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14. ABSTRACT
Most military-connected children are educated in local education agencies (LEA)s near a military installation and not in a DoD school on the installation. The Impact Aid program was created to provide funding to LEAs that educate military-connected children. There are several low achieving LEAs near military bases, which reduces family readiness for that installation. One option to improve education on or near bases is to build a charter school on the base; however, the biggest limit to creating a charter school is the building. Impact Aid funding is not sufficient to cover the construction of a charter school building on a military base. This study seeks to highlight that improvements in education for military connected children are needed, the Impact Aid program needs changes in order to help military-connected children, and how it can be changed to fully fund creation of charter school buildings on bases in order to improve the education of military-connected children and facilitate military family readiness. Education opportunities for military connected children in low achieving LEAs need to be improved by changing U.S. code Title 20 section VII governing Education Impact Aid. A competitive category needs to be added to section 7007(b) that allows LEAs to build new schools on military installations in order to facilitate creating charter schools on military bases.

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MASTER OF MILITARY STUDIES

TITLE:

The Need for Changes to U. S. Code Title 20, Education Impact Aid, in Order to Improve
Education Opportunities for Military-Connected Children

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Executive Summary

Title: The Need for Changes to U. S. code Title VII, Education Impact Aid, in Order to Improve Education Opportunities for Military-Connected Children

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Thesis: Changing U.S. code Title VII, Education Impact Aid, by adding a new funding category and reducing limits on funds for building construction in order to house charter schools on or near military bases, will improve the education opportunities for military-connected children in low achieving local education agencies (LEA)s.

Discussion: Most military-connected children are educated in LEAs near a military installation and not in a DoD school on the installation. The Impact Aid program was created to provide funding to LEAs that educate military-connected children. There are several low achieving LEAs near military bases, which reduces family readiness for that installation. One option to improve education on or near bases is to build a charter school on the base; however, the biggest limit to creating a charter school is the building. Impact Aid funding is not sufficient to cover the construction of a charter school building on a military base. This study seeks to highlight that improvements in education for military-connected children are needed, the Impact Aid program needs changes in order to help military-connected children, and how it can be changed to fully fund creation of charter school buildings on bases in order to improve the education of military-connected children and facilitate military family readiness.

Conclusion: Education opportunities for military-connected children in low achieving LEAs need to be improved by changing U.S. code Title 20 section VII governing Education Impact Aid. A competitive category needs to be added to section 7007(b) that allows LEAs to build new schools on military installations in order to facilitate creating charter schools on military bases. Appropriations needed to fund the category by transferring funds from section 7002, payments for federal property, and ensure there are no funding caps or percentage limits to this category. This, combined with other DoDEA vehicles can provide military installations the tools they need to establish charter schools on military installations and in military communities where better education opportunities are needed.

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Preface

As a father of school age children, one of the biggest challenges my wife and I face with each permanent change of station is determining the best way to educate our children at the new duty station. We choose where we live primarily based on the quality of schools and sometimes that drives us further from the base than we would like.

At the Air Force Association conference, I ran into a fellow parent who was concerned with education of his children. He told me about his proposed changes to the Impact Aid law and the idea of building charter schools on military bases in order to provide better options for military parents of school age children. He mentioned the need for further research on the topic. As a result, I decided to write this paper to further facilitate his effort to change U.S. code and provide military parents with better education for their children.

I would like to thank Major Mitchell Fossum for allowing me to help him advance his proposal on changing Impact Aid. I would also like to thank Dr. Paul Gelpi for his guidance and aid in conducting the research and Andrea Hamlin and the United States Marine Corps University Leadership Communication Skills Center for their guidance throughout the writing process.

Introduction

There are over 996,000 military-connected children that are served through various education systems on or near military installations where their parents are assigned. The Department of Defense Education Activity (DoDEA) run schools located on military bases are seldom an option for parents because of the 996,000 military-connected children. Only 70,000 students are served by DoDEA run schools which are found in 8 education districts in the United States.¹ This places the burden of educating children primarily on Local Education Agencies (LEAs) in communities surrounding military bases. Low achieving LEAs near military bases cause military families added stress, they cause them to choose not to live near those bases, and they can drive them to separate from the military.

Impact Aid is a program directed under U.S. code Title VII, which provides federal funding to LEAs that serve military-connected students.² There are two limits with the Impact Aid structure as it stands. The first limit is that military-connected students living off base and attending LEAs drive a resource strain in their school district because the funding formula used to reimburse the LEA for educating military-connected children provides a much smaller allocation for military children living off base than those living on base. This may reduce the LEA's ability to resource the school. The second limit, which is the focus of this paper, is that the construction grants section limits funding to no more than 50% of construction cost and \$4 million over a four-year period for an LEA. In an already poorly resourced LEA, this does not provide adequate resources to schools that support military-connected students.³

The current structure of Impact Aid and DoDEA programs do not solve the problem of inadequately funded and poorly performing schools near military bases, which has the potential

to reduce family readiness. School options can affect force retention and drive family separations to avoid a poor performing LEA, influence assignment choices or drive an assignment rejection, create financial burdens for families trying to live near a better LEA, isolate members from their units, or reduce a member's capability as a result of long commutes.⁴ Building charter schools on military bases is a viable option for military-connected students and can improve the education opportunities for military-connected children. This can be done by changing U.S. code Title 20 section VII governing Education Impact Aid by adding a new funding category and reducing limits on funds for building construction in order to house charter schools on or near military bases will improve the education opportunities for military-connected children in low achieving LEAs.⁵ This combined with other DoDEA vehicles can provide military installations the tools they need to establish charter schools on military installations and in military communities where better education opportunities are needed.

