DEPARTMENT OF DEFENSE
EDUCATION ACTIVITY
4040 NORTH FAIRFAX DRIVE
ARLINGTON, VA 22203-1635

Policy and Legislation

DoDEA Regulation 1342.13
September 20, 2006
Change 2, 2/29/08

DEPARTMENT OF DEFENSE EDUCATION ACTIVITY
REGULATION

SUBJECT: Eligibility Requirements for Education of Elementary and Secondary School-age Dependents in Overseas Areas

References: (a) DoDEA Regulation 1342.13, "Eligibility Requirements for Education of Elementary and Secondary School-age Dependents in Overseas Areas," August 11, 2006 (hereby canceled)
(b) DoD Directive 1342.20, "Department of Defense Education Activity," November 28, 2005
(c) Sections 921 - 932 of title 20, United States Code, Overseas Defense Dependents' Education
(d) DoD Instruction 1342.12, "Provision of Early Intervention and Special Education Services to Eligible DoD Dependents," December 16, 2003
(e) through (h), see enclosure 1

1. ISSUANCE AND PURPOSE

This Regulation:

1.1. Replaces reference (a), in accordance with the authority of the Director, Department of Defense Education Activity (DoDEA), prescribed in reference (b).

1.2. Implements reference (c) to:

1.2.1. Update the policy and eligibility requirements for education of Department of Defense (DoD) dependent students in overseas areas.

1.2.2. Authorize the enrollment of other minor dependents in DoD dependents schools conditioned upon available space and payment of tuition.

2. APPLICABILITY

This Regulation 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.

3. DEFINITIONS

Terms used in this Regulation are defined in enclosure 2.

4. POLICY

It is DoDEA policy that:

4.1. While overseas, DoD dependent students may be enrolled in a DoD dependents school or be provided support for enrollment in non-DoD schools or may take correspondence courses when no DoD dependents school is available, at U.S. Government expense, under the conditions prescribed in this section. The provision for medically related services and special education of dependents with disabilities who enroll pursuant to this Regulation can be found in references (d) and (e).

4.2. Enrollment of other minor dependents in DoD dependents schools be allowed, provided that space is available and that tuition is paid. Students may be enrolled in DoD dependents schools in the following priority order:

4.3. Enrollments are based on the following categories:

4.3.1. Category I: Space-Required/Space-Guaranteed.

4.3.1.1. Space-Required, Tuition-Free.

4.3.1.1.1. 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.

4.3.1.1.2. If, as determined by the Director, DoDEA, or designee, no DoD dependents school is available within the commuting area, command-sponsored DoD dependent students are eligible for education in non-DoD dependents schools at U.S. Government expense, usually in that same foreign country, or in *private boarding schools*, or through correspondence courses at U.S. Government expense only in accordance with guidance issued by the Director, DoDEA. *Sponsors who live within the commuting area of a DoD dependent school and choose to send their dependents to host nation schools, international schools or private boarding schools are personally responsible for their dependents' tuition and educational programs, including the provision of special education.*

4.3.1.1.3. 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 a non-DoD school in that same locality.

4.3.1.1.4. DoD dependent students who are the dependents of a DoD sponsor who is detained by a foreign power or is declared missing in action or otherwise unlawfully detained may remain in a DoD dependents school, or in a non-DoD school, at U.S. Government expense for as long as the detention or missing status exists, subject to the approval of the Director, DoDEA, or designee.

4.3.1.1.5. DoD dependent students who are authorized attendance in a DoD dependents school or in a non-DoD dependents school may complete the current school year if the DoD sponsor is transferred, dies, or retires during the school year, but subsequently shall lose their eligibility to attend, except on a space-available, tuition-free basis in a DoD dependents school as prescribed in subparagraph 4.3.3.2., below.

4.3.1.1.6. If DoD dependent students are authorized to accompany their DoD sponsor to the country of the sponsor's assignment, such dependent students ordinarily will not be entitled to space-required, tuition-free education in a DoD dependents school in a different overseas country or to education in a non-DoD school at U.S. Government expense in that different country. Any exceptions to this policy must be approved by the Director, DoDEA, or designee.

