

Office of the Secretary of Defense

§ 347.1

(e) The Secretaries of the Military Departments shall provide such facilities, logistic, and administrative support as are required for the effective operation of the DoDDS, section 6 Schools, and CAPSE programs. Reimbursements for goods and services shall be made in accordance with DoD Instruction 4000.19² and DoD Directive 1400.16.³

§ 346.6 Relationships.

(a) In the performance of assigned duties, the Director of Education shall:

(1) Exchange information and advice and coordinate actions with DoD Components having collateral or related functions.

(2) Use established facilities and services in the Department of Defense and other Government Agencies, whenever practical, to achieve maximum efficiency and economy of operations.

(3) Consult and coordinate with other government and nongovernmental agencies on matters related to the mission of the DoDEA.

(b) All DoD Components shall coordinate with the Director of Education, as appropriate, on matters affecting the mission and operation of the DoDEA.

§ 346.7 Authorities.

The Director of Education is specifically delegated authority to:

(a) Execute the responsibilities and functions described in § 346.5.

(b) Obtain reports, information, advice, and assistance, consistent with the policies and criteria of DoD Directive 7750.5,⁴ as deemed necessary.

(c) Communicate directly with appropriate representatives of the DoD Components and other governmental and nongovernmental agencies on matters related to the DoDDS, section 6 Schools, and CAPSE programs.

§ 346.8 Administration.

(a) The Director of Education shall be a civilian selected by the ASD(FM&P).

(b) Administrative support to the DoDEA shall be provided by DoD Components.

(c) The DoDEA shall be authorized such personnel, facilities, funds, and other resources as the Secretary of Defense deems necessary.

PART 347—DEPARTMENT OF DEFENSE DEPENDENTS SCHOOLS (DoDDS)

Sec.

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APPENDIX A TO PART 347—DELEGATIONS OF AUTHORITY.

AUTHORITY: 10 U.S.C. 131(b).

SOURCE: 57 FR 53561, Nov. 12, 1992, unless otherwise noted.

§ 347.1 Purpose.

This part:

(a) Updates the organization, responsibilities, functions, relationships, and authorities for the administration of the DoDDS, which operates schools in overseas areas.

(b) Under 10 U.S.C. 131(b), establishes, pursuant to the authority vested in the Secretary of Defense, the DoDDS, with the mission, organization, responsibilities, functions, relationships, and authorities as prescribed herein.

(c) Under 20 U.S.C. 2701 et. seq. and 20 U.S.C. 1400 et. seq., establishes the Advisory Council on Dependents' Education (ACDE) and the Overseas Dependents' Schools National Advisory Panel on the Education of Disabled Dependents (NAP); establishes the Dependents Education Council (DEC); and, under DoD Instruction 1342.15,¹ establishes such other Educational Advisory Committees or Councils (EACs) as are appropriate.

(d) Continues to authorize publication of DoD 1342.6-M² in accordance with DoD 5025.1-M.³

¹Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

²See footnote 1 to § 347.1(c).

³See footnote 1 to § 347.1(c).

²See footnote 1 to § 346.5(e).

³See footnote 1 to § 346.5(e).

⁴See footnote 1 to § 346.5(e).

§ 347.2 Applicability and scope.

This part applies to:

(a) The Office of the Secretary of Defense; the Military Departments; the Chairman of the Joint Chiefs of Staff and the Joint Staff; the Unified and Specified Commands; the Office of the Inspector General, Department of Defense; the Defense Agencies; and the DoD Field Activities (hereafter referred to collectively as “the DoD Components”). The term “Military Services,” as used herein, refers to the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard.

(b) Members appointed to serve on the ACDE, the NAP, the DEC, and other EACs established under authority of 20 U.S.C. 2701 et seq., and DoD Instruction 1342.15.

§ 347.3 Mission.

