

the reporting date, the member's children may be permitted to attend the school while residing in an area adjacent to such Federal property. Transportation for children attending a Section 6 School Arrangement under these conditions is the responsibility of the parent.

§ 68.5 Definitions.

Adjacent area. A geographic location that is next to or near Federal property. This normally should include a student commuting area within 45 minutes of the Federal property, unless another area identified as adjacent is designated specifically by an administrator of the Federal property; i.e., the installation commander.

Arrangements. Actions taken by the Secretary of Defense to provide a free public education to dependent children under Pub. L. 81-874 through, first, Section 6 School Arrangements or, second, Section 6 Special Arrangements:

(a) *Section 6 School Arrangement.* When a DoD-operated school is established on Federal property to provide a free public education for eligible children or, if not established on such property, the eligible child resides on such property.

(b) *Section 6 Special Arrangement.* An agreement, under § 68.1(b), between the Secretary of Defense, or designee, the ASD(FM&P), or designee, or the Secretary of a Military Department, or designee, and a local public education agency whereby a school or a school system operated by the local public education agency provides educational services to eligible dependent children of U.S. military personnel and federally employed civilian personnel. Arrangements result in partial or total Federal funding to the local public education agency for the educational services provided.

Comparability. Comparability is the act of demonstrating that the educational services and programs, school plant and facilities, budget and per-pupil expenditures, and all associated activities and services provided in Section 6 School Arrangements for the free public education of eligible dependent children are, to the maximum extent practicable, equivalent in quality and availability to those provided

by school districts in the State where the Section 6 School Arrangement is located or the district(s) to which it is compared. Each Section 6 School Arrangement, in coordination with the Military Department concerned, shall provide an annual statement, with supporting documentation, which demonstrates its comparability.

Dependent children. Children who reside on Federal property, or are minor dependents who are the children, step-children, adopted children, or wards of U.S. military sponsors or federally employed sponsors, or who are residents in the households of bona fide sponsors who stand in loco parentis to such individuals and who receive one-half or more of their support from such sponsors, and are within the age limits for which the applicable State provides free public education.

Federal property. Real property that is owned or leased by the United States.

Free public education. Education that is provided at public expense under public supervision and direction without charge to the sponsor of a child, and that is provided at the elementary or secondary school level of the applicable State. The term shall not include any education provided beyond grade 12, except in the case of State policy regarding the education of handicapped students, nor does it preclude the collecting of tuition from an Agency responsible for the assignment of a child's sponsor resulting in the attendance of the child of a Section 6 School Arrangement.

Local educational agency. A board of education or other legally constituted local school authority having administrative control and direction of free public education in a county, township, independent, or other school district in a State. The term includes any State Agency operating and maintaining facilities for providing free public education.

Parent. Includes a legal guardian or another person standing in loco parentis.

State. A State, Puerto Rico, Wake Island, Guam, the District of Columbia, American Samoa, the Northern Mariana Islands, or the Virgin Islands.

State educational agency. The officer or Agency primarily responsible for State supervision of public elementary and secondary schools.

§ 68.6 Responsibilities.

(a) The *Assistant Secretary of Defense (Force Management and Personnel)* (ASD(FM&P)), or designee, shall:

(1) Ensure the development of policies and procedures for the operation, management, budgeting (in accordance with guidance provided by the Assistant Secretary of Defense (Comptroller) (ASD(C)), construction, and financing of Section 6 Schools and for Section 6 Special Arrangements.

(2) Ensure that arrangements shall be made for the free public education of eligible dependent children in CONUS, Alaska, Hawaii, Puerto Rico, Wake Island, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands, under § 68.1 (a), (b), and (c).

(3) Ensure the establishment of elected school boards in Section 6 School Arrangements operating under § 68.1 (a) and (b).

(4) Ensure that the free public education being provided is, to the maximum extent practicable, of the kind and quality as that being provided by comparable public school districts in the State in which the Section 6 School Arrangement or Section 6 Special Arrangement is located or, if outside of CONUS, Alaska, and Hawaii, as that being provided by the District of Columbia public schools.

(5) Ensure the establishment of audit procedures for reviewing funding of Section 6 School Arrangements and Section 6 Special Arrangements under § 68.1 (a), (b), and (c).

(6) Ensure timely and accurate preparation of budget execution reports and full compliance with accounting requirements in accordance with DoD 7220.9–M² (§ 68.1(i)).

(7) Approve guidance for student eligibility established by a Military Department for Section 6 School Arrangements located outside of CONUS, Alaska, and Hawaii.

²Copies may be obtained, at cost, from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, Va 22161.

(b) The *General Counsel of the Department of Defense* (GC, DoD), or designee, shall:

(1) Approve guidance established by a Military Department for student eligibility for Section 6 School Arrangements located outside of CONUS, Alaska, and Hawaii.

(2) Provide legal advice for the implementation of this part.

(c) The *Secretaries of the Military Departments*, or designees, shall:

(1) Comply with this Directive, including policies and procedures promulgated under § 68.6(a)(1), and ensure that Section 6 School Arrangements on their respective installations or under their jurisdiction are maintained and operated under this part.

(2) Submit budgets to the ASD(FM&P) for operation and maintenance, procurement, and military construction for each Section 6 School Arrangement and each Section 6 Special Arrangement under OSD guidelines.

(3) Ensure that there is an elected school board at each Section 6 School Arrangement.

(4) Ensure the establishment of a means for employing personnel and, as required, for programming manpower spaces for such employees, all subject to applicable laws and regulations.

(5) Ensure that each Section 6 School Arrangement has current operating guidelines.

(6) Ensure that nonappropriated funds and related activities of Section 6 School Arrangements are reviewed under DoD Directive 7600.6³ (§ 68.1(j)).

(7) Establish guidance, consistent with § 68.1 (b) and (c), for student eligibility to attend Section 6 School Arrangements located outside of CONUS, Alaska, and Hawaii and operated by the Military Department concerned. Gain the approval of the ASD(FM&P), or designee, and the GC, DoD, or designee, before implementation.

(d) The *Installation Commanders*, or for Puerto Rico, the *Area Coordinator*, shall:

(1) Provide resource and logistics support at each Section 6 School Arrangement located on the installation.

³See footnote 1 to § 68.4(e).