Garden, and the Office of the Architect of the Capitol, who occupies a position subject to chapter 51 and subchapter III of chapter 53 of this title; but does not include—

(i) a justice or judge of the United States;

(ii) the head of an agency other than the government of the District of Columbia;

(iii) a teacher, school official, or employee of the Board of Education of the District of Columbia, whose pay is fixed under chapter 15 of title 31, District of Columbia Code;

(iv) a member of—

(I) the Metropolitan Police or the Fire Department of the District of Columbia; or

(II) a member of the United States Park Police, other than for purposes of section [1] 5545(a) and 5546;

(v) a student-employee as defined by section 5351 of this title;

[(vi) Repealed. Pub. L. 91–375, § 6(c)(16), Aug. 12, 1970, 84 Stat. 776;]

(vii) an employee outside the continental United States or in Alaska who is paid in accordance with local native prevailing wage rates for the area in which employed;

(viii) an employee of the Tennessee Valley Authority;

(ix) an individual to whom section 1291(a) [2] of title 50, appendix, applies;

(x) an employee of a Federal land bank, a Federal intermediate credit bank, or a bank for cooperatives;

(xi) an employee whose pay is fixed and adjusted from time to time in accordance with prevailing rates under subchapter IV of chapter 53 of this title, or by a wage board or similar administrative authority serving the same purpose, except as provided by section 5544 or 5550b of this title;

(xii) an employee of the Transportation Corps of the Army on a vessel operated by the United States, a vessel employee of the Environmental Science Services Administration, or a vessel employee of the Department of the Interior;

(xiii) a "teacher" or an individual holding a "teaching position" ~~as defined by section 901 of title 20~~ in a school established pursuant to section 1801 of title 10;

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5 U.S. Code § 5722 - Travel and transportation expenses of new appointees; posts of duty outside the continental United States

****

(a) Under regulations prescribed under section 5738 of this title and subject to subsections (b) and (c) of this section, an agency may pay from its appropriations—

(1) travel expenses of a new appointee and transportation expenses of his immediate family and his household goods and personal effects from the place of actual residence at the time of appointment to the place of employment outside the continental United States;

(2) these expenses on the return of an employee from his post of duty outside the continental United States to the place of his actual residence at the time of assignment to duty outside the continental United States; and

(3) the expenses of transporting a privately owned motor vehicle as authorized under section 5727(c) of this title.

(b) An agency may pay expenses under subsection (a)(1) of this section only after the individual selected for appointment agrees in writing to remain in the Government service for a minimum period of—

(1) one school year as determined under ~~chapter 25 of title 20~~subchapter III of chapter 88 of title 10, if selected for appointment to a teaching position, except as a substitute, in the Department of Defense under that chapter; or

(2) 12 months after his appointment, if selected for appointment to any other position;

unless separated for reasons beyond his control which are acceptable to the agency concerned. If the individual violates the agreement, the money spent by the Government

for the expenses is recoverable from the individual as a debt due the Government.
(c) An agency may pay expenses under subsection (a)(2) of this section only after the individual has served for a minimum period of—

(1) one school year as determined under ~~chapter 25 of title 20~~ subchapter III of chapter 88 of title 10, if employed in a teaching position, except as a substitute, in the Department of Defense under that chapter; or

****

5 U.S. Code § 6301 – Definitions

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For the purpose of this subchapter—
(1) "United States", when used in a geographical sense means the several States and the District of Columbia; and
(2) "employee" means—

(A) an employee as defined by section 2105 of this title; and

(B) an individual first employed by the government of the District of Columbia before October 1, 1987;

but does not include—

(i) a teacher or librarian of the public schools of the District of Columbia;

(ii) a part-time employee who does not have an established regular tour of duty during the administrative workweek;

(iii) a temporary employee engaged in construction work at an hourly rate;

(iv) an employee of the Panama Canal Commission when employed on the Isthmus of Panama;

(v) a physician, dentist, or nurse in the Veterans Health Administration of the Department of Veterans Affairs;

(vi) an employee of either House of Congress or of the two Houses;

(vii) an employee of a corporation supervised by the Farm Credit Administration if private interests elect or appoint a member of the board of directors;

(viii) an alien employee who occupies a position outside the United States, except as provided by section 6310 of this title;

(ix) a "teacher" or an individual holding a "teaching position" ~~as defined by section 901 of title 20~~in a school established pursuant to section 1801 of title 10;

****

5 U.S. Code § 8331 - Definitions

For the purpose of this subchapter--
(1) "employee" means -

****

but does not include—

(i) a justice or judge of the United States as defined by section 451 of title 28;

(ii) an employee subject to another retirement system for Government employees (besides any employee excluded by clause (x), but including any employee who has made an election under

section 8347(q)(2) to remain covered by a retirement system established for employees described in section 2105(c));

(iii) an employee or group of employees in or under an Executive agency excluded by the Office of Personnel Management under section 8347(g) of this title;

(iv) an individual or group of individuals employed by the government of the District of Columbia excluded by the Office under section 8347(h) of this title;