The mission of the DoDDS is to provide, pursuant to 20 U.S.C. 2701 et. seq. and DoD Directive 1342.13,⁴ a free public education of high quality from pre-kindergarten through grade twelve for eligible minor dependents of U.S. military and civilian personnel of the Department of Defense stationed overseas; and under 20 U.S.C. 1400 et. seq. and DoD Instruction 1342.12,⁵ to provide a free appropriate education for children with disabilities, ages 3 through 21; and, under 20 U.S.C. 3731(g), to provide a community college program for eligible students in Panama.

(a) The DoDDS shall also provide programs designed to meet the special needs of:

- (1) The disabled.
- (2) Individuals in need of compensatory education.
- (3) Individuals with an interest in vocational education.
- (4) Gifted and talented individuals.
- (5) Individuals of limited English-speaking ability.
- (6) A developmental preschool program for eligible dependents who are of preschool age.

(b) The DoDDS may also provide, to the extent funds are available:

(1) Extracurricular and co-curricular programs and activities to enrich the school environment and experience.

⁴See footnote 1 to §347.1(c).

⁵See footnote 1 to §347.1(c).

(2) Student travel to compete in interscholastic programs and competitions.

§ 347.4 Organization.

(a) The DoDDS is established as an organizational element of the DoD Education Activity (DoDEA), a DoD Field Activity operating under the direction, authority, and control of the Assistant Secretary of Defense (Force Management and Personnel) (ASD(FM&P)). It shall consist of:

(1) A Director.

(2) The Office of Dependents' Education, which is the headquarters element of the DoDDS.

(3) A subordinate organizational structure and such subordinate activities as shall be established by the Director, DoDDS, within resources authorized by the ASD(FM&P).

(b) An ACDE shall be established, in accordance with 20 U.S.C. et. seq., and DoD Directive 5105.4,⁶ to advise the ASD(FM&P) and the Director, DoDDS, on improvements to achieve and maintain a high quality public educational program.

(c) A DEC shall be established to provide a consultative relationship between the ASD(FM&P) and the Director, DoDDS, and the Commanders of Unified Combatant Commands and major Service Commands to consider questions of educational policy, and matters related to facilities, logistics, and administrative support provided to the DoDDS by the Military Services.

(d) An Overseas Dependents' Schools National Advisory Panel on the Education of Disabled Dependents shall be established to advise the Director, DoDDS, regarding the needs and requirements for the education of disabled children, as well as the rules and standards that should be developed and maintained for the operation of the system.

(e) Other EACs shall be established to ensure effective communication between school administrators at all levels of administration within the DoDDS and the total school community. The operation of the EACs shall be in accordance with DoD Directive 1342.15.

⁶See footnote 1 to §347.1(c).

§ 347.5 Responsibilities and functions.

(a) The Director, DoD Dependents Schools, shall perform all duties necessary to organize, manage, fund, direct, and supervise the complete operation of the DoDDS. These duties include, but are not limited to, the following duties:

(1) Serve as the principal advisor and staff assistant to the ASD(FM&P) on matters relating to overseas dependents education.

(2) As required for the DoDDS to perform its mission effectively, develop policies and systems; conduct research, analysis, and evaluation; and issue guidance and regulations.

(3) Keep abreast of developments in the elementary, secondary, and higher education field to ensure appropriate assimilation of new programs and technologies in the overseas dependents schools.

(4) Enter into agreements with or through the DoD Components and other U.S. Government entities, and form such agreements as may be required for the effective performance of the DoDDS program.

(5) Establish subordinate offices and schools necessary to fulfill the mission when practical and/or cost-beneficial.

(6) Provide recommendations and support to the ASD(FM&P) in the development and justification of school construction, modification, and/or repair projects included in annual military construction programs.

(7) Develop, publish, interpret, and maintain:

(i) DoD 1342.6-M to implement this part and other policy decisions of the Secretary of Defense.

(ii) Eligibility policy and procedures for enrollment in an overseas dependents school.

(iii) Policy and procedures for the operation and management of the ACDE, the DEC, the Overseas Dependents' Schools National Advisory Panel on the Education of Disabled Dependents, the installation and local advisory committees, and other EACs.

(iv) Policy and procedures for the delivery of education and related services for children with disabilities.