4.3.1.1.7. Minor dependents who are space-required, tuition-free students who have been granted an exception to the feeder plan or commuting area shall be enrolled as space-required, tuition-free at the gaining school. Transportation will not be provided at government expense.

4.3.1.1.8. Minor dependents of full-time civilian DoD sponsors (locally hired, appropriated fund or non-appropriated fund employees) who are citizens or nationals of the United States, but who are not entitled to transportation to or from an overseas area nor entitled to a living quarters allowance as authorized by references (f) and (g) shall be enrolled on a space-required, tuition-free basis. Such dependent students will not be entitled to education in a non-DoD school at U.S. Government expense.

4.3.1.2. Space-Required, Tuition-Paying. Minor dependents of DoD sponsors who are eligible for space-required, tuition-free enrollment, but are assigned to a Military Assistance or Foreign Military Sales Program shall be enrolled on space-required, tuition-paying basis. Tuition shall be paid by the program, not by the student's sponsor.

4.3.1.3. *Space-Created*, Tuition-Paying. Minor dependents of U.S. citizens who are full-time defense contractor personnel whose organization has executed contracts or other agreements with the DoD when the applicable contract or agreement authorizes dependent education on a tuition fee basis in the DoD dependents schools shall be enrolled on a space-guaranteed, tuition-paying basis.

4.3.2. Category II: Space-Available, Tuition-Paying (Federally Connected). Under 20 U.S.C. 921-932 (reference (c)), if the Director, DoDEA, or designee, determines that space is available, consistent with the local military commander's policy concerning access to the installation and agreements with the host nation, other minor dependents in the categories specified in this subsection may be enrolled in a DoD dependents school upon payment of

tuition. The amount of tuition shall be determined by the Director, DoDEA, or designee, and may not be less than the rate necessary to cover the average cost of enrollment of children in the DoD dependents schools. Minor dependents in this category may be enrolled in the following priority order:

4.3.2.1. Minor dependents of other full-time U.S. Government Agency employees stationed overseas.

4.3.2.2. Minor dependents of United States citizens who are full-time employees of organizations overseas which serve defense-related interests not covered in Category HI and/or which have executed contracts or other agreements with the U.S. Government. Examples of individuals whose minor dependents are covered by this paragraph include:

4.3.2.2.1. Employees of permanent party American Red Cross,

4.3.2.2.2. Boy and Girl Scouts,

4.3.2.2.3. Post Exchange concessionaire contractors,

4.3.2.2.4. Employees of the United Service Organizations, Inc., and

4.3.2.2.5. University education personnel.

4.3.2.3. Minor dependents of host-nation or third-country national military or civilian personnel accompanying or serving with the Military Services overseas, when recommended by the major overseas commander and when approved by the Director, DoDEA, or designee.

4.3.2.4. Minor dependents of other sponsors who are serving the national defense interest, as determined by the Director, DoDEA, or designee.

4.3.3. Category III: Space-Available, Tuition-Free. Under 20 U.S.C. 921-932 (reference (c)), if the Director, DoDEA, or designee, determines that space is available, consistent with the local military commander's policy concerning access to the installation and agreements with the host nation, other minor dependents in the categories specified in this subsection may be enrolled in a DoD dependents school, in the priority order given below, on a space-available, tuition-free basis:

4.3.3.1. Minor dependents of military DoD sponsors who are stationed in overseas areas to which their dependents are not authorized transportation at U.S. Government expense or minor dependents of civilian DoD sponsors who are not entitled to a living quarters allowance as authorized by references (f) and (g), when the sponsors elect to transport these dependents at their own expense to overseas areas in which the sponsors are stationed (non-command sponsored dependents). If at any time during a DoD sponsor's overseas assignment that sponsor's minor non-command sponsored dependents become command-sponsored or the sponsor acquires minor, command-sponsored dependents, those dependents shall be authorized space-required, tuition-free status.

