

(i) Nonappropriated fund instrumentalities (universal annual) employees.

(ii) Defense contractor personnel.

(iii) United Services Organizations, Inc., personnel.

(iv) American Red Cross personnel.

(3) Minor dependents of host-nation or third-country national military or civilian personnel accompanying or serving with the Military Services overseas, when recommended by the major overseas commander and when approved by the Director, DoDDS, or designee.

(4) Minor dependents of other sponsors who are serving the national defense interest, as determined by the Director, DoDDS, or designee.

(c) *Space-available, tuition-free.* Under section 1404(c) of the "Defense Dependents' Education Act of 1978", the following classes of DoD dependent students may be enrolled, in the priority given below, in DoD dependents schools on a space-available, tuition-free basis:

(1) Minor dependents of military DoD sponsors who are stationed in overseas areas to which their dependents are not authorized transportation at U.S. Government expense or minor dependents of civilian DoD sponsors who are not entitled to a living quarters allowance as authorized by the Department of State Standardized Regulations and DoD 1400.25-M, when the sponsors elect to transport these dependents at their own expense to overseas areas in which the sponsors are stationed (noncommand-sponsored dependents). If at any time during a DoD sponsor's overseas assignment that sponsor's minor noncommand-sponsored dependents become command-sponsored or the sponsor acquires minor, command-sponsored dependents, those dependents shall be authorized "space-required, tuition-free" status.

(2) DoD dependent students who are dependents of DoD sponsors who die while intitled to compensation or active duty pay at the time of the sponsor's death, provided that the surviving spouse either was residing in an overseas area when the sponsor died or has been a citizen of a foreign country and returns to that country. The DoD dependent student must be enrolled in a DoD dependents school either within 1 year of the DoD sponsor's death or, if

the dependent is below school age when the sponsor dies, within 1 year of the dependent's becoming eligible to enroll.

(3) Noncommand-sponsored DoD dependents who are enrolled in a DoD dependents school may remain in a DoD dependents school if their sponsor is declared missing in action or otherwise unlawfully detained for as long as the detention or missing status exists, subject to the approval of the Director, DoDDS, or designee.

(d) *Space-available, tuition-paying (nonfederally connected).* Under section 1404(c) of the "Defense Dependents' Education Act of 1978", the following minor dependents may be enrolled in a DoD dependents school upon payment of tuition if the Director, DoDDS, or designee, determines that space is available:

(1) Dependents of U.S. citizens residing in overseas areas, including dependents of retired personnel, or of deceased personnel not covered in paragraph (c)(2) of this section.

(2) Dependents of foreign nationals, when there is no objection from the host nation and when such inclusion does not displace or prevent inclusion of U.S. citizen-sponsored minor dependents seeking admission on the same basis at the same time.

(e) *Education in the Republic of Panama.* Eligibility requirements for education in the Republic of Panama are prescribed in §71.7.

#### §71.6 Responsibilities.

(a) The *Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics)* shall monitor compliance with this part.

(b) The *Heads of DoD Components* shall comply with this part.

(c) The *Director, DoD Dependents Schools*, or designee, shall:

(1) Authorize the attendance of DoD dependent students in DoD dependents schools or approved non-DoD dependents schools, or provide correspondence courses at U.S. Government expense, in accordance with this part.

(2) Authorize the enrollment of other minor dependents in DoD dependents schools, in accordance with this part, and establish priorities among those

## § 71.7

dependents within an eligibility category.

(3) Provide information and guidance to DoD sponsor regarding enrollment in DoD dependents schools, residence in DoD dependents school dormitories or approved non-DoD dependents schools dormitories, enrollment in approved non-DoD dependents schools, and receipt of correspondence courses.

(4) Establish, in coordination with the supporting installation or community commander, commuting areas around DoD dependents schools for the purpose of determining eligibility for transportation of DoD dependent students. (See DoD 4500.36-R.)

(5) Periodically review the educational programs in approved non-DoD dependents schools that are used to educate DoD dependent students to ensure that these programs are satisfactory.

(d) *Commanders of overseas installations, military communities, or activities* shall:

(1) Advise incoming and newly assigned personnel about the DoD dependent schools' commuting areas and the extent of pupil transportation service supporting the local DoD dependents schools.

(2) Assist incoming and newly assigned personnel in obtaining housing within the commuting area of the local DoD dependents school, if feasible.

(3) Advise incoming and newly assigned personnel that, if adequate housing is available within the commuting area of a DoD dependents school and if the DoD sponsor's place of employment is also reasonably accessible from that commuting area, tuition assistance will not be available to provide education in approved non-DoD dependents schools for minor dependents of DoD sponsors who elect to reside beyond the commuting area of a DoD dependents school. (see DoD 4500.36)

(4) Inform incoming and newly assigned personnel that they will not be reimbursed for unauthorized enrollments in non-DoD dependents schools.

## 32 CFR Ch. I (7-1-03 Edition)

### § 71.7 Eligibility requirements for education of minor dependents and other persons in the Republic of Panama.

(a) The "Panama Canal Act of 1979" authorizes the extension of primary, secondary, and postsecondary educational services to DoD dependent students and other categories of dependents. Basic eligibility policy is described in § 71.5 of this part. Exceptional eligibility requirements for education for dependents in the Republic of Panama are addressed below.

(b) Minor dependents may be enrolled in DoD dependents schools or approved non-DoD dependents schools in the Republic of Panama or may receive correspondence courses at U.S. Government expense under the conditions and in the priority indicated below.

(1) *Space required, tuition-free education and education in approved non-DoD dependents schools.* In addition to DoD dependent students entitled to receive space-required, tuition-free education from DoDDS under § 71.5 of this part, the following minor dependents in the Republic of Panama are authorized "space-required tuition-free" status:

(i) Minor dependents of host-nation or third-country citizens employed by the Department of Defense and paid from appropriated funds, provided that such dependents were enrolled on a tuition-free basis in schools operated by the former Canal Zone Government on September 30, 1979, as then authorized for residents of the former Canal Zone. This provision applies only for uninterrupted enrollments.

(ii) Minor dependents of host-nation or third-country citizen employees transferred to the Department of Defense on October 1, 1979, and paid from appropriated funds may attend approved non-DoD dependents schools in the Republic of Panama at U.S. Government expense when such dependents were enrolled in a non-DoD dependents school under the authority and at the expense of the former Canal Zone Government/Panama Canal Company on September 30, 1979. This provision applies only for uninterrupted enrollments.