

attend schools other than schools established under subsection (a) of this section on a tuition-free basis. 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 Transportation 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) of this section 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 Transportation 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) of this section) 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.

(Pub. L. 95-561, title XIV, § 1407, Nov. 1, 1978, 92 Stat. 2367; Pub. L. 101-510, div. A, title V, § 504(a), Nov. 5, 1990, 104 Stat. 1559; Pub. L. 103-160, div. A, title V, § 561(n), Nov. 30, 1993, 107 Stat. 1668; Pub. L. 105-261, div. A, title V, § 561(k), title VI, § 657, Oct. 17, 1998, 112 Stat. 2026, 2054; Pub. L. 106-398, § 1 [[div. A], title V, § 571(k)], Oct. 30, 2000, 114 Stat. 1654, 1654A-135.)

**CODIFICATION**

Section is comprised of section 1407 of Pub. L. 95-561. Subsec. (d), formerly subsec. (c), of section 1407 enacted section 429 of Title 37, Pay and Allowances of the Uniformed Services.

**AMENDMENTS**

2000—Subsec. (c)(1). Pub. L. 106-398 substituted “December 31, 2001” for “September 30, 2001”.

1998—Subsec. (b). Pub. L. 105-261, § 657, inserted heading, designated existing provisions as par. (1), sub-

stituted “Under such circumstances as the Secretary of Defense may prescribe in regulations, the Secretary” for “Under such circumstances as he may by regulation prescribe, the Secretary of Defense”, and added par. (2).

Subsec. (c)(1). Pub. L. 105-261, § 561(k), substituted “during the period beginning on October 1, 1990, and ending on September 30, 2001” for “during the nine-year period beginning on October 1, 1990”.

1993—Subsec. (c)(1). Pub. L. 103-160 substituted “nine-year period” for “five-year period”.

1990—Subsec. (c). Pub. L. 101-510 added subsec. (c) and redesignated former subsec. (c) as (d). See Codification note above.

**§ 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) of this section 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 677<sup>1</sup> of the Individuals with Disabilities Education Act and to comply with the procedural safeguards set forth in part H<sup>1</sup> of such Act shall apply with respect to all eligible dependents overseas.

**(3) Implementation**

In carrying out paragraph (2), the Secretary shall have in effect a comprehensive, coordi-

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

nated, 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.

(Pub. L. 95-561, title XIV, §1409, Nov. 1, 1978, 92 Stat. 2369; Pub. L. 102-119, §24, Oct. 7, 1991, 105 Stat. 605; Pub. L. 106-65, div. A, title III, §354(3), Oct. 5, 1999, 113 Stat. 573.)

#### REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (c)(1), (2), is title VI of Pub. L., 91-230, Apr. 13, 1970, 84 Stat. 175, as amended. Part B of the Act is classified generally to subchapter II (§1411 et seq.) of chapter 33 of this title. Part H of the Act and section 677 of the Act were classified generally to subchapter VIII (§1471 et seq.) of chapter 33 of this title and section 1477 of this title, respectively, prior to repeal by Pub. L. 105-17, title II, §203(b), June 4, 1997, 111 Stat. 157, effective July 1, 1998. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

#### AMENDMENTS

1999—Subsec. (b). Pub. L. 106-65, §354(3)(A), substituted “Secretary of Education” for “Department of Health, Education, and Welfare” and made technical amendment to reference in original act which appears in text as reference to section 1232 of this title.

Subsec. (c)(1). Pub. L. 106-65, §354(3)(B), struck out “by academic year 1993-1994” after “public education”.

Subsec. (c)(3). Pub. L. 106-65, §354(3)(C), substituted “Implementation” for “Implementation timelines” in heading, substituted “In carrying out paragraph (2), the Secretary shall have in effect a comprehensive” for “In carrying out the provisions of paragraph (2), the Secretary shall—”, struck out the subpar. (A) designation and “in academic year 1991-1992 and the 2 succeeding academic years, plan and develop a comprehensive” before “coordinated”, substituted a period for the semicolon after “such individuals”, and struck out subpars. (B) and (C) which related to implementation in academic years 1994-1995, 1995-1996, and succeeding academic years.

1991—Subsec. (c). Pub. L. 102-119 amended subsec. (c) generally. Prior to amendment, subsec. (c) read as follows: “The provisions of the Education for All Handicapped Children Act of 1975 shall apply with respect to all schools operated by the Department of Defense under this chapter.”

#### EFFECTIVE DATE OF 1991 AMENDMENT

Section 27 of Pub. L. 102-119 provided that:

“(a) SECTIONS 8, 9, AND 10.—The amendments made by sections 8, 9, and 10 [amending sections 1423, 1431, 1434, and 1435 of this title] shall take effect on October 1, 1991, or on the date of enactment of this Act [Oct. 7, 1991], whichever is later.

“(b) SECTIONS 5, 12, 13, 14, 15, 17, AND 18.—The amendments made by sections 5, 12, 13, 14, 15, 17, and 18 [amending sections 1413, 1472, 1476, 1477, 1478, 1480, and 1482 of this title] shall take effect July 1, 1992, except that each State shall have the option to have any of the amendments apply earlier than such date.

“(c) REMAINING PROVISIONS.—The remaining sections of this Act [enacting section 1484a of this title, amending this section, sections 241, 1087ee, 1400 to 1402, 1404, 1405, 1407, 1411 to 1417, 1419, 1421 to 1425, 1431 to 1433, 1435, 1442, 1443, 1451, 1452, 1461, 1471 to 1473, and 1475 to 1485 of this title, sections 2503 and 2504 of Title 25, Indians, sections 721, 774, 777a, 795m, and 796d of Title 29, Labor, and sections 1396b, 1396n, 6022, 6024, 9835, 9855d, 9862, and 9886 of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under this section and sections 1400 and 1484 of this title] and the amendments made by such sections shall take ef-

fect on the date of the enactment of this Act [Oct. 7, 1991].”

### § 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) of this section, 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.

(Pub. L. 95-561, title XIV, §1410, Nov. 1, 1978, 92 Stat. 2369; Pub. L. 96-88, title V, §508(j)(1), (2), Oct. 17, 1979, 93 Stat. 693; Pub. L. 99-145, title XII, §1204(b)(2), Nov. 8, 1985, 99 Stat. 720.)

#### AMENDMENTS

1985—Subsec. (a)(1). Pub. L. 99-145, §1204(b)(2)(A), included as member of the advisory committee the designee of the exclusive bargaining representative of the employees.

Subsec. (b). Pub. L. 99-145, §1204(b)(2)(B), (C), substituted “Except in the case of a nonvoting member designated under the last sentence of subsection (a)(1) of this section, members” for “Members” and “The Secretary of Defense” for “The Secretary of Education, in consultation with the Secretary of Defense.”

1979—Subsec. (a)(1). Pub. L. 96-88, §508(j)(1), substituted “parents” for “representatives of sponsors”.