(v) an employee of the Administrative Office of the United States Courts, the Federal Judicial Center, or a court named by section 610 of title 28, excluded by the Director of the Administrative Office under section 8347(*o*) of this title;

(vi) a construction employee or other temporary, part-time, or intermittent employee of the Tennessee Valley Authority;

(vii) an employee under the Office of the Architect of the Capitol excluded by the Architect of the Capitol under section 8347(i) of this title;

(viii) an employee under the Library of Congress excluded by the Librarian of Congress under section 8347(j) of this title;

(ix) a student-employee as defined by section 5351 of this title;

(x) an employee subject to the Federal Employees' Retirement System;

(xi) an employee under the Botanic Garden excluded by the Director or Acting Director of the Botanic Garden under section 8347(*l*) of this title; or

(xii) a member of the Foreign Service (as described in section 103(6) of the Foreign Service Act of 1980), appointed after December 31, 1987.

Notwithstanding this paragraph, the employment of a teacher in the recess period between two school years in a position other than a teaching position in which he served immediately before the recess period does not qualify the individual as an employee for the purpose of this subchapter. For the purpose of the preceding sentence, "teacher" and "teaching position" ~~have the meanings given them by section 901 of title 20~~ means a teacher or teaching position in a school established pursuant to section 1801 of title 10;

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5 U.S. Code § 8701 - Definitions

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(b) Notwithstanding subsection (a) of this section, the employment of a teacher in the recess period between two school years in a position other than a teaching position in which he served immediately before the recess period does not qualify the individual as an employee for the purpose of this chapter. For the purpose of this subsection, "teacher" and "teaching position" ~~have the meanings given them by section 901 of title 20~~ means a teacher or teaching position in a school established pursuant to section 1801 of title 10.

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Toxic Substance Control Act, §202 (15 U.S. Code § 2642) - Definitions

****

(7) Local educational agency The term "local educational agency" means—

(A) any local educational agency as defined in section 7801 of title 20,

(B) the owner of any private, nonprofit elementary or secondary school building, and

(C) the governing authority of any ~~school operated under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.)~~ school established pursuant to section 1801 of title 10 United States Code.

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Paragraph (1) of section 203(l) of the Toxic Substances Control Act (15 U.S.C. 2643(1))

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~~l~~ (LOWER CASE)TREATMENT OF DEPARTMENT OF DEFENSE SCHOOLS

(1) SECRETARY TO ACT IN LIEU OF GOVERNOR

In the administration of this subchapter, any function, duty, or other responsibility imposed on a Governor of a State shall be carried out by the Secretary of Defense with respect to any ~~school operated under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.)~~ school established pursuant to section 1801 of title 10 United States Code.

****

Section 206(b)(2) of the Toxic Substances Control Act 15 U.S.C. 2646(b)(2)

Contractor and laboratory accreditation

****

(2) State adoption of plan

Each State shall adopt a contractor accreditation plan at least as stringent as the model plan developed by the Administrator under paragraph (1), within 180 days after the commencement of the first regular session of the legislature of such State which is convened following the date on which the Administrator completes development of the model plan. In the case of a ~~school operated under the defense dependents' education system provided for under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.)~~ school established pursuant to section 1801 of title 10, United States Code, the Secretary of Defense shall adopt a contractor accreditation plan at least as stringent as that model.

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Subsection (c) of section 1231 of the Panama Canal Act of 1979 (22 U.S.C. 3671)

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(c)(1) ~~Section 5 (c) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 903 (c))~~ Section 1805 of title 10, United States Code, shall not apply with respect to any teacher who was employed by the Canal Zone Government school system on September 30, 1979, and who was transferred from such position to a teaching position which is under the ~~Department of Defense Overseas Dependent School System~~ defense dependents' school system established pursuant to section 1801 of title 10, United States Code, and the permanent ***

(2) ~~Section 6(a)(2) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 904(a)(2))~~ Section 1805 of title 10, United States Code, shall not apply with respect to any teacher who was employed by the Canal Zone Government school system on September 30, 1979, and who was transferred from such position to a teaching position which is under the ~~Department of Defense Overseas Dependent School System~~ defense dependents' school system established pursuant to section 1801 of title 10, United States Code, and the permanent duty station of which is in the Republic of Panama.

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Subparagraph (B) of section 1132(g)(1) of the Education Amendments of 1978 (25 U.S.C. 2012(g)(1))

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(g) COMPENSATION OR ANNUAL SALARY.—

(1) IN GENERAL.—

(A) COMPENSATION FOR EDUCATORS AND EDUCATION POSITIONS.—Except as otherwise provided in this section, the Secretary shall establish the compensation or annual salary rate for educators and education positions—

(i) at rates in effect under the General Schedule for individuals with comparable qualifications, and holding comparable positions, to whom chapter 51 of title 5, United States Code, is applicable; or

(ii) on the basis of the Federal Wage System schedule in effect for the locality involved, and for the comparable positions, at the rates of compensation in effect for the senior executive service.