Methodology

Research on this paper began with a review of U.S. code and Department of Education sites guiding the execution of the Impact Aid program. From there it focused on secondary sources to include RAND studies, Congressional Research reports, and scholarly journals that explain how the Impact Aid program is accomplished. Funding levels for the Impact Aid program were analyzed to assess the ability to change appropriations within the program. RAND, other DoD studies, and reports to Congress were reviewed to determine the current assessment of performance of education options for DoD students, specifically from the LEAs near military bases. Research also focused on DoDEA sources, publications from organizations focused on improving military child education, studies on charter schools, and DoD planning guidance to determine the potential for creation of charter schools on military bases and the

challenges associated with that option. Finally, funding analysis was conducted focusing on the cost to build or remodel school buildings against funds that could be transferred from the section 7002 allocation of Impact Aid funding in order to determine the feasibility of transferring section 7002 money to a new category in section 7007 and its impact on affected LEAs.

Background

In 1950 the Impact Aid Program was created to provide funding to LEAs due to the lack of property tax income. Property taxes are often a source of funding for an LEA. Some school districts have large portions of federal property located within the school district that are not subject to local property tax. Additionally, military members often live on base, which is federal land. Therefore, they do not pay property taxes in the local community. The LEA is often still responsible for educating the children from those military families despite the fact that they receive no property tax revenue from the family or from other federal property in the community.⁶ It was redesignated to fall under Title VIII of Elementary and Secondary Education Act in 1994. In 2015, the Every Student Succeeds Act placed it under Title VII which took effect in 2017, and is the most recent change to the law.⁷ The purpose of Impact Aid funding is to compensate for of the lack of revenue that the LEA would normally receive in property taxes primarily from military parents living on a military base, parents living in low rent housing, or parents living on Native American lands that have children attending school in that district. The majority of military-connected students are educated through public schools, so those schools around military bases are the LEAs most affected by the Impact Aid program.⁸

The U.S. Department of Education manages the Impact Aid program and there are four components of Impact Aid funding administered by the Department of Education. These components are federal property payments (Section 7002), basic support payments for federally

connected children and payments for children with disabilities (Section 7003(b) and (d)), construction grants (Section 7007), and payments for maintenance (Section 7008).⁹ Table 1 below shows the FY 19 impact aid payments for each section

Table 1. FY 2019 Federal Impact Aid Payments

Category	Payment
Federal property (Section 7002)	\$74,313,000
Basic support (Section 7003(b))	\$1,301,242,000
Children with disabilities (Section 7003(d))	\$48,316,000
Construction (Section 7007)	\$17,406,000
Facilities maintenance (Section 7008)	\$4,835,000
Total Payments	\$1,446,112,000

Source: Congressional Research Service: Impact Aid, Title VII of the Elementary and Secondary Education Act: A

Primer

Payments for federal property, under section 7002, are made to LEAs that demonstrate that they have land within the district that was acquired by the federal government after 1938 and that the assessed value of the property is less than 10% of the value of all property within the LEA at the time it was acquired or if that value was not calculated that year the greater of the year before or the year after the acquisition of the property. The formula used to calculate the payments given is provided through the ESSA.¹⁰ The use of funds provided for federal property are at the discretion of the LEA and their state and local laws, and are most often used for general funds which can include salaries, textbooks, equipment, and school programs.¹¹

Section 7003 is broken up into two parts which are basic support payments for federally connected children (section 7003 (b)) and payments for federally connected children with disabilities (section 7003 (d)). Payments for federally connected children include children of active duty parents and children that reside on Native American lands. For students of parents

living on federal land, the school must have at least 400 federally connected students, or at least 3% of the total student population in the LEA are federally connected. Further, if the students' parents do not live on federal land but are federally employed, 1,000 students, or 10% of the daily student population must be federally connected. A formula exists for determining LEAs total number of students in these categories when it has both those living on federal land and those off federal land.¹² The formula is further broken down into heavily impacted LEAs and regular LEAs. Most LEAs are regular LEAs. Heavily impacted LEAs are designated such if they have the same boundary as the military base and meet certain tax rate and student population percentages that indicate an unusually high percentage of affected students. Heavily impacted LEAs in FY18 can be found in Table 2 below. Funds for federally connected children can also be used at the LEA's discretion and in accordance with state and local requirements, unless those funds are provided for children living on Native American lands, which are further governed in other sections of Title VII code.¹³