4.3.3.2. DoD dependent students who are dependents of DoD sponsors who die while entitled to compensation or active duty pay at the time of the sponsor's death and are on Temporary Change of Station Orders or deployed overseas for a period of more than 60 calendar days, provided that the deceased military Service member's spouse: (1) is a citizen of a foreign country; (2) desires to return to his/her country of citizenship; and (3) seeks to enroll the deceased military Service member's dependents in a DoD Dependents school in the spouses' country of citizenship. The DoD dependent student must be enrolled in a DoD dependents school either within 1 year of the DoD sponsor's death or, if the dependent is below school age when the sponsor dies, within 1 year of the dependent's becoming eligible to enroll. This enrollment limitation may be waived by the Director, DoDEA or designee.

4.3.3.3. Non-command-sponsored DoD dependents who are enrolled in a DoD dependents school may remain in a DoD dependents school if their sponsor is declared missing in action or otherwise unlawfully detained for as long as the detention or mission status exists, subject to the approval of the Director, DoDEA or designee.

4.3.3.4. Minor dependents of Reserve component members of the Armed Forces who are ordered to active duty under either section 12301 or 12302 of 10 U.S.C., for a period of 180 days or more to an overseas location, on an unaccompanied tour, on either a temporary duty or permanent duty change of station basis when: (1) there is a DoD dependents school in the assigned overseas location, and the minor dependent is transported to the assigned overseas location at the sponsor's expense; or (2) there is no DoD dependents school in the assigned overseas location, but the minor dependent was enrolled, and will remain enrolled, in a DoD dependents school, when the sponsor was ordered to active duty. All minor dependents shall be allowed to finish the school year if the activated Reserve component member returns to an inactive status.

4.3.3.5. Minor dependents of military and diplomatic personnel participating in the Partnership for Peace Program in Brussels and Mons, Belgium; Naples, Italy; London, United Kingdom; Brunssum, the Netherlands; and Oberammergau, Germany; and dependents of active diplomatic, defense attaché, and military liaison personnel from the Newly Independent States of the former Soviet Union assigned at Ankara, Turkey.

4.3.4. Category IV: Space-Available, Tuition-Paying (Non-federally Connected). Under 20 U.S.C. 921-932 (reference (c)), if the Director, DoDEA, or designee, determines that space is available, consistent with the local military commander's policy concerning access to the installation and agreements with the host nation; upon payment of tuition, other minor dependents in the following categories may be enrolled in a DoD dependents school:

4.3.4.1. Dependents of U.S. citizens residing in overseas areas, including dependents of retired personnel, or of deceased personnel not covered in subparagraph 4.3.3.2., above.

4.3.4.2. Dependents of foreign nationals, when there is no objection from the host nation and when such inclusion does not displace or prevent inclusion of U.S. citizen-sponsored minor dependents seeking admission on the same basis at the same time.

4.4. Minimum Age Requirement for Kindergarten and First Grade

4.4.1. It is DoDEA policy that a child must reach 5 or 6 years old for entrance into kindergarten and first grade respectively.

4.4.1.1. In the Northern Hemisphere where the school year starts in August, the child must reach 5 or 6 years old by September 1 of the enrolling year.

4.4.1.2. In the Southern Hemisphere where the school year starts in January, the child must reach 5 or 6 years old by February 1 of the enrolling year.

4.4.2. The only permitted exception to the September 1 and February 1 dates is for space-required transfer students who meet transfer enrollment criteria authorized by the Director, DoDEA.

5. RESPONSIBILITIES

5.1. The Heads of DoD Components shall comply with this Regulation.

5.2. The Director, Department of Defense Education Activity, or designee, shall:

5.2.1. Authorize the enrollment of minor dependents in DoD dependents schools, in accordance with this Regulation, and establish priorities among those dependents within an eligibility category.

5.2.2. Promulgate regulations to provide guidance to DoD sponsors regarding enrollment in DoD dependents schools, residence in dormitory schools, or in non-DoD dependents schools, or correspondence courses when no DoD school is available.

5.2.3. Establish, in coordination with the supporting installation or community commander, commuting areas around DoD dependents schools for the purpose of determining eligibility for transportation of DoD dependent students in accordance with reference (h).

