

Comparability. Comparability is the act of demonstrating that the educational services and programs, school plant and facilities, budget and per-pupil expenditures, and all associated activities and services provided in Section 6 School Arrangements for the free public education of eligible dependent children are, to the maximum extent practicable, equivalent in quality and availability to those provided by school districts in the State where the Section 6 School Arrangement is located or the district(s) to which it is compared. Each Section 6 School Arrangement, in coordination with the Military Department concerned, shall provide an annual statement, with supporting documentation, which demonstrates its comparability.

Dependent children. Children who reside on Federal property, or are minor dependents who are the children, stepchildren, adopted children, or wards of U.S. military sponsors or federally employed sponsors, or who are residents in the households of bona fide sponsors who stand in loco parentis to such individuals and who receive one-half or more of their support from such sponsors, and are within the age limits for which the applicable State provides free public education.

Federal property. Real property that is owned or leased by the United States.

Free public education. Education that is provided at public expense under public supervision and direction without charge to the sponsor of a child, and that is provided at the elementary or secondary school level of the applicable State. The term shall not include any education provided beyond grade 12, except in the case of State policy regarding the education of handicapped students, nor does it preclude the collecting of tuition from an Agency responsible for the assignment of a child's sponsor resulting in the attendance of the child of a Section 6 School Arrangement.

Local educational agency. A board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district in a State. The term includes any State

Agency operating and maintaining facilities for providing free public education.

Parent. Includes a legal guardian or another person standing in loco parentis.

State. A State, Puerto Rico, Wake Island, Guam, the District of Columbia, American Samoa, the Northern Mariana Islands, or the Virgin Islands.

State educational agency. The officer or Agency primarily responsible for State supervision of public elementary and secondary schools.

§ 68.6 Responsibilities.

(a) The Assistant Secretary of Defense (Force Management and Personnel) (ASD(FM&P)), or designee, shall:

(1) Ensure the development of policies and procedures for the operation, management, budgeting (in accordance with guidance provided by the Assistant Secretary of Defense (Comptroller) (ASD(C))), construction, and financing of Section 6 Schools and for Section 6 Special Arrangements.

(2) Ensure that arrangements shall be made for the free public education of eligible dependent children in CONUS, Alaska, Hawaii, Puerto Rico, Wake Island, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands, under § 68.1 (a), (b), and (c).

(3) Ensure the establishment of elected school boards in Section 6 School Arrangements operating under § 68.1 (a) and (b).

(4) Ensure that the free public education being provided is, to the maximum extent practicable, of the kind and quality as that being provided by comparable public school districts in the State in which the Section 6 School Arrangement or Section 6 Special Arrangement is located or, if outside of CONUS, Alaska, and Hawaii, as that being provided by the District of Columbia public schools.

(5) Ensure the establishment of audit procedures for reviewing funding of Section 6 School Arrangements and Section 6 Special Arrangements under § 68.1 (a), (b), and (c).

(6) Ensure timely and accurate preparation of budget execution reports and

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full compliance with accounting requirements in accordance with DoD 7220.9–M² (§ 68.1(i)).

(7) Approve guidance for student eligibility established by a Military Department for Section 6 School Arrangements located outside of CONUS, Alaska, and Hawaii.

(b) The *General Counsel of the Department of Defense* (GC, DoD), or designee, shall:

(1) Approve guidance established by a Military Department for student eligibility for Section 6 School Arrangements located outside of CONUS, Alaska, and Hawaii.

(2) Provide legal advice for the implementation of this part.

(c) The *Secretaries of the Military Departments*, or designees, shall:

(1) Comply with this Directive, including policies and procedures promulgated under § 68.6(a)(1), and ensure that Section 6 School Arrangements on their respective installations or under their jurisdiction are maintained and operated under this part.

(2) Submit budgets to the ASD(FM&P) for operation and maintenance, procurement, and military construction for each Section 6 School Arrangement and each Section 6 Special Arrangement under OSD guidelines.

(3) Ensure that there is an elected school board at each Section 6 School Arrangement.