Table 2: Heavily Impacted LEAs in FY 18

District	State
Annette Islands School District	AK
Fort Huachuca Accommodation Schools	AZ
Peach Springs Unified District 8,	AZ
El Paso County School District 8	CO
Camden County Board of Education	GA
Liberty County Board of Education	GA
North Chicago School District 187	IL
Fort Leavenworth Unified School District 207	KS
Geary County Unified School District 474	KS
Knob Noster R-VIII School District 051-155	MO
Waynesville R-VI School District 085-046	MO
North Hanover Township Board of Education	NJ
Grand Forks Air Force Base School District 140	ND
Minot Air Force Base School District 160	ND
Andes Central School District 11-1	SD
Bennett County School District 3-1	SD
Douglas School District 51-1	SD
Dupree School District 64-2	SD
McIntosh Independent School District 15-1	SD
Oelrichs Public Schools 23-3	SD
South Central School District 26-5	SD
Timber Lake School District 20-3	SD
Wagner Community School District 11-4	SD
Copperas Cove Independent School District	TX
Fort Sam Houston Independent School District	TX
Killeen Independent School District	TX
Lackland Independent School District	TX
Randolph Field Independent School District	TX
Central Kitsap School District 401	WA

Source: Congressional Research Service: Impact Aid, Title VII of the Elementary and Secondary Education Act: A Primer pages 13-14.

Payments for children with disabilities are designated to be paid to LEAs that educate children that fall under section 7003 (b), but also fall under the Individuals with Disabilities Act (IDEA). Money provided to the LEA under this section must be used to cover the costs of educating these students.¹⁴

Construction payments under section 7007 are for construction or repair of an LEA's education facilities. LEAs that are eligible for this funding have high numbers of military-

connected children, children residing on native American lands, LEAs that fall under section 7002, and heavily impacted LEAs. Section 7007 provides two categories, formula and competitive, for receiving construction funding. It states that 40% of this money goes to formula grants for construction which is further divided into 20% for military-connected students and 20% for those from Native American property. The 20% for military impacted LEAs must get funding under section 7003 (b) and at least 50% of the student population must be military-connected. The remaining 60% of construction funding is from competitive grants for emergency and modernization. Emergency funding is to ensure the health and welfare of the students, while modernization funding is to ease overcrowding of schools or upgrade schools that need contemporary facilities. Under the competitive category, only the emergency category has received funding since 2002 and the majority of those grants have been for LEAs that are affected by Native American Land. These grants are limited to 50% of the facility cost and no more than \$4 million over a four year period.¹⁵ These funds must be used for construction and maintenance of the designated facilities.¹⁶ While section 7007 directs the funding percentages, over the last seven years, appropriations have been provided only for the competitive category or the formula category, alternating each year.

Section 7008 is funding that is provided to eleven schools located on military bases but that are owned by the Department of Education, run by the LEA, and specifically serve military-connected children. Additionally, the Department of Education owns nine other schools that are run by LEAs and serve military-connected children, but these schools are in such bad condition that LEAs will not take ownership of them.¹⁷

In addition to the Department of Education Impact Aid program, the Department of Defense (DoD) also manages a subset of the programs called the DoD Impact Aid. These

programs are supplemental payments for military-connected students and military-connected students with severe disabilities and are funded through the annual DoD Appropriations Acts. LEAs qualify for the supplemental aid if 20% or more of their student population is military-connected students. This funding can be used at the LEA’s discretion. 120 LEAs receive this funding. Funding for students with severe disabilities reimburses the school for costs when they exceed certain criteria. About 45 schools receive this funding.¹⁸ Table 3 below shows DoD Impact Aid allocation for FY 19.

Table 3. FY 19 DoD Impact Aid Payments

Category	Payment
Supplemental for military students	\$40,000,000
Students with Severe Disabilities	\$10,000,000
Total FY 19 Payments	\$50,000,000

Source Congressional Research Service, Impact Aid, Title VII of the Elementary and Secondary Education Act: A Primer page 27.

In addition to the traditional public school system, charter schools are also an option for military parents. According to the DoD’s *Report on Charter Schools on Military Installations*, “The Department of Education defines charter school as a school ‘providing free public elementary and/or secondary education to eligible students under a specific charter granted by the state legislature or other appropriate authority, and designated by such authority to be a charter school.’”¹⁹ Charter schools are created when a charter and contract are established and approved for a specified length of time. State law determines who authorizes the contract and the accountability process for the school.²⁰ Forty-four states and the District of Columbia currently have laws authorizing charter schools.²¹

Charter schools are publicly funded. The funding process is usually similar to public schools, and is based on the number of students that attend. However, in a Ball State study of 24

states, the average cost per pupil is \$2,247 or 19% less than public schools.²² Additionally, loans, grants, and funding through the Department of Education Credit Enhancement for Charter School Facilities Program provides funding to charter schools. The Department of Education's Charter School Program is also a source of funding, but that funding is limited to schools that operate a lottery enrollment program. If a school gives priority to certain classes of students (i.e. military-connected) it cannot receive that funding.²³

Charter schools are privately run and often have more autonomy than traditional public schools, but must meet the same educational standards as those schools. Charter schools independently determine their budgeting process.²⁴ They independently determine their staff, curriculum, and operations procedures. Often a Charter Management Organization or Education Management Organization helps to run operations at a charter school. These organizations aid the school by providing experience that is often lacking in the initial startup and operations process.²⁵

