

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

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§ 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