(8) Engage in collective bargaining and enter into collective bargaining agreements.

(9) Ensure that the DoDDS are operated in accordance with governing law and regulation and with appropriate internal controls.

(10) Enter into agreements with such domestic and foreign national school entities as are necessary to ensure the delivery of educational services under 20 U.S.C. 2701 et. seq., when no overseas dependent school operated by the Department of Defense is determined by DoDDS to be reasonably available.

(11) Accept gratuitous services offered in support of DoDDS programs and mission.

(12) Ensure timely and accurate preparation of budget execution reports and full compliance with accounting requirements in accordance with DoD 7220.9-M.

(13) Establish and operate a non-appropriated fund for the support of student activities that are not supported from appropriated funds.

(14) Establish membership in, and maintain liaison with, such professional educational associations or organizations as are necessary to maintain currency in educational developments and technologies, ensure the proper accreditation of the schools, and promote the advancement of educational goals and objectives.

(15) Serve as the Executive Secretary of the DEC.

(16) Serve as the Executive Secretary of the ACDE in accordance with 20 U.S.C. 2701 et seq.

(17) Perform other functions as may be assigned by the ASD(FM&P).

(b) The Assistant Secretary of Defense (Force Management and Personnel) shall:

(1) Recommend policies and resources for the administration of the DoDDS to the Secretary of Defense.

(2) Exercise direction, authority, and control over the Director, DoDDS, through the Director of Education, in accordance with 32 CFR part 346.

(c) The Advisory Council on Dependents' Education shall meet periodically to:

(1) Recommend to the Director, DoDDS, general policies for operation of the defense dependents' education system with respect to curriculum selection, administration, and operation of the system.

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(2) Facilitate the exchange of information between the Director, DoDDS, and other Federal Agencies regarding educational practices and programs that are relevant to the DoDDS.

(3) Perform such other tasks as may be assigned by the ASD(FM&P).

(d) The Dependents Education Council shall meet periodically to:

(1) Consider questions of policy relating to the DoDDS.

(2) Facilitate exchange of information between the DoDDS and the Military Services.

(3) Provide advice to the ASD(FM&P) on matters pertaining to the DoDDS.

(e) The Overseas Dependents' Schools National Advisory Panel on the Education of Disabled Dependents shall meet periodically to:

(1) Recommend to the Director, DoDDS, general policies for operation of the defense dependents' education system with respect to education of individuals with disabilities.

(2) Facilitate the exchange of information between the Director, DoDDS, and officials of other Federal Agencies regarding practices and programs that are relevant to education of individuals with disabilities.

(3) Perform such other tasks as may be assigned by the ASD(FM&P).

(f) The Comptroller of the Department of Defense shall provide technical advice and assistance to the Director, DoDDS, on budget and financial management activities of the DoDDS.

(g) The General Counsel of the Department of Defense shall provide legal advice on the implementation of this part.

(h) The Secretaries of the Military Departments, upon request, shall provide such facilities, logistics, and administrative support as are required for the effective operation of DoDDS activities and the operation of the DEC and other educational advisory committees and councils, including travel and per diem expenses of participant members. Reimbursements for goods and services shall be made in accordance with DoD Instruction 4000.19⁷ and DoD Directive 1400.16⁸. However, reimbursement shall not be required for ex-

⁷ See footnote 1 to § 347.1(c).

⁸ See footnote 1 to § 347.1(c).

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pendable medical supplies and support provided to the DoDDS, which will be furnished and funded by the supporting activity.

§ 347.6 Relationships.

(a) In the performance of assigned duties, the Director, DoDDS, shall:

(1) Exchange information and advice and coordinate actions with DoD Components having collateral or related functions.

(2) Use established facilities and services in the Department of Defense and other Government Agencies, whenever practicable, to achieve maximum efficiency and economy of operations.

(3) Consult and coordinate with other governmental and nongovernmental agencies on matters related to the mission of the DoDDS.

(b) All DoD Components shall coordinate with the Director, DoDDS, as appropriate, on matters affecting the mission and operation of the DoDDS.

