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that has been recognized as qualifying educational institution by the Department of Defense to satisfy the educational requirements of 10 U.S.C. 12205, the degree must not have been awarded more than 8 years before the date the officer is to be appointed, or federally recognized, in the grade of Captain in the Army Reserve, Army National Guard, Air Force Reserve, Air National Guard, or Marine Corps Reserve, or in the grade of Lieutenant in the Naval Reserve.

§ 67.6 Procedures.

(a) An unaccredited educational institution may obtain designation as a qualifying educational institution for a specific Reserve component officer who graduated from that educational institution by providing certification from registrars at three accredited educational institutions that maintain ROTC programs that their educational institutions would accept at least 90 percent of the credit hours earned by that officer at the unaccredited educational institution, as of the year of graduation.

(b) For an unaccredited educational institution to be designated as a qualifying educational institution for a specific year, that educational institution must provide the Office of the Assistant Secretary of Defense for Reserve Affairs certification from the registrars at three different accredited educational institutions that maintain ROTC programs listing the major field(s) of study in which that educational institution would accept at least 90 percent of the credit hours earned by a student who was awarded a baccalaureate degree in that major field of study at the unaccredited educational institution.

(c) For an unaccredited educational institution to be considered for designation as a qualifying educational institution, the unaccredited educational institution must submit the required documentation no later than January 1 of the year for which the unaccredited educational institution seeks to be designated a qualifying educational institution.

(d) The required documentation must be sent to the following address: Office of the Assistant Secretary of Defense

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for Reserve Affairs, Attn: DASD (M&P), 1500 Defense Pentagon, Washington, DC 20301-1500.

(e) Applications containing the required documentation may also be submitted at any time from unaccredited educational institutions requesting designation as a qualifying educational institution for prior school years.

PART 68—PROVISION OF FREE PUBLIC EDUCATION FOR ELIGIBLE CHILDREN PURSUANT TO SECTION 6, PUBLIC LAW 81-874

Sec.

68.1 References.

68.2 Purpose.

68.3 Applicability and scope.

68.4 Policy.

68.5 Definitions.

68.6 Responsibilities.

68.7 Effective date and implementation.

AUTHORITY: 20 U.S.C. 241.

SOURCE: 52 FR 44389, Nov. 19, 1987, unless otherwise noted.

§ 68.1 References.

(a) Public Law 97-35, "Omnibus Budget Reconciliation Act of 1981," section 505(c), August 13, 1981 (20 U.S.C. 241 note).

(b) Public Law 81-874 dated September 30, 1950, section 6, as amended (20 U.S.C. 241).

(c) Public Law 95-561, "Defense Dependents' Education Act of 1978," sections 1009 and 1031(a), November 1, 1978 (20 U.S.C. 241).

(d) Memorandum of Understanding Between The Department of Defense and The Department of Education, August 16, 1982.

(e) FEDERAL REGISTER Document 84-11282, "Process for Section 6 Schools Operated by the Department of Defense," FEDERAL REGISTER, Volume 49, Number 82, page 18028, April 26, 1984.

(f) Assistant Secretary of Defense (Force Management & Personnel) Memorandum, "Education of Handicapped Students in Section 6 Schools Operated by the Department of Defense," December 10, 1986.

(g) Public Law 94-142, "Education for All Handicapped Children Act of 1975," as amended (20 U.S.C. 1401 *et seq.*).

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(h) DoD Directive 1020.1, "Non-discrimination on the Basis of Handicap in Programs and Activities Assisted or Conducted by the Department of Defense," March 31, 1982.

(i) DoD 7220.9-M, "Department of Defense Accounting Manual," October 1983, authorized by DoD Instruction 7220.9, October 22, 1981.

(j) DoD Directive 7600.6, "Audit of Nonappropriated Funds and Related Activities," January 4, 1974.

(k) DoD Directive 5500.7, "Standards of Conduct," January 15, 1977.

§ 68.2 Purpose.

This part:

(a) Establishes policies and prescribes procedures for the Department of Defense (DoD) to make arrangements (as defined in § 68.5) for the provision of free public education to eligible dependent children as authorized by § 68.1 (a), (b), and (c).

(b) Implements § 68.1 (a), (b), (d), and (e).

§ 68.3 Applicability and scope.

This part applies to:

(a) The Office of the Secretary of Defense (OSD), the Military Departments, and the Defense Agencies.

(b) The schools operated by DoD within the Continental United States (CONUS), Alaska, Hawaii, Puerto Rico, Wake Island, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands.

§ 68.4 Policy.

(a) In conformity with § 68.1 (a), (b), and (c), it is DoD policy that dependent children of U.S. military personnel and federally employed civilian personnel residing on Federal property be educated, whenever suitable, in schools operated and controlled by local public school systems.

(b) When it is not suitable for the children of U.S. military personnel and federally employed civilian personnel to attend a locally operated public school, the Secretary of Defense, or designee, shall make arrangements for the free public education of such children. These arrangements may include the establishment of schools within the United States and specified possessions.

(c) The arrangements for such free public education shall be made by the Secretary of Defense, or designee, either with a local educational agency, or with the Head of a Federal Department or Agency, whichever in the judgment of the Secretary, or designee, appears to be more applicable. If such an arrangement is made with the Head of a Federal Department or Agency, either it must administer the property on which the children to be educated reside or, if the local schools are unavailable to the children of members of the Armed Forces on active duty because of official State or local action and no suitable free public education may be provided by a local educational agency, the Department or Agency must have jurisdiction over the parents of some or all of such children.

(d) Section 6 School Arrangements are required, to the maximum extent practicable, to provide educational programs comparable to those being provided by local public educational agencies in comparable communities in the State where the Section 6 School Arrangement is located. If the Section 6 School Arrangement is outside of CONUS, Alaska, or Hawaii, it shall provide, to the maximum extent practicable, educational programs that are comparable to the free public education provided by the District of Columbia.

(e) Section 6 School Arrangements operated by DoD under 68.1 (a) (b), and (d) shall comply, except as provided in this paragraph, with § 68.1(g). If the State or other jurisdiction on which a Section 6 School Arrangement's educational comparability is based has adopted a "State plan" for the implementation of § 68.1(g) that Section 6 School Arrangement shall provide its handicapped students a free appropriate public education, as defined in § 68.1(g). That education, except as follows in this paragraph, is consistent with such State plan. To satisfy this responsibility, Section 6 School Arrangements shall conform to the substantive and procedural provisions of § 68.1(g), except for those relating to impartial due process hearings in section 1415 of § 68.1(g). The procedures of such Section 6 School Arrangements for the identification, assessment, and