



DEPENDENTS EDUCATION COUNCIL

# Unification of U.S. Code (Title 10 & 20)



PRESENTED BY

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**dodea**  
DEPARTMENT OF DEFENSE EDUCATION ACTIVITY



# Background

- DoDEA-specific legal provisions are established in:
  - Title 10, United States Code, Section 2164
  - Title 20, United States Code, Sections 901-907; 921-932
- DDESS (Domestic Dependents Elementary & Secondary Schools)
  - Schools opened on military installations and Federal property as early as 1821
  - 1950: First statutory recognition of DoD domestic schools
  - 1950-1987: 20 U.S.C. 241
    - Secretary of Education (HEW) responsible for funding and administration;  
Military Departments responsible for operation
  - 1987: DoD asserts control (DoDD 1342.16)
  - 1990: Operational authority transferred to OSD from Military Departments (DMRD 964)
  - 1994: 10 U.S.C. 2164



# Background

- DODDS (Department of Defense Dependent Schools – Established 1978; Title 20
  - Post World War II
    - 1946: each Service operated a dependent school system
    - Primarily in Europe and the Pacific (first schools in Germany, Austria, and Japan)
  - 1979: Department of Education stands up as a Cabinet-level organization (Title 20)
- DODEA – Established 1992
  - DoD established DoDEA to assume responsibility for managing/operating Section 6 (and DoDDS) schools



# What's wrong with the law?

## A system of Schools and Not One School System

Currently recognizes and requires DoDEA to operate as two separate school systems

### Current laws are uneven between DDESS and DODDS:

- Student eligibility
- Collective bargaining over pay and leave in DDESS, NOT DoDDS
- HR issues (citizenship)
- School Boards
- Narrow language constantly requires a ULB to address
- Several – “add-on” provisions over the years
- Excessive in addressing specific issues and situations
- Outdated

### Objectives:

- Recognize DoDEA as “The” DoD Elementary & Secondary School System (vice DoDDS & DDESS)
- Establish consistent legal framework for the entire DoDEA enterprise
- Simplify the law
- Provide the SECDEF broader discretion
- Operate as a single school system and not a system of schools
- Improve Student Achievement





# The proposed changes to law overview

- Determine what is required in law vs what should be/could be regulated within DoD or DoDEA policy
- Consolidate, formulate, and organize required content in Title 10, Chapter 88 (Military Family Programs) under its own subchapter.
  - Move enduring aspects of Title 20, Sections 901-907; 921-932 to USC 10
  - Move combined USC 10 and 20 to Chapter 88, Subchapter III within Title 10
  - Repeal all of Title 20, Sections 901-907; 921-932 and Title 10, Section 2164
- Proposal is budget neutral



# Way Ahead

- FY 18 Proposal
  - Proposal is inserted (August 2016) into the OLC (Office of Legislative Council) process for FY 18
  - Like any legislative proposal, it will first have to clear the Services
  - Service M&RA Desk Side Briefs prior to OLC submission & coordination
- Once cleared by the DoD (NLT January 2017); proposal goes to OMB and then Congress for consideration
- If approved; would become law as part of NDAA 18.



# Questions

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# Background

## BACKUPS



# The proposed changes to law (highlights)

**DoDEA Director general responsibilities** - Authority to organize/employ capacity (personnel, funding, and facilities) to ensure the effective administration of the DoD elementary and secondary educational program.

**Enrollment Eligibility** - Establishes that eligibility is determined by the “type” of eligible dependent (i.e. DoD, other Federal agency, foreign military) and the location in which the dependent is officially authorized to reside

**Other Programs** - Establishes the requirement/authorization for “other educational programs:

- Preschool, NDSP (overseas), Spec Arrangements (domestically), Summer School Program, Virtual School program, Home School auxiliary support, Student Meal Program

**Special Educational Needs** - Establishes the requirement for DoDEA to comply with the Individuals with Disabilities Education Act

**Personnel Matters for Educators** - Establishes educator positions in accordance with the OPM education occupation group (1700) and as excepted service. The authority for the SECDEF to manage educator positions without regard to any other existing law that applies to the number, classification, and compensation of other federal employees

**Financial Matters** - Establishes the authority of the SECDEF to charge tuition for non-DoD dependents enrolled in a DoDEA school; Establishes the authority for the SECDEF to use appropriated funding in support of the Student Meals Program

**School Advisory Boards** - Establishes the requirement to establish a School Advisory Board for each domestic/overseas military installation/community supported by one or more DoDEA schools

**System-wide Assessments** - The requirement for DoDEA to conduct system-wide academic assessments and make available individual student assessment results available to sponsors and summary/aggregated results to Members of Congress and all other stakeholders