

PART 71—ELIGIBILITY REQUIREMENTS FOR EDUCATION OF MINOR DEPENDENTS IN OVERSEAS AREAS

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SOURCE: 47 FR 52701, Nov. 23, 1982, unless otherwise noted.

§ 71.1 Purpose.

This part replaces DoD Instruction 1342.10 and DoD Instruction 1342.4, and implements 20 U.S.C. 921-932, to:

- (a) Update the policy and eligibility requirements for education of DoD dependent students in overseas areas.
- (b) Authorize the enrollment of other minor dependents in DoD dependents schools conditioned upon available space and payment of tuition.

§ 71.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments, the Organization of the Joint Chiefs of Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "DoD Components"). The term "Military Services," as used herein, refers to the Army, Navy, Air Force, and Marine Corps.

§ 71.3 Definitions.

The terms used in this part are defined below.

(a) *Approved non-DoD dependents schools.* Schools, including dormitory facilities, other than DoD dependents schools, that provide suitable educational programs, usually on a tuition basis. The term includes residence facilities operated by approved non-DoD dependents schools to provide room and board for eligible handicapped dependents when DoD dependents schools cannot provide an appropriate education.

(b) *Commuting area.* A designated geographical area surrounding a DoD dependents school within which pupil transportation at U.S. Government expense is provided for DoD dependent students, except for those living within walking distance of the school (See DoD 4500.36-R).

(c) *Correspondence courses.* Home or supplemental instruction courses for DoD dependent students who live in areas where there are no suitable facilities, for handicapped DoD dependent students who cannot attend school, and for the supplementation of course offerings at DoD dependents schools or approved non-DoD dependents schools.

(d) *DoD dependents schools.* Schools established by the Department of Defense in overseas areas to provide primary and secondary education for minor dependents of DoD sponsors.

(e) *DoD dependents schools with Dormitories.* Residence facilities operated at certain DoDDS schools, usually at the high school level and primarily but not exclusively to provide room and board for DoD dependent students who are authorized to accompany their DoD sponsors to locations where there are no appropriate educational facilities available locally.

(f) *DoD dependent student.* A minor dependent who:

- (1) Is the child, stepchild, adopted child, ward, or spouse of a DoD sponsor, or who is a resident in the household of a DoD sponsor who stands in loco parentis to such individual and who receives one-half or more of his or her support from such sponsor; and
- (2) Has not completed secondary school and who will reach his or her 5th but not 21st birthday by December 31 of the current school year; or
- (3) Is handicapped, and is between 3 and 5 years of age by December 31 of the current school year, provided that the Director, DoDDS, or designee, in his or her sole discretion, determines that adequate staff and facilities are available to serve such a handicapped child.

(g) *DoD sponsor.* A Military Service member serving on active duty and stationed overseas or a civilian employee of the Department of Defense who is employed on a full-time basis, paid from appropriated funds, and stationed

overseas, and who is either a U.S. citizen or a person lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the United States immigration laws (8 U.S.C. "Aliens and Nationality").

(h) *Full-time students.* Panama Canal College students enrolled in courses for 12 or more credit hours during the fall and spring semesters of one school year.

(i) *Overseas area.* Any area situated outside the United States (the 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))

(j) *Part-time students.* Panama Canal College students enrolled in courses for 11 or fewer credit hours during the fall and spring semesters of one school year, and all students enrolled during the summer session.

(k) *Space-required.* Pupil accommodations that must be provided by the DoD dependents schools.

(l) *Space-available.* Pupil accommodations that may be made available in DoD dependents schools if the Director, DoDDS, or designee, determines that a school operated by DoDDS has adequate staff and other resources to permit the enrollment of nonspace-required students.

§ 71.4 Policy.

(a) It is the policy of the Department of Defense:

(1) That, while overseas, DoD dependent students may be enrolled in DoD dependents schools or approved non-DoD dependents schools, or may take correspondence courses at U.S. Government expense, under the conditions prescribed in § 71.5.

(2) To allow the enrollment of other minor dependents in DoD dependents schools, provided that space is available and that tuition is paid.

(b) Section 57 of this title provides guidance concerning the education of handicapped children.

§ 71.5 Eligibility requirements.

Students may be enrolled in the DoD dependents schools pursuant to paragraphs (a) through (d) of this section,

and in that priority, and pursuant to paragraph (e) of this section.

(a) *Space-required, tuition-free.* (1) Command-sponsored DoD dependent students shall, upon the request of their DoD sponsor, be enrolled in DoD dependents schools on a space-required, tuition-free basis. However, costs for the education of minor dependents of DoD sponsors working for the DoD Security Assistance Program shall be paid from DoD Security Assistance Program funds.

(2) If, as determined by the Director, DoD Dependents Schools (DoDDS), or designee, no DoD dependents school is available within the commuting area, command-sponsored DoD dependent students are eligible for education in approved non-DoD dependents schools at U.S. Government expense, usually in that same foreign country, or in DoD dependents schools with dormitories, or through correspondence courses at U.S. Government expense.

(3) DoD dependent students may be provided education in approved non-DoD dependents schools or may receive correspondence courses at U.S. Government expense only at locations where DoD dependents schools are not available or are operating at maximum capacity. Only those non-DoD dependents schools with programs considered satisfactory by the Director, DoDDS, or designee, shall be approved to provide education at U.S. Government expense to DoD dependent students. In all cases, the payment of tuition in approved non-DoD dependents schools by the U.S. Government is limited to those DoD dependent students who are authorized transportation at U.S. Government expense to or from an overseas area, if their DoD sponsor is military, and to those DoD dependent students whose DoD sponsor, if civilian, is eligible for a living quarters allowance, as authorized by the Department of State Standardized Regulations and DoD 1400.25-M.

(4) If adequate housing is available within the commuting area of a DoD dependents school and an appropriate educational program is available at that school, tuition will not be authorized for the attendance of DoD dependent students in an approved non-DoD