(4) Ensure the establishment of a means for employing personnel and, as required, for programming manpower spaces for such employees, all subject to applicable laws and regulations.

(5) Ensure that each Section 6 School Arrangement has current operating guidelines.

(6) Ensure that nonappropriated funds and related activities of Section 6 School Arrangements are reviewed under DoD Directive 7600.6³ (§ 68.1(j)).

(7) Establish guidance, consistent with § 68.1 (b) and (c), for student eligibility to attend Section 6 School Arrangements located outside of CONUS, Alaska, and Hawaii and operated by the Military Department concerned.

²Copies may be obtained, at cost, from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Va 22161.

³See footnote 1 to § 68.4(e).

Gain the approval of the ASD(FM&P), or designee, and the GC, DoD, or designee, before implementation.

(d) The *Installation Commanders*, or for Puerto Rico, the *Area Coordinator*, shall:

(1) Provide resource and logistics support at each Section 6 School Arrangement located on the installation.

(2) Ensure the establishment and operation of an elected school board at the Section 6 School Arrangement.

(3) Ensure the implementation of DoD Directive 5500.7⁴ (§ 68.1(k)) and that all Section 6 School Arrangement personnel are counseled and familiarized with its contents.

(4) Provide installation staff personnel to advise the school board in budget, civil engineering, law, personnel, procurement, and transportation matters, when applicable.

(5) Disapprove actions of the school board that conflict with applicable statutes or regulations. Disapprovals must be in writing to the school board and shall note the specific reasons for the disapprovals. A copy of this action shall be forwarded through channels of the Military Department concerned to the ASD(FM&P), or designee.

(6) Ensure the safety of students traveling to and from the on-base (post) school(s).

(7) Ensure that comptrollers and other support elements comply with the authorized execution of funds for Section 6 School Arrangements in accordance with the budget approved by the ASD(FM&P), or designee.

(e) The *Section 6 Dependents' School Board* shall:

(1) Review and monitor school expenditures and operations, subject to audit procedures established under this part and consistent with § 68.1 (a) and (b).

(2) Conduct meetings, approve agendas, prepare minutes, and conduct other activities incident to and associated with Section 6 School Arrangements.

(3) Recruit and select a Superintendent for the Section 6 School Arrangement under the school board's jurisdiction.

⁴See footnote 1 to § 68.4(e).

(4) Provide the Superintendent with regular constructive written and oral evaluations of his or her performance. Evaluations should be linked to goals established by the school board with the assistance of the Superintendent.

(5) Provide the Superintendent the benefit of the school board's counsel in matters on individual school board member's expertise.

(6) Ensure the attendance of the Superintendent, or designee, at all school board meetings.

(7) Review and approve school budgets prior to submission to the ASD(FM&P), or designee, through channels of the Military Department concerned.

(8) Establish policies and procedures for the operation and administration of the Section 6 School Arrangement(s).

(9) Provide guidance and assistance to the Superintendent in the execution and implementation of school board policies, rules, and regulations.

(10) Consult with the Superintendent on pertinent school matters, as they arise, which concern the school and on which the school board may take action.

(11) Channel communications with school employees that require action through the Superintendent, and refer all applications, complaints, and other communications, oral or written, to the Superintendent in order to ensure the proper processing of such communications.

(12) Establish policies and procedures for the effective processing of, and response to, complaints.

(f) The *Section 6 School Arrangement Superintendent* shall:

(1) Serve as the chief executive officer to the school board to ensure the implementation of the school board's policies, rules, and regulations.

(2) Attend all school board meetings, or send a designee when unable to attend, sitting with the school board as a non-voting member.

(3) Provide advice and recommendations to the school board and the Installation Commander or Area Coordinator on all matters and policies for the operation and administration of the school system.

(4) Recruit, select, and assign all professional and support personnel re-

quired for the school system. Teachers and school administrators shall hold, at a minimum, a current and applicable teaching or supervisory certificate, respectively, from any of the 50 States, Puerto Rico, the District of Columbia, or the DoD Dependents' Schools system. Additional certification may be necessary to comply with respective State or U.S. national accreditation association standards and requirements.