§ 347.7 Authorities.

The Director, DoDDS, is specifically delegated authority to:

(a) Execute the responsibilities and functions described in § 347.5.

(b) Obtain reports, information, advice, and assistance, consistent with the policies and criteria of DoD Directive 7750.5,⁹ as deemed necessary.

(c) Communicate directly with appropriate representatives of the DoD Components and other governmental and nongovernmental agencies on matters related to the DoDDS.

(d) Exercise the operational and administrative authorities in appendix A to this part when delegated by the ASD(FM&P).

§ 347.8 Administration.

(a) The Director, DoDDS, shall be a civilian selected by the ASD(FM&P).

(b) The DoDDS shall be authorized such personnel, facilities, funds, and other resources as the Secretary of Defense deems necessary.

⁹ See footnote 1 to § 347.1(c).

APPENDIX A TO PART 347—DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, and subject to the direction, authority, and control of the Secretary of Defense, and in accordance with DoD policies, Directives, and Instructions, the Assistant Secretary of Defense (Force Management and Personnel) ASD(FM&P), or in the absence of the ASD(FM&P), the person acting for the ASD(FM&P), is hereby delegated authority as required in the administration and operation of the DoDDS to:

1. Exercise the powers vested in the Secretary of Defense by 5 U.S.C. 301, 302, and 3101 on the employment, direction, and general administration of DoDDS civilian personnel.

2. Fix rates of pay for wage-rate employees exempted from the Classification Act of 1949 by 5 U.S.C. 5102 on the basis of rates established under the Coordinated Federal Wage System. In fixing such rates, the ASD(FM&P) shall follow the wage schedule established by the DoD Wage Fixing Authority.

3. Establish advisory committees and employ temporary or intermittent experts or consultants, as approved by the Secretary of Defense, for the performance of DoDDS functions consistent with 10 U.S.C. 173, 5 U.S.C. 3109(b), DoD Directive 5105.4, and the agreement between the Department of Defense and the Office of Personnel Management (OPM) on employment of experts and consultants, June 21, 1977.

4. Administer oaths of office incident to entrance into the Executive Branch of the Federal Government or any other oath required by law in connection with employment therein, in accordance with 5 U.S.C. 2903, and designate in writing, as may be necessary, officers and employees of the DoDDS to perform this function.

5. Establish a DoDDS Incentive Awards Board and authorize cash awards to, and incur necessary expenses for, the honorary recognition of civilian employees of the Government whose suggestions, inventions, superior accomplishments, or other personal efforts, including special acts or services, benefit or affect the DoDDS or its subordinate activities, in accordance with 5 U.S.C. 4503, applicable OPM regulations, and DoD Directive 5120.15.¹

6. In accordance with 5 U.S.C. 7532; E.O. 10450, 18 FR 2489, 3 CFR, 1949-1953 Comp., p. 936; E.O. 12333, 46 FR 59941, 3 CFR, 1981 Comp., p. 200; E.O. 12356, 47 FR 14874 and 15557, 3 CFR, 1982 Comp., p. 166; and DoD Directive 5200.2,¹ "DoD Personnel Security Program," as appropriate:

a. Designate any position in the DoDDS as a "sensitive" position.

b. Authorize, in case of an emergency, the appointment of a person to a sensitive position in the DoDDS for a limited period of time and for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed.

c. Authorize the suspension, but not terminate the services, of a DoDDS employee in the interest of national security.

7. Authorize and approve:

a. Travel for DoDDS civilian employees in accordance with Volume II, Joint Travel Regulations.

b. Invitational travel to non-DoD personnel whose consultative, advisory, or other highly specialized technical services are required in a capacity that is directly related to, or in connection with, DoDDS activities, in accordance with Volume II, Joint Travel Regulations.

c. Overtime work for DoDDS civilian employees in accordance with chapter 55, subchapter V, of 5 U.S.C. and applicable OPM regulations.