Charter school laws and admittance procedures differ from state to state. Seventeen states and the District of Columbia cap the number of charter schools allowed in the state. States can also cap the number of students that are allowed to attend charter schools.²⁶ Some states or schools allow children to attend on a first come first serve basis. Others employ a lottery system in which each individual child randomly competes for a slot in the desired school. In some cases, siblings are given priority for open slots.²⁷ Other states allow charter schools to give preferences to students, especially if that school was designed to cater to a certain population, such as a military base.²⁸

While most military-connected students are serviced by LEAs, the DoDEA is tasked with overseeing education programs for DoD members. The DoD run schools on CONUS military

installations are called Defense Domestic Dependent Elementary and Secondary Schools (DDESS). These schools primarily serve DoD military and DoD civilian members living on base. In some situations, off base DoD military, DoD civilian, and other federal agency employees' children may utilize the school.²⁹ Based on standardized assessments, DoDEA run school students usually perform at or above National Assessment of Education Progress (NAEP) standards. In addition to running the 57 DDESS in 8 districts, the DoDEA coordinates with the LEAs that operate the remaining 150 schools on military bases. The total cost for DDESS schools was \$934.8 million in FY2014.³⁰

In addition to operating DDESS schools and coordinating with LEAs, the DoDEA incorporates the Partnership Program which is a funding vehicle that provides grants for military-connected students in LEAs. One grant program provided by the DoDEA is the charter school grant to support charter schools on military bases.³¹ Additionally, the DoD has created standards for starting charter schools on military bases in order to provide guidance and information to enable entities to create and operate charter schools on military installations. Currently there are eight charter schools operating on military bases. These schools were organized under each installation's state charter school laws to give military-connected children additional education options and they are operated by the LEAs.³²

Findings and Discussion

The quality of military-connected children's education options is a readiness issue for the DoD. In order to ensure military family readiness, the DoD needs to find ways to improve these options by building charter schools on military bases that have lower achieving LEAs. This can be done by changing section 7007 of the Impact Aid Law and utilizing DoDEA and Department of Education vehicles that facilitate construction and operation of charter schools.

Improving education options is essential to military readiness. Military parents place a high priority on the education of their children. School options can affect force retention and drive family separations to avoid a poor performing LEA, influence assignment choices or drive an assignment rejection, create financial burdens for families trying to live near a better LEA, isolate members from their units, or reduce a member's capability as a result of long commutes.³³ Each PCS that a family makes forces the family to assess education options at the next potential assignment and creates a concern about potential inadequate academic performance of the LEA at the new location. A U.S. Army conducted assessment emphasized how education options for children can be a factor in a soldier's career choices and that a lack of quality education options affects career soldiers even more because they will experience more moves with school age children. Career soldiers, those serving at least 20 years, usually experience at least six moves. On average, officers and enlisted will likely have school age children for half of their moves. Average career soldiers serving 20 years will have three moves with children, more if they extend beyond 20 years. Each service member will approach their career and PCS determination differently based on the school options available.³⁴

PCSs create two challenges for DoD members. The first challenge for members is that the standards of education differ from state to state. The second is that in addition to different standards, the quality of schools is different from installation to installation. These issues force families to make decisions that affect readiness and retention. Even the three service secretaries have identified that school performance is one of the pivotal factors in member readiness and retention in a letter to the governors of the 50 states.³⁵ While the service secretaries have identified this to the governors of the states and asked for their help, changing the Impact Aid

law can give the service secretaries and their commanders a tool to help influence the quality of education on and around military installations.

While the difference in state standards may not be as easy for parents to understand, military parents are often aware of the assignments that have lower performing LEAs and naturally prefer better options for their children. The second volume of the 10th Quadrennial Review of Military Compensation (QRMC) further explains that there are locations in which the LEA is undesirable for military parents and as a result they will potentially reject the assignment, choose to send their children to private school at their own expense, or homeschool their children. The QRMC recommends that parents in low performing school districts be allowed to form charter schools on the military installation that cater to the needs of military parents and prioritize military children for attendance.³⁶ It does not however address the funding challenges associated with creating these schools.

One challenge created by the lack of education options is that it can create an education disparity between enlisted and officers, or lower ranking lower paid members and higher paid members who can afford a specific area. In Colorado, parents are allowed to enroll their children in any public school district, which gives them a variety of options, to include charter schools. Most officers live off base and are able to find a good option for their children. On the other hand, the majority of enlisted live on base and their children only have the option of attending the LEA run on-base schools.³⁷ Areas with fewer options, or the requirement to attend school in the district that the child lives in can highlight the gap between enlisted and officers even more. Officers and senior enlisted members who can afford to live in a better school district are able to provide their children with better options, while members who can only afford to live on or near base may only have the option of attending an underperforming school near the base. A RAND

study found that some LEAs adjacent to military bases are underperforming, ranking in the bottom 50% of their respective states.³⁸

There are funding avenues available to charter schools, but even when combined they may not be enough to fully fund the creation of a school on a military installation. One of the biggest challenges for creating a charter school on a military base is locating a facility for the charter school. It is often cost prohibitive to construct a new building.³⁹ The current Impact Aid and DoD Supplemental Impact Aid can provide the school with some funds. Another way to address some of the funding shortfall is the DoDEA grant program. Lastly the Department of Education's Charter School Program grants can help with costs. However, each these vehicles has limits. Most of the Impact Aid funding utilization is at the discretion of the LEA. In order to directly receive Impact Aid for a charter school, the base will need to create its own LEA. Additionally, if the base gives preferential admittance for military members it may be deemed ineligible for the Department of Education Charter School Program grant.⁴⁰ These issues limit the DoDEA and installation commanders' ability to provide a better school option for military-connected students without other streams of funds. Adding a category to section 7007 of the Impact Aid law can give individual bases the funding needed to acquire a facility in order to start a charter school.