(5) Determine retention or termination of employment of all school personnel under applicable Federal regulations.

(6) Organize, administer, and supervise all school personnel to ensure that the curriculum standards, specialized programs, and level of instruction are comparable to accepted educational practices of the State or the District of Columbia, as applicable.

(7) Be responsible for the fiscal management and operation of the school system to include execution of the budget as approved by ASD(FM&P), or designee, and in accordance with school board guidance.

(8) Ensure the evaluation of all school employees on a regular basis.

(9) Ensure the maintenance of all school buildings, grounds, and property accounting records.

(10) Ensure the procurement of necessary school supplies, equipment, and services.

(11) Ensure the preparation of the annual Section 6 School Arrangement budget as approved by the school board, and as required by the ASD(FM&P), or designee, and the Military Department concerned, in accordance with guidance provided by the ASD(C), or designee, under DoD 7220.9-M.

(12) Ensure the maintenance of a professional relationship with local and State school officials.

(13) Ensure, wherever practicable, the maintenance of accreditation of the Section 6 School Arrangement by the State and/or applicable regional accreditation agencies.

(14) Operate the school consistent with applicable Federal statutes and regulations, and with State statutes and regulations that are made applicable to the Section 6 School Arrangement by this part.

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(15) Ensure the submission of an annual statement to the Military Department concerned demonstrating comparability of the free public education provided in the Section 6 School Arrangement(s).

(16) Ensure the implementation of the local State plan or regulatory guidelines for compliance with § 68.1(g). If the State on which a Section 6 School Arrangement's comparability is based has not adopted a State plan, the responsible Section 6 School System Superintendent shall choose the State plan of an adjacent State to follow. If no adjacent State has adopted a State plan, the Superintendent shall select the State plan of another State that is similar to the State in which the Section 6 School Arrangement is located.

(g) *Section 6 School Board Elections.* A school board for a Section 6 School Arrangement, as authorized by section 1009(d) of § 68.1(c), shall be empowered to oversee school expenditures and operations, subject to audit procedures established by the Secretary of Defense and under § 68.1(b). The Secretary of the respective Military Department shall:

(1) Ensure that the school board is composed of a minimum of three members elected only by parents or legal guardians (military or civilian) of students attending the school at the time of the election. The terms for school board members are to be established as between one and three years.

(2) Ensure the following procedures for a school board election are observed:

(i) Parents shall have adequate notice of the time and place of the election.

(ii) Election shall be conducted by secret ballot. The candidate(s) receiving the greatest number of votes shall be elected as school board member(s).

(iii) Personnel employed in the school system shall not be school board members, except for the Superintendent, who serves as a non-voting member.

(iv) Nominations shall be by petition of parents of students attending the school at the time of the election. Votes may be cast at the time of election for write-in candidates who have not filed a nomination petition if the

write-in candidates otherwise are qualified to serve in the positions sought.

(v) The election process shall provide for the continuity of school board operations.

(vi) Vacancies that occur among members of the elected school board may be filled to complete unexpired terms by either election of members by a special election process or by a school board election process if at least three school board members serving were elected by parents. Members elected to fill unexpired terms shall not serve more than one year, unless elected by parents of the students.

(vii) The responsibility for developing the plans for and conducting the school board election rests with the Superintendent and the school board.

[52 FR 44389, Nov. 19, 1987, as amended at 53 FR 49981, Dec. 13, 1988]

§ 68.7 Effective date and implementation.

This part is effective October 16, 1987. The Secretary of each Military Department shall forward two copies of the Military Department's implementing documents to the ASD(FM&P) within 120 days.

PART 69—SCHOOL BOARDS FOR DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS

Sec.

- 69.1 Purpose.
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- 69.3 Definitions.
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AUTHORITY: 10 U.S.C. 2164.

SOURCE: 61 FR 60563, Nov. 29, 1996, unless otherwise noted.

§ 69.1 Purpose.

This part prescribes policies and procedures for the establishment and operation of elected School Boards for schools operated by the Department of Defense (DoD) under 10 U.S.C. 2164, 32 CFR part 345, and Public Law 92-463.