

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-95 effective Dec. 10, 2015, except with respect to certain noncompetitive programs and competitive programs, see section 5 of Pub. L. 114-95, set out as a note under section 6301 of this title.

PLAN AND AUTHORITY TO ASSIST LOCAL EDUCATIONAL AGENCIES EXPERIENCING GROWTH IN ENROLLMENT DUE TO FORCE STRUCTURE CHANGES, RELOCATION OF MILITARY UNITS, OR BASE CLOSURES AND REALIGNMENTS

Pub. L. 114-328, div. A, title V, §572(b), Dec. 23, 2016, 130 Stat. 2141, as amended by Pub. L. 115-91, div. A, title V, §552(b), Dec. 12, 2017, 131 Stat. 1401, formerly set out as a note under this section, was transferred and is set out as a note under section 7703c of this title.

Pub. L. 109-364, div. A, title V, §574, Oct. 17, 2006, 120 Stat. 2226, as amended by Pub. L. 110-181, div. A, title V, §573, Jan. 28, 2008, 122 Stat. 120; Pub. L. 110-417, [div. A], title V, §553, Oct. 14, 2008, 122 Stat. 4469; Pub. L. 112-81, div. A, title V, §573, Dec. 31, 2011, 125 Stat. 1427; Pub. L. 114-92, div. A, title X, §1072(h), Nov. 25, 2015, 129 Stat. 995; Pub. L. 114-328, div. A, title V, §572(a), Dec. 23, 2016, 130 Stat. 2141; Pub. L. 115-91, div. A, title V, §552(a), Dec. 12, 2017, 131 Stat. 1401, formerly set out as a note under this section, was transferred to section 7703c of this title.

§ 7703c. Plan and authority to assist local educational agencies experiencing growth in enrollment due to force structure changes, relocation of military units, or base closures and realignments

(a) Plan required

Not later than January 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a report setting forth a plan to provide assistance to local educational agencies that experience growth in the enrollment of military dependent students as a result of any of the following events:

- (1) Force structure changes.
- (2) The relocation of a military unit.
- (3) The closure or realignment of military installations pursuant to defense base closure and realignment under the base closure laws.

(b) Elements

The report required by subsection (a), and each updated report required by subsection (c),¹ shall include the following:

- (1) An identification, current as of the date of the report, of the total number of military dependent students who are anticipated to be arriving at or departing from military installations as a result of any event described in subsection (a), including—

(A) an identification of the military installations affected by such arrivals and departures;

(B) an estimate of the number of such students arriving at or departing from each such installation; and

(C) the anticipated schedule of such arrivals and departures.

- (2) Such recommendations as the Office of Economic Adjustment of the Department of Defense considers appropriate for means of as-

sisting affected local educational agencies in accommodating increases in enrollment of military dependent students as a result of any such event.

(3) A plan for outreach to be conducted to affected local educational agencies, commanders of military installations, and members of the Armed Forces and civilian personnel of the Department of Defense regarding information on the assistance to be provided under the plan under subsection (a).

(c) Transition of military dependents among local educational agencies

(1) The Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transitions of military dependent students from Department of Defense dependent schools to other schools and among schools of local educational agencies.

(2) The Secretary of Defense may use funds of the Department of Defense Education Activity for the following purposes:

(A) To share expertise and experience of the Activity with local educational agencies as military dependent students make the transitions described in paragraph (1), including transitions resulting from the closure or realignment of military installations under a base closure law, global rebasing, and force restructuring.

(B) To provide grant assistance programs for local educational agencies with military dependent students undergoing the transitions described in paragraph (1), including programs on the following:

- (i) Access to virtual and distance learning capabilities and related applications.
- (ii) Training for teachers.
- (iii) Academic strategies to increase academic achievement.
- (iv) Curriculum development.
- (v) Support for practices that minimize the impact of transition and deployment.
- (vi) Other appropriate services to improve the academic achievement of such students.

(d) Definitions

In this section:

(1) The term “base closure law” has the meaning given that term in section 101 of title 10.

(2) The term “local educational agency” has the meaning given that term in section 7713(9) of this title.

(3) The term “military dependent students” refers to—

(A) elementary and secondary school students who are dependents of members of the Armed Forces;

(B) elementary and secondary school students who are dependents of civilian employees of the Department of Defense; and

(C) elementary and secondary school students who are dependents of personnel who are not members of the Armed Forces or civilian employees of the Department of Defense but who are employed on Federal property.

(Pub. L. 109-364, div. A, title V, §574, Oct. 17, 2006, 120 Stat. 2226, as amended by Pub. L.

¹ See References in Text note below.

110–181, div. A, title V, § 573, Jan. 28, 2008, 122 Stat. 120; Pub. L. 110–417, [div. A], title V, § 553, Oct. 14, 2008, 122 Stat. 4469; Pub. L. 112–81, div. A, title V, § 573, Dec. 31, 2011, 125 Stat. 1427; Pub. L. 114–92, div. A, title X, § 1072(h), Nov. 25, 2015, 129 Stat. 995; Pub. L. 114–328, div. A, title V, § 572(a), Dec. 23, 2016, 130 Stat. 2141; Pub. L. 115–91, div. A, title V, § 552(a), Dec. 12, 2017, 131 Stat. 1401.)