Funding aid for construction and remodel is necessary because each installation that attempts to create a charter school will face different circumstances, but the common challenge for them all was funding the construction or renovation of a building. Of the eight charter schools currently on military bases, two were new construction and six were remodels. The two schools that were new construction received loans, but those loans were difficult to acquire. Eventually one was backed by the Department of Agriculture and one was backed by a real

estate developer. At one location, some of the funding received could not be used for renovations; as a result, local volunteers aided in repairing the building. One location's renovations were completed through private donations. Two of the schools received funds from their school district to fund renovations.⁴¹ By creating a venue for funding the facility, policy makers can remove a significant financial roadblock that installation commanders and military parents face when trying to start a charter school on a military installation.

While changing the current structure of the Impact Aid funding by adding another category to section 7007 solves the biggest challenge for starting a charter school, creating a new category has budget implications. In addition to creating this category, the category must also be appropriated. However, the appropriation can be done in a way that does not increase the overall cost of the Impact Aid Program. Rather than adding to the overall budget, the funding can be reduced for section 7002, payments for federal properties, to cover the additional cost of the new category.⁴² Reducing section 7002 funding would likely affect all 198 LEAs that receive funding under section 7002. Tables 4 and 5 show the LEAs that would be most affected by reduced 7002 funding, both with respect to overall funding and with respect to percentage of federal land contained in the LEA.

Table 4. LEAs affected by section 7002 as a function of total payment.

District	Federal Land	FY 18 Payment
San Diego Unified School District, CA	11%	\$5,585,256.90
Los Alamitos Unif. School District, CA	47%	\$3,774,793.74
Highland Falls-Ft. Montgomery Central School District, NY	69%	\$3,668,971.86
Glen Lake Community School, MI	26%	\$3,284,748.86
Lewisville Ind. School Dist.,TX	22%	\$3,272,679.70
Adams Co. School District #14, CO	54%	\$3,034,766.53
Fallbrook Union Elementary School District, CA	68%	\$2,513,303.68
Oceanside Unified School District, CA	40%	\$2,390,574.55
Onslow County Board of Education	24%	\$2,340,346.25
York County School Board	36%	\$2,324,795.90
Wilmington Comm. Unit School Dist. #209-U, IL	23%	\$2,074,518.26
Academy School District #20, CO	22%	\$1,726,779.84
Shoreline Unified School District, CA	40%	\$1,705,860.62
Fallbrook Union High School District, CA	63%	\$1,509,691.43
Brookeland Ind. School Dist.	28%	\$1,372,452.00
Trigg County School District, KY	25%	\$1,168,911.80
Sierra Sands Unified School District, CA	8%	\$1,108,695.00
Plumsted Twp. Board of Education, NJ	46%	\$1,042,734.48

Source: National Association of Federally Impacted Schools, Impact Aid Payments Overview: Fiscal Year 2018 Section 7002 – Federal Property https://www.nafisd.org/wp-content/uploads/2019/10/Impact-Aid-Payments-Overview_-_7002-Federal-Property_FY-2018-FINAL.pdf

Table 5. LEAs affected by section 7002 as a function of percentage of federal land.

District	Federal Land	FY 18 Payment
Clear Creek-Amana , IA	100%	\$66,146.00
Tuskahoma Public School, OK	100%	\$16,169.00
Woodford School Dist	83%	\$129,006.09
Braggs School District 51-I046-000 OK	75%	\$28,160.65
Swain County Board of Education, NC	71%	\$612,295.06
Highland Falls-Ft. Montgomery Central School District, NY	69%	\$3,668,971.86
Fallbrook Union Elementary School District, CA	68%	\$2,513,303.68
Stewart County Board of Education, TN	65%	\$220,358.68
Fallbrook Union High School District, CA	63%	\$1,509,691.43
Windham Exempted Village Schools, OH	61%	\$85,516.01
Adams Co. School District #14, CO	54%	\$3,034,766.53
Winona R-III School Dist. 101-105, MO	53%	\$55,160.30
New Hanover Twp. Board of Education, NJ	50%	\$679,303.94
Redwater Independent School District, TX	50%	\$296,949.49

Source: National Association of Federally Impacted Schools, Impact Aid Payments Overview: Fiscal Year 2018 Section 7002 – Federal Property https://www.nafisdc.org/wp-content/uploads/2019/10/Impact-Aid-Payments-Overview_-_7002-Federal-Property_FY-2018-FINAL.pdf

