

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

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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.*).

(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