Editorial Notes

REFERENCES IN TEXT

Subsection (c), referred to in subsec. (b), was repealed, and former subsec. (d) was redesignated (c), by Pub. L. 114–92, div. A, title X, § 1072(h), Nov. 25, 2015, 129 Stat. 995.

Section 7713 of this title, referred to in subsec. (d)(2), was in the original a reference to section 8013 of Pub. L. 89–10, which was renumbered section 7013 of that Act by Pub. L. 114–95, title VII, § 7001(c)(2), Dec. 10, 2015, 129 Stat. 2074.

CODIFICATION

Section was formerly set out as a note under section 7703b of this title.

Section was enacted as part of the John Warner National Defense Authorization Act for Fiscal Year 2007, and not as part of the Elementary and Secondary Education Act of 1965 which comprises this chapter.

AMENDMENTS

2017—Subsec. (c)(3). Pub. L. 115–91, § 552(a), struck out par. (3) which read as follows: “The authority provided by this subsection expires September 30, 2017.”

2016—Subsec. (c)(3). Pub. L. 114–328 substituted “September 30, 2017” for “September 30, 2016”

2015—Subsecs. (c) to (e). Pub. L. 114–92 redesignated subsecs. (d) and (e) as (c) and (d), respectively, and struck out subsec. (c). Prior to amendment, text of subsec. (c) read as follows: “Not later than March 1, 2008, and annually thereafter to coincide with the submission of the budget of the President for a fiscal year under section 1105 of title 31, the Secretary of Defense shall submit to the congressional defense committees an update of the report required by subsection (a).”

2011—Subsec. (d)(2)(B). Pub. L. 112–81, § 573(a), inserted “grant assistance” after “To provide”, substituted “including programs on the following:” for “including—”, added cls. (i) to (vi), and struck out former cls. (i) and (ii) which read as follows:

“(i) distance learning programs; and

“(ii) training programs to improve the ability of military dependent students who attend public schools in the United States and their teachers to meet the educational needs of such students.”

Subsec. (d)(3). Pub. L. 112–81, § 573(b), substituted “September 30, 2016” for “September 30, 2013”.

2008—Subsec. (d). Pub. L. 110–417 amended subsec. (d) generally. Prior to amendment, text read as follows: “During the period beginning on October 17, 2006, and ending on September 30, 2011, the Secretary of Defense shall work collaboratively with the Secretary of Education in any efforts to ease the transition of military dependent students from attendance in Department of Defense dependent schools to attendance in schools of local educational agencies. The Secretary of Defense may use funds of the Department of Defense Education Activity to share expertise and experience of the Activity with local educational agencies as military dependent students make such transition, including such a transition resulting from the closure or realignment of military installations under a base closure law, global rebasing, and force restructuring.”

Subsec. (e)(3)(C). Pub. L. 110–181 added subpar. (C).

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INFORMATION TO BE INCLUDED WITH FUTURE REQUESTS FOR EXTENSION

Pub. L. 114–328, div. A, title V, § 572(b), Dec. 23, 2016, 130 Stat. 2141, as amended by Pub. L. 115–91, div. A, title V, § 552(b), Dec. 12, 2017, 131 Stat. 1401, provided that: “The budget justification materials that accompany any budget of the President for a fiscal year after fiscal year 2017 (as submitted to Congress pursuant to section 1105 of title 31, United States Code) shall include, with respect to section 574(c) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 20 U.S.C. 7703b note [now 20 U.S.C. 7703c]), the following:

“(1) A full accounting of the expenditure of funds pursuant to such section 574(c) during the last fiscal year ending before the date of the submittal of the budget.

“(2) An assessment of the impact of the expenditure of such funds on the quality of opportunities for elementary and secondary education made available for military dependent students.”

“CONGRESSIONAL DEFENSE COMMITTEES” DEFINED

For definition of “congressional defense committees” as the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, see section 101 of Title 10, Armed Forces, as made applicable by section 3 of Pub. L. 109–364, which is listed in a table under section 101 of Title 10.

§ 7703d. Assistance to local educational agencies that benefit dependents of members of the Armed Forces with enrollment changes due to base closures, force structure changes, or force relocations

(a) Assistance authorized

To assist communities in making adjustments resulting from changes in the size or location of the Armed Forces, the Secretary of Defense shall provide financial assistance to an eligible local educational agency described in subsection (b) if, during the period between the end of the school year preceding the fiscal year for which the assistance is authorized and the beginning of the school year immediately preceding that school year, the local educational agency had (as determined by the Secretary of Defense in consultation with the Secretary of Education) an overall increase or reduction of—

(1) not less than five percent in the average daily attendance of military dependent students in the schools of the local educational agency; or

(2) not less than 500 military dependent students in average daily attendance in the schools of the local educational agency.

(b) Eligible local educational agencies

A local educational agency is eligible for assistance under subsection (a) for a fiscal year if—

(1) 20 percent or more of students enrolled in schools of the local educational agency are military dependent students; and

(2) in the case of assistance described in subsection (a)(1), the overall increase or reduction in military dependent students in schools of the local educational agency is the result of one or more of the following:

(A) The global rebasing plan of the Department of Defense.

(B) The official creation or activation of one or more new military units.