If funding is appropriated to section 7007 from section 7002, all LEAs that receive the funding will likely see a reduction in their allocation; however, the districts tables 4 and 5 will be most impacted by the change, depending on what formula is used to determine the amounts for each LEA. If one school is built in a year, total funding needed would be on average \$7 million.⁴³ This would leave \$64 million for section 7007, based on FY19 allocations. The state of California receives the most money and has the most acreage, so it would likely see the biggest reduction; however, there are 62 districts that have 25% or more of non-federal land so all 62 of these districts would also see reductions.⁴⁴ Additionally, the law has provisions that

attempt to maintain historical funding rates for LEAs. The provision attempts to keep funding at least 90% of the FY2009 level or 90% of the average of the FY06, FY07, FY08, and FY09 levels, whichever is greater.⁴⁵ The greatest appropriation for those four years was in FY 2009. The amount funded was \$66.2 million, which is \$8 million more than the current allocation.⁴⁶ Depending on the specific allocations to each LEA, figures indicate a potential to allow for funding at the historic levels for those LEAs in accordance with the statute and allocate at least \$8 million to the new competitive category in section 7007.

The Impact Aid law's section 7007, emergency and modernization competitive categories, has funding limits that cap what an LEA can receive for construction and renovation. In creating the new 7007 competitive category, it is essential that limits are not created that would only allow a certain percentage of construction costs to be covered or that would cap the amount of money an LEA can receive for a project.⁴⁷ The current 7007 emergency and modernization competitive categories allow for no more than 50% of the total cost for construction funding to be granted and is capped at no more than \$4 million over four years. A 50% allocation for construction is not enough to construct a building.⁴⁸ The organization starting the school needs to be able to rely on fully funding the construction or renovation of a building, since that is the biggest roadblock to starting a charter school.⁴⁹ Additionally, if it was able to access the emergency category funding, the current cap of \$4 million over four years would also be a limiting factor in acquiring a building. The cost to build a 350-student school in Florida is \$5.4 million, the cost to build a 350-student middle school in Florida is \$7.5 million, and the cost to build a 350-student high school in Florida is \$6.5 million. This is based on the average cost per pupil in the state of Florida in 2018.⁵⁰ Those costs are slightly higher in Virginia. The school size of 350 was selected to reflect the average size of the charter schools that are already

functioning on military bases.⁵¹ These prices explain the way funding limits by percentage or amount would be a detriment to providing grants for construction of a charter school building. If the school organizers only need to renovate a building, the costs would be less. However, in 2012-2013 the Department of Education estimated that the average cost for school renovation would be \$4.5 million.⁵² Even this lesser amount exceeds the \$4 million cap, and with the 50% cap would force organizations to find \$2.25 million just to renovate a building, in addition to all of the other costs associated with starting the school. Ensuring that limits like this are not placed on the proposed grant category help the planners to overcome the biggest financial roadblock to starting a charter school on the installation and taking more control over education options for military-connected children.

Additionally, the Department of Educations' Charter School Program grant needs to be available to charter schools created on military bases that prioritize enrollment to military-connected children. These schools are created to support military family readiness and give military parents options. Charter School Program guidance does not currently prohibit prioritizing military-connected children; however, Department of Education officials expressed concern when two of the charter schools currently on military bases did receive these grants.⁵³ If charter schools allow open enrollment, fewer military students will be able to attend over time. This is because of the rate at which military families move. As military families move, spaces open up and students that are not military-connected fill the seats because they are on a waiting list for the open seat, and the new military family moving to the area is placed at the back of the waiting list. During the time it takes for the seat to open up, the military family might complete the assignment and PCS, and the military child what was waiting will not fill the now open spot.

Civilian families that don't PCS can stay on the waiting list until spots in the school open, while each family that PCSs to the area is placed at the back of the waiting list.⁵⁴

Policy makers understand the demand to create these schools. The GAO recommended that the DoD provide guidance to help in the creation of charter schools on DoD installations because it foresaw the potential for military families desiring a charter school option.⁵⁵ As a result, the DoD has created a planning guide to help leaders start charter schools on their bases.⁵⁶ This tool enables families and commanders to assess their need and ability to start a school on their installation.

One challenge for creating charter schools on military bases is that some states have already reached their caps for number of charter schools allowed in the state. These caps may prevent some bases from having the opportunity to build a new school. The argument for caps in many states is to ensure quality schools. However, some states have removed caps that they once had in place.⁵⁷ If a cap does limit a school from being created on base, it requires military commanders and local community leaders to work together to overcome the obstacle. Base and community leaders can request an exception to the state law requiring caps in order to allow for the creation of a school on the installation. Local leaders can also request that the cap limit be removed for the entire state, or even just for communities supporting military installations within the state. Because of the emphasis that DoD leaders have placed on education opportunities for military families within the local communities, state leaders may be willing to support these types of exceptions to policy or state law.⁵⁸

Additionally, one might argue that some bases have charter schools near them and students can apply for attendance at those schools. However, for schools that have open enrollment, the student must be placed on a waiting list and hope that a spot eventually opens up.

For schools that have a lottery for enrollment, this is still based on spots opening up and then being lucky enough to be selected. Only two states have enrollment exemptions for military children. These states are Florida and Louisiana, which allow charter schools to give priority to military children.⁵⁹ Unless all of the states that have charter schools allow for this priority, military members will need to wait for slots to open for their children.