5.3. Commanders of overseas installations, military communities, or activities shall:

5.3.1. Advise incoming and newly assigned personnel about the DoD dependents schools' commuting areas and the extent of pupil transportation service supporting the local DoD dependents schools.

5.3.2. Assist incoming and newly assigned personnel in obtaining housing within the commuting area of the local DoD dependents school, if feasible.

5.3.3. Advise incoming and newly assigned personnel that, if adequate housing is available within the commuting area of a DoD dependents school and if the DoD sponsor's place of employment is also reasonably accessible from that commuting area, tuition assistance will not be available to provide education in non-DoD dependents schools for minor dependents of DoD sponsors who elect to reside beyond the commuting area of a DoD dependents school.

5.3.4. Inform incoming and newly assigned personnel that they will be reimbursed for enrollments in non-DoD dependents schools only in accordance with regulations issued by the Director, DoDEA.

7. EFFECTIVE DATE

This Regulation is effective immediately.

Joseph D. Tafoya
Director

Enclosures - 2
E1. References, continued
E2. Definitions

E1. ENCLOSURE 1

REFERENCES (continued)

(e) U. S. Department of State Standardized Regulations, Section 130, "Living Quarters Allowance," September 10, 2000
(f) DoD Instruction 1010.13, "Provision of Medically Related Services to Children Receiving or Eligible to Receive Special Education in DoD Dependent Schools Outside the United States," August 28, 1986, as amended
(g) DoD Manual 1400.25-M, "DoD Civilian Personnel Manual," Chapter 1200, Subchapter 1250 (Overseas Allowances and Differentials), December 1996, as amended, authorized by DoD Directive 1400.25, "DoD Civilian Personnel Manual System," November 25, 1996
(h) DoD Regulation 4500.36-R, "Management, Acquisition, and Use of Motor Vehicles," March 1994, as amended, authorized by DoD Directive 4500.36, August 3, 2004

E2. ENCLOSURE 2

DEFINITIONS

E2.1. Command-Sponsored Dependent. A minor dependent residing with the active duty military or the full-time DoD civilian sponsor at an OCONUS location where an accompanied-by-dependents tour is authorized; the sponsor is authorized to serve that tour, and where the dependent meets the following conditions:

E2.1.1. The dependent is eligible for travel to or from the member's permanent duty station (PDS) incident to the PCS orders (except for acquired dependents and dependents born after the effective date of PCS orders).

E2.1.2. The dependent is authorized by the appropriate authority to be at the member's PDS.

E2.1.3. As a result of the dependent's residence in the vicinity of the sponsor's duty station, the sponsor is entitled to station allowances at the "with family" rate.

Or:

E2.1.4. The dependent is registered in the Defense Enrollment Eligibility Reporting System (DEERS) and authorized full coverage.

E2.2. 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 (reference (h)).

E2.3. Correspondence Courses. Home or supplemental instruction courses for DoD dependent students.

E2.4. 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.

E2.5. DoD Dependents Schools with Dormitories. Residence facilities operated at certain DoDDS high schools 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.

E2.6. DoD Dependent Student. A minor dependent who:

E2.6.1. 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

E2.6.2. Has not completed secondary school and who will reach his or her 5th but not 21st birthday by October 31 of the current school year; or

E2.6.3. Has a disability, and is between 3 and 5 years of age by October 31 of the current school year.

E2.7. DoD Sponsor. A qualified DoD sponsor, eligible for space-required, tuition-free enrollment of eligible dependents in a DoD school is a military service member serving on active duty and stationed overseas on Permanent Change of Station orders; or a civilian employee of the Department of Defense who is employed on a full-time basis, stationed overseas, is either a citizen or a national of the United States, and who is authorized to transport dependents to or from an overseas area at Government expense and is provided an allowance for living quarters in that area.

E2.8. 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).

E2.9. Space-Required. Pupil accommodations that must be provided by the DoD dependents schools.

E2.10. Space-Available. Pupil accommodations that may be made available in DoD dependents schools if the Director, DoDEA, or designee, determines that a school operated by DoD has adequate staff and other resources to permit the enrollment of space-available students.