(B) COMPENSATION OR SALARY FOR TEACHERS AND COUNSELORS.—

(i) IN GENERAL.—The Secretary shall establish the rate of compensation, or annual salary rate, for the positions of teachers and counselors (including dormitory counselors and home-living counselors) at the rate of compensation applicable (on the date of enactment of the Native American Education Improvement Act of 2001 22 and thereafter) for comparable positions in the overseas schools ~~under the Defense Department Overseas Teachers Pay and Personnel Practices Act~~ established under section 1801 of title 10, United States Code.

(ii) ESSENTIAL PROVISIONS.—The Secretary shall allow the local school boards involved authority to implement only the ~~aspects of the Defense Department Overseas Teachers Pay and Personnel Practices Act pay provisions~~ aspects of the pay provisions under [subchapter III of chapter 88] of title 10, United States Code that

are considered essential for recruitment and retention of teachers and counselors. Implementation of such provisions shall not be construed to require the implementation of ~~that entire Act~~ that entire chapter.

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37 U.S. Code § 489 - Travel and transportation allowances: minor dependent schooling

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(a)Authority.—
Under regulations to be prescribed by the Secretary of Defense, a member of a uniformed service whose permanent station is outside the United States may be allowed transportation in kind for any minor dependent (or reimbursement therefor), or a monetary allowance in place of such transportation in kind, to a school ~~operated by the Department of Defense under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.)~~ established pursuant to section 1801 of title 10 for dependents in an overseas area which is operated, and which such dependent attends, on a 5-day-a-week dormitory basis or on a 7-day-a-week dormitory basis. In the case of a dependent attending a school on a 5-day-a-week dormitory basis, the transportation in kind or allowance authorized by this section shall be for weekly trips to and from such school, and in the case of a dependent attending a school on a 7-day-a-week dormitory basis, such transportation in kind or allowances shall be for not less than three trips to and from such school during the school year.

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37 U.S. Code § 490 - Travel and transportation: dependent children of members stationed overseas

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(b)Allowance Authorized.—
(1) A member described in subsection (a) may be paid a transportation allowance for each eligible dependent child of the member of one annual trip between the school being attended by that child and the member's duty station outside the continental United States and return. The allowance authorized by this section may be transportation in kind or reimbursement therefor, as prescribed by the Secretaries concerned. However, the transportation authorized by this section may not be paid a member for a child attending a school in the continental United States for the purpose of obtaining a secondary education if the child is eligible to attend a secondary school for dependents that is located at or in the vicinity of the duty station of the member and is ~~operated under the Defense Dependents' Education Act of 1978 (20 U.S.C. 921 et seq.)~~ established pursuant to section 1801 of title 10.

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Subparagraph (C) of section 1461(3) of Safe Drinking Water Act (42 U.S.C. 300j–21) - Definitions

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(3) Local educational agency
The term ‘‘local educational agency’’ means—
(A) any local educational agency as defined in section 7801 of title 20,
(B) the owner of any private, nonprofit elementary or secondary school building, and
(C) the governing authority of any school ~~operating under the defense dependent’s education system provided for under the Defense Dependent’s Education Act of 1978 (20 U.S.C. 921 and following)~~established pursuant to section 1801 of title 10, United States Code.

*****

Sections 41201(c) and 41303(c) of the Violence Against Women Act of 1994 (34 U.S.C. 12451(c), 12463(c))

*****

***(C) a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the
Department of Defense ~~under section 2164 of title 10, United States Code or section 1402 of the Defense Dependents’ Education Act of 1978~~ pursuant to section 1801 of title 10, United States Code, a group of schools, a school district, or an institution of higher education.

***(2) PARTNERSHIPS.—
(A) EDUCATION.—To be eligible to receive a grant for the purposes described in subsection (b)(2), an entity described in paragraph (1) shall be partnered with a public, charter, tribal, or nationally accredited private middle or
high school, a school administered by the Department of Defense ~~under section 2164 of title 10, United States Code~~
~~or section 1402 of the Defense Dependents’ Education Act of 1978~~ pursuant to section 1801 of title 10, United States Code, a group of schools, a school district, or an institution of higher education.***

***(c) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be—
***A) A public, charter, tribal, or nationally accredited private middle or high school, a school administered by the
Department of Defense ~~under section 2164 of title 10, United States Code or section 1402 of the Defense Dependents’Education Act of 1978~~ pursuant to section 1801 of title 10, United States Code, a group of schools, or a school district.***
(3) a public, charter, tribal, or nationally accredited private middle or high school, a school administered by the Department of Defense ~~under section 2164 of title 10, United States Code or section 1402 of the Defense Dependents’ Education Act of 1978~~ pursuant to section 1801 of title 10, United States Code, a group of schools, a school district, or an institution of higher education.

*****

Section 223 of the FAA Modernization and Reform Act of 2012 (49 U.S.C. 106 Note)

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SEC. 223. EDUCATIONAL REQUIREMENTS.
The Administrator of the Federal Aviation Administration shall make payments to the Department of Defense for the education of dependent children of those Administration employees in Puerto Rico and Guam as they are subject to transfer by policy and practice and ~~meet the eligibility requirements of section 2164(c) of title 10~~ meet the requirements of section 1803 of title 10, United States Code.

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