Lastly, while not all states have charter school laws, all but six do. The states that do have charter school law captures the majority of military-connected students. The ten states that educate two-thirds of military-connected children have charter school laws. Those states are Virginia, Texas, California, North Carolina, Florida, Georgia, Maryland, Washington, Hawaii and Colorado.⁶⁰ For the six states that do not have charter school laws, if parents feel that the school options in those areas are adequate then there is no need for the creation of charter schools. However, if they are not adequate then parents and military leaders can advocate with local and state leadership for the need to create options to include laws allowing for charter schools on the installation.

Conclusion

Good education options are critical for military family readiness. There are locations where the current options for educating military-connected children do not meet the needs of military parents and should be addressed in order to facilitate military family readiness. Service leaders recognize this, but currently military leaders do not have the ability to directly improve the education options for their members. The recommendations in this paper create an option for military leaders and families to directly influence the quality of education options for their members.

Installation commanders need tools they can use to improve education for members' children, and therefore improve the readiness of their units. Charter schools are a viable option for military-connected students. Education opportunities need to be created by changing U.S. code Title VII, Education Impact Aid, adding a new funding category and reducing limits on funds for building construction in order to house charter schools on or near military bases. This change will improve the education opportunities for military-connected children in low achieving LEAs. This change in the law combined with other DoDEA and Department of Education funding vehicles can provide families and organizers on military installations the tools they need to establish charter schools on military installations and in military communities where better education opportunities are needed. As a result, charter schools will be easier to create on the bases and will increase military family readiness.

¹ Department of Defense Education Authority, DoDEA Today, last modified April 16, 2019, <https://www.dodea.edu/aboutDoDEA/today.cfm>

² Cornell Law School: Legal information Institute, "U.S. Code § 7703b. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees," <https://www.law.cornell.edu/uscode/text/20/7703b>.

³ Richard Buddin, Brian Gill, and Ron Zimmer, "Examining Federal Impact Aid's Reimbursement for Local School Districts." *Contemporary Economic Policy* 22, no. 4 (2004): 541, <http://dx.doi.org.lomc.idm.oclc.org/10.1093/cep/byh040>. <https://search-proquest-com.lomc.idm.oclc.org/docview/274263153?accountid=14746>.

⁴ Richard Buddin, Brian P. Gill, Ron W. Zimmer, *Impact Aid and the Education of Military Children*, (Rand. Washington DC: National Defense Research Institute, 2001), 7.

⁵ Maj. Mitchell Fossum, F-15E Instructor Pilot to President, Air Force Association, Memorandum, September 19, 2019.

⁶ U.S. Department of Education "About Impact Aid," last modified 21 March 21, 2017, <https://www2.ed.gov/about/offices/list/oese/impactaid/whatisia.html>.

⁷ Rebecca R Skinner, *Impact Aid, Title VII of the Elementary and Secondary Education Act: A Primer*, CRS Report for Congress R45400 (Washington, DC: Congressional Research Service, November 7, 2018), 1, <https://crsreports.congress.gov/product/pdf/R/R45400>.

⁸ Richard Buddin, Brian P. Gill, Ron W. Zimmer, *Impact Aid and the Education of Military Children*, (Rand. Washington DC: National Defense Research Institute, 2001), xi-xii. <http://dx.doi.org.lomc.idm.oclc.org/10.1093/cep/byh040>. <https://search-proquest-com.lomc.idm.oclc.org/docview/274263153?accountid=14746>, 2.

⁹ House of Representatives, Office of the Law Revision Council, United States Code, 20 USC Chapter 70, subchapter VII: Impact Aid, last updated December 19, 2019, <https://uscode.house.gov/view.xhtml?path=/prelim@title20/chapter70/subchapter7&edition=prelim>

¹⁰ Rebecca R Skinner, *Impact Aid, Title VII of the Elementary and Secondary Education Act: A Primer*, (Washington, DC: Congressional Research Service, November 7, 2018), 6.