8. Develop, establish, and maintain an active and continuing Records Management Program pursuant to 44 U.S.C. 3102 and DoD Directive 5015.2.²

9. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, or other public periodicals as required for the effective administration and operation of the DoDDS, consistent with 44 U.S.C. 3702.

10. Establish and maintain, for the functions assigned, an appropriate publications system for the promulgation of common supply and service regulations, instructions, and reference documents, and changes thereto, pursuant to the policies and procedures prescribed in DoD 5025.1-M.³

11. Enter into support and service agreements with the Military Departments, other DoD Components, or other Government Agencies, as required, for the effective performance of DoDDS functions and responsibilities.

12. Enter into and administer contracts, directly or through a Military Department, a DoD contract administration services component, or other Federal Agency, as appropriate, for supplies, equipment, and services required to accomplish the mission of the DoDDS. To the extent that any law or Executive order specifically limits the exercise of such authority to persons at the Secretarial level of a Military Department, such authority shall be exercised by the appropriate Under Secretary or Assistant Secretary of Defense.

²See footnote 1 to §347.1(c).

³See footnote 1 to §347.1(c).

¹See footnote 1 to §347.1(c).

13. Approve waivers of indebtedness for DoDDS employees in accordance with 5 U.S.C. 5584.

The ASD(FM&P) may redelegate these authorities, as appropriate, and in writing, except as otherwise provided by law or regulation.

These delegations of authority are October 13, 1992.

PART 348—DEFENSE MEDICAL PROGRAMS ACTIVITY (DMPA)

Sec.

348.1 Purpose.

348.2 Applicability.

348.3 Responsibilities and functions.

348.4 Organization and management.

348.5 Relationships.

348.6 Authorities.

348.7 Administration.

AUTHORITY: 10 U.S.C. 131(b).

SOURCE: 57 FR 53564, Nov. 12, 1992, unless otherwise noted.

§ 348.1 Purpose.

Under the authority vested in the Secretary of Defense under the provisions of 10 U.S.C. 131(b), this part establishes the DMPA as a DoD Field Activity under the direction, authority, and control of the Assistant Secretary of Defense (Health Affairs) (ASD(HA)), with responsibilities, functions, relationships, and authorities as outlined. The Defense Medical Support Activity, previously established under Defense Medical Support Activity, is hereby disestablished and its functions incorporated within the DMPA.

§ 348.2 Applicability.

This part applies to the Office of the Secretary of Defense, the Military Departments, the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Unified and Specified Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as "the DoD Components").

§ 348.3 Responsibilities and functions.

(a) The Director, DMPA, shall:

(b) Develop and maintain the Department of Defense Unified Medical Program to provide resources for all medical activities.

(c) Develop, maintain, and provide guidance for an integrated system for planning, programming, and budgeting for medical facility military construction projects (to include initial construction, replacement, modification, modernization, and supporting facilities) throughout the Department of Defense and for managing the allocation of the financial resources approved for such projects.

(d) Develop, maintain, and oversee the design, enhancement, operation, procurement, and management of information systems and related communications and automated systems in support of the activities of the DoD Military Health Services System (MHSS).

(e) Manage the DoD-wide automated MHSS information systems.

(f) Provide other support for DoD military medical programs, as directed by the ASD(HA).

§ 348.4 Organization and management.

The DMPA shall consist of:

(a) A Director designated by the ASD(HA) from among personnel within the Office of the ASD(HA).

(b) Such additional subordinate organizational elements as are established by the Director within resources assigned by the Secretary of Defense.

§ 348.5 Relationships.

(a) In performing assigned functions, the Director, DMPA, shall:

(1) Coordinate actions with the other DoD Components having collateral or related functions in the areas of assigned responsibility.

(2) Maintain liaison with the other DoD Components and other governmental and nongovernmental agencies to exchange information and advice on programs in the field of assigned responsibility.

(3) Make use of established facilities and services in the Department of Defense and other Government Agencies to avoid duplication and achieve maximum efficiency and economy.

(b) The Heads of the DoD Components shall coordinate with the Director, DMPA, on all matters relating to DMPA functions and responsibilities.