



SCHOOLS MUST DISESTABLISH UNDER-ENROLLED JROTC UNITS UNDER FEDERAL LAW

I. INTRODUCTION

The Junior Reserve Officers Training Program (“JROTC”) is a “military services program in high schools throughout the nation” that is sponsored by the Secretary of each military department.¹ According to its statute, the purpose of the program is to “instill in students of the United States secondary educational institutions the value of citizenship, service to the United States, and personal responsibility and a sense of accomplishment.”² The JROTC program has different names within each military department, including NJROTC for the Navy, MCJROTC in the Marine Corps, AFJROTC for Air Force, and AJROTC for the Army. Units are established at public and private secondary institutions that apply for a unit and meet required standards, and instruction is conducted by retired officers and noncommissioned officers.³

In recent years, concern has arisen among community organizations, students and parents that school districts with established JROTC units are failing to follow the statutory mandate concerning the required number of participants necessary to maintain a JROTC unit. The language regarding the disestablishment of a JROTC unit due to under-enrollment is codified in 10 U.S.C. § 2031. The language mandates that no JROTC unit may be established or maintained if the number of students in the unit is “less than (A) 10 percent of the number of students enrolled in the institution who are in a grade above the 8th grade, or (B) 100, whichever is less.”⁴ In addition, sub section (b)(1) of the statute, which details the minimum numbers of students required to maintain or establish a unit, also requires that the students be “citizens or nationals of the United States, or aliens lawfully admitted to the United States for permanent residence.” In spite of the statutory requirements, some JROTC units have counted ineligible non-citizen students in order to meet the numerical requirements for the establishment and maintenance of units.

II. ALL JROTC UNITS MUST COMPLY WITH FEDERAL LAW.

The continued existence of a JROTC unit at any institution violates the statute if it does not have the required number of qualifying students in the program. The minimum standards for maintaining an existing JROTC unit are that it must enroll a number of “physically fit” students that equals or exceeds 10% of the institution’s total student body, or 100 students, whichever is less. To be counted toward program requirements, all participating students in the JROTC unit must “maintain acceptable standards of

¹ 10 U.S.C. § 2031.

² *Id.*

³ *Id.*

⁴ *Id.*

academic achievement and conduct” as set by statute, in addition to any further requirements by the Secretary of the unit’s military department. The institution must also continuously maintain unit facilities for “classroom instruction, storage of arms and other equipment which may be furnished in support of the unit, and adequate drill areas” as determined by the unit’s military department. Military department reimbursement of some institutional expenses is available to qualifying JROTC units that meet statutory requirements. This includes military department contributions toward the pay and moving expenses of JROTC instructors employed by the institution, as well as “text materials, equipment, and uniforms” and additional materials necessary for the unit’s operation.

Beginning with the third year of enrollment, a JROTC unit that fails to meet its statutory enrollment requirement is on probation. If the enrollment is not projected to be in compliance by the start of the next school year, the military service, according to Department of Defense directives, guides school authorities to disestablish the JROTC unit.⁵ If the JROTC unit has not met its statutory enrollment requirement within 90 days after the start of the next school year, “physical termination shall be scheduled for no later than the end of that school year.”⁶

III. CONCLUSION: SCHOOLS MUST CONFORM TO FEDERAL LAW AND DISESTABLISH UNDER-ENROLLED JROTC UNITS.

Institutions with JROTC units that are in at least their third year and do not meet the statutory enrollment requirement of 10% of the student body or 100 students (whichever is less), counting only physically fit U.S. citizens or legal permanent residents, are not in compliance with the federal statute that created them. Since they are breaking the law, they should be disestablished.

The statute does not provide for a probationary period for under-enrolled JROTC units. The Department of Defense JROTC regulations may be invalid because they are in conflict with the statute on this point. Even so, the DOD regulations state that when a unit is in at least its third year and fails to meet the statutory enrollment requirement, disestablishment is dictated unless the required minimum enrollment is achieved within 90 days after the start of the following school year.

In either case, school administrators must disestablish noncompliant JROTC units that do not meet the enrollment requirement.

Prepared by Joseph Moro, Lee Robbins, Rick Jahnkow and Reber Boulton. October 2013.

⁵ Department of Defense, Dir. 1205.13, Junior Reserve Officers’ Training Corps (JROTC) Program 10 (6 Feb. 2006).

⁶ *Id.*