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- ¹¹ U.S. Department of Education “About Impact Aid,” last modified 21 March 21, 2017, <https://www2.ed.gov/about/offices/list/oese/impactaid/whatisia.html>.
- ¹² Rebecca R Skinner, *Impact Aid, Title VII of the Elementary and Secondary Education Act: A Primer*, (Washington, DC: Congressional Research Service, November 7, 2018), 7.
- ¹³ Rebecca R Skinner, *Impact Aid, Title VII of the Elementary and Secondary Education Act: A Primer*, (Washington, DC: Congressional Research Service, November 7, 2018), 14.
- ¹⁴ U.S. Department of Education “About Impact Aid,” last modified 21 March 21, 2017, <https://www2.ed.gov/about/offices/list/oese/impactaid/whatisia.html>.
- ¹⁵ Rebecca R Skinner, *Impact Aid, Title VII of the Elementary and Secondary Education Act: A Primer*, (Washington, DC: Congressional Research Service, November 7, 2018), 15-16.
- ¹⁶ U.S. Department of Education “About Impact Aid,” last modified 21 March 21, 2017, <https://www2.ed.gov/about/offices/list/oese/impactaid/whatisia.html>.
- ¹⁷ Rebecca R Skinner, *Impact Aid, Title VII of the Elementary and Secondary Education Act: A Primer*, (Washington, DC: Congressional Research Service, November 7, 2018), 20.
- ¹⁸ Rebecca R Skinner, *Impact Aid, Title VII of the Elementary and Secondary Education Act: A Primer*, (Washington, DC: Congressional Research Service, November 7, 2018), 25-26.
- ¹⁹ U.S. Department of Defense, *Report on Charter Schools on Military Installations*, August 2012, 5, <https://www.dodea.edu/Partnership/upload/Charter-Schools-on-Military-Installations-Report-to-Congress.pdf>.
- ²⁰ Yilan Shen, *Authorizing Charter Schools*, (Washington, DC; National Conference of State Legislatures, 2011), 1, <https://www.ncsl.org/documents/educ/AuthorizingCharterSchools.pdf>.
- ²¹ Education Commission of the United States, “50-State Comparison: Charter School Policies,” Last updated January 23, 2018, <https://www.ecs.org/charter-school-policies/>.
- ²² Alexander Berger and Yilan Shen, *Charter School Finance*, (Washington, DC; National Conference of State Legislatures, 2011), 4, <https://www.ncsl.org/documents/educ/charterschoolfinance.pdf>
- ²³ Department of Defense Education Authority, *Charter Schools on Military Installations: A Planning Guide*, 9. Resources, DoDEA Charter School Information. https://www.dodea.edu/Partnership/upload/CharterSchools_Jan2015.pdf
- ²⁴ Alexander Berger and Yilan Shen, *Charter School Finance*, (Washington, DC; National Conference of State Legislatures, 2011), 1-2.
- ²⁵ Department of Defense Education Authority, *Charter Schools on Military Installations: A Planning Guide*, 10.
- ²⁶ Julie Davis Bell, *Charter School Caps*, (Washington, DC; National Conference of State Legislatures, 2011), 2. <https://www.ncsl.org/documents/educ/CharterSchoolCaps.pdf>
- ²⁷ State Charter Schools Commission of Georgia, *Charter School Lottery Procedures*, State Charter Schools Commission, (Atlanta: GA, 2016). 3-4.
- ²⁸ U.S. Department of Defense, *Report on Charter Schools on Military Installations*, 10.
- ²⁹ Kristy N. Kamarck, *DOD Domestic School System: Background and Issues*, CRS Report for Congress IF 10335, (Washington, DC: Congressional Research Service, December 8, 2015) <https://crsreports.congress.gov/product/pdf/IF/IF10335>, 1.
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- ³² Department of Defense Education Authority, *Charter Schools on Military Installations: A Planning Guide*, 5.
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³⁸ Charles A. Goldman, Rita Karam, Beth Katz, Tiffany Tsai, Leslie Mullins, and John D. Winkler, *Options for Educating Students Attending Department of Defense Schools in the United States*, (Rand. Washington DC: National Defense Research Institute, 2016), 55.

³⁹ National Charter School Resource Center at Safal Partners, *Charter Schools and Military Communities: A Toolkit*, 26, Department of Education, National Charter School Resource Center, November 18, 2014, <https://charterschoolcenter.ed.gov/publications/ncsrc-authored/toolkits>

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⁴¹ Government Accountability Office, *Charter Schools: Guidance Needed for Military Base Schools on Startup and Operational Issues* (Washington DC: Government Accountability Office 2013), 26, <https://www.gao.gov/assets/660/651951.pdf>

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⁴³ Based on a 350-student school and the average cost per pupil to build in Florida in 2018.

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⁴⁵ Rebecca R Skinner, Impact Aid, *Title VII of the Elementary and Secondary Education Act: A Primer*, (Washington, DC: Congressional Research Service, November 7, 2018), 6.

⁴⁶ U.S. Department of Education “About Impact Aid,” last modified February 24, 2010, <https://www2.ed.gov/programs/8002/funding.html>

⁴⁷ Maj. Mitchell Fossum, F-15E Instructor Pilot to President, Air Force Association, Memorandum, September 19, 2019

⁴⁸ Rebecca R Skinner, Impact Aid, *Title VII of the Elementary and Secondary Education Act: A Primer*, (Washington, DC: Congressional Research Service, November 7, 2018), 18.

⁴⁹ National Charter School Resource Center at Safal Partners, *Charter Schools and Military Communities: A Toolkit*, 26.

⁵⁰ Florida Department of Education, “2018 Cost of Construction: Public Schools,” Excel Document, last modified 2020, <http://www.fldoe.org/finance/fco/cost-of-construction/public-schools.stml>

⁵¹ U.S. Department of Defense, *Report on Charter Schools on Military Installations* ,5.

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⁵⁷ Julie Davis Bell, *Charter School Caps*, (Washington, DC; National Conference of State Legislatures, 2011), 2.

⁵⁸ Secretary of the Air Force, Secretary of the Army, and Secretary of the Navy, Consideration of Schools and Reciprocity of Professional Licensure for Military Families in Future Basing or Mission Alternatives, Memorandum for the National Governors Association, 23 February, 2018.

⁵⁹ Department of Defense Education Authority, *Charter Schools on Military Installations: A Planning Guide*, 10.

⁶⁰ Department of Defense Education Authority, *Charter Schools on Military Installations: A Planning Guide*, 7.

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