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related to the responsibilities and functions cited in § 344.4.

§ 344.6 Authorities.

The ASD(RA) is hereby delegated authority to:

(a) Act for the Secretary of Defense, in accordance with section 411 of Pub. L. 103-160 and future authorization acts that contain this provision, to increase the authorized end strength for Reserve personnel by not more than 2 percent of the prescribed Reserve personnel end strength, or such other percentage as shall be authorized by statute, when the increase is in the national interest.

(b) Issue DoD Instructions, DoD publications, and one-time directive-type memoranda, consistent with DoD 5025.1-M,¹ that implement policies approved by the Secretary of Defense in assigned fields of responsibility. Instructions to the Military Departments shall be issued through the Secretaries of those Departments. Instructions to the Commanders of the Unified Combatant Commands shall be communicated through the Chairman of the Joint Chiefs of Staff.

(c) Obtain reports, information, advice, and assistance, consistent with DoD Directive 8910.1,² as necessary, to carry out assigned functions.

(d) Communicate directly with Heads of the DoD Components. Communications to the Unified Combatant Commands shall be transmitted through the Chairman of the Joint Chiefs of Staff.

(e) Communicate with other Government officials, representatives of the legislative branch, members of the public, and representatives of foreign governments, as appropriate, in carrying out assigned functions.

PART 345—DEPARTMENT OF DEFENSE SECTION 6 SCHOOLS

Sec.

345.1 Purpose.

345.2 Applicability and scope.

345.3 Mission.

¹Copies may be obtained, at cost, from the National Technical Information Service (NTIS), US Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161.

²See footnote 1 to § 344.6(b).

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345.4 Organization.

345.5 Responsibilities and functions.

345.6 Relationships.

345.7 Authorities.

345.8 Administration.

APPENDIX A TO PART 345—DELEGATIONS OF AUTHORITY

AUTHORITY: 20 U.S.C. 2362.

SOURCE: 57 FR 53557, Nov. 12, 1992, unless otherwise noted.

§ 345.1 Purpose.

This part, pursuant to the authority vested in the Secretary of Defense under 20 U.S.C. 2362, establishes the Department of Defense (DoD) section 6 Schools with the mission, organization, responsibilities, functions, relationships, and authorities as prescribed herein.

§ 345.2 Applicability and scope.

(a) This part applies to the Office of the Secretary of Defense, the Military Departments, the Defense Agencies, and the DoD Field Activities, (hereafter referred to collectively as “the DoD Components”).

(b) The schools (pre-kindergarten through grade 12) operated by the Department of Defense within the Continental United States (CONUS), Alaska, Hawaii, Puerto Rico, Wake Island, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands.

§ 345.3 Mission.

The mission of the DoD section 6 Schools is to provide a free public education of high quality from pre-kindergarten through grade twelve for eligible dependent children of U.S. military personnel and federally employed civilian personnel, when those children are eligible for an education in DoD section 6 Schools under 20 U.S.C. 2362, 20 U.S.C. 241 note, 32 CFR part 68, and 20 U.S.C. 1400 et. seq., to provide a free, appropriate education for dependents with disabilities, ages 3 through 21.

§ 345.4 Organization.

The DoD section 6 Schools Office 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 a Director and such subordinate organizational structures and activities as shall be established by the Director, DoD section 6 Schools, with the resources authorized by the ASD(FM&P).

§ 345.5 Responsibilities and functions.

(a) The Director, DoD section 6 Schools, shall perform all of the duties necessary to organize, manage, fund, direct, and supervise the complete operation of the DoD section 6 Schools. These duties include, but are not limited to, the following:

(1) Serve as the principal advisor and staff assistant to the ASD(FM&P) on matters relating to the DoD section 6 Schools.

(2) Ensure the development of policies and procedures for the operation, management, budgeting (in accordance with guidance provided by the Comptroller, Department of Defense), construction, and financing of DoD section 6 Schools and for DoD section 6 Special Arrangements (as defined in 32 CFR part 68 for eligible dependent children in CONUS, Alaska, Hawaii, Puerto Rico, Wake Island, Guam, American Samoa, the Northern Mariana Islands, and the Virgin Islands, under 20 U.S.C. 2362, 20 U.S.C. 241 note, and 32 CFR part 68.

(3) Ensure the establishment of elected school boards in DoD section 6 School Arrangements operating under 20 U.S.C. 2362 and 20 U.S.C. 241 note. The functions of such school boards shall be to oversee school expenditures and operations, subject to audit procedures established by the Director, section 6 Schools and consistent with 20 U.S.C. 2362, 20 U.S.C. 241 note, and this part.

(4) Ensure that the free public education being provided under this part is, to the maximum extent practicable, comparable to that being provided by comparable public school districts in the State in which the DoD section 6 School Arrangement or DoD section 6 Special Arrangement (as defined in 32 CFR part 68) is located or, if outside of CONUS, Alaska, and Hawaii, as the being provided by the District of Columbia Public Schools.

(5) Ensure the establishment of audit procedures for reviewing funding of DoD section 6 School Arrangements and DoD section 6 Special Arrangements.

(6) Ensure timely and accurate preparation of budget execution reports and full compliance with accounting requirements in accordance with DoD 7220.9-M.¹

(7) Ensure that nonappropriated funds and related activities of DoD section 6 School Arrangements are reviewed under DoD Directive 7600.6.²

(8) Establish guidance for student eligibility for DoD section 6 School Arrangements.

(9) Negotiate interservice support agreements with the Military Departments in accordance with DoD Directive 4000.19.³

(10) 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 DoD section 6 Schools to the Secretary of Defense.

(2) Exercise direction, authority, and control over the Director, DoD section 6 Schools, through the Director of Education, in accordance with 32 CFR part 346.

(3) Issue, as necessary, DoD instructions, publications, and other guidance implementing this part.

(c) The Comptroller of the Department of Defense shall provide technical advice and assistance to the Director, DoD section 6 Schools, on budget and financial management activities of the DoD section 6 Schools.

(d) The General Counsel of the Department of Defense shall:

(1) Coordinate on guidance established by the Director, DoD section 6 Schools, for student eligibility for DoD section 6 School Arrangements.

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

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

²See footnote 1 to §345.5(a)(6).

³See footnote 1 to §345.5(a)(6).

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(e) The Secretaries of the Military Departments shall provide such facilities, logistics, and administrative support as are required for the effective operation of the DoD section 6 Schools program. Reimbursements for goods and services shall be made in accordance with DoD Directive 4000.19 and DoD Directive 1400.16.⁴ For the purposes of accepting gifts under 10 U.S.C. 2601 only, the Secretaries of the Military Departments shall be deemed to have jurisdiction over section 6 Schools located on installations under their respective control.

§ 345.6 Relationships.

(a) In the performance of assigned duties, the Director, DoD section 6 Schools, 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 DoD section 6 Schools.

(b) All DoD Components shall coordinate with the Director, DoD section 6 Schools, as appropriate, on all matters relating to the operation of the DoD section 6 Schools.

§ 345.7 Authorities.

The Director, DoD section 6 Schools, is specifically delegated authority to:

(a) Execute the responsibilities and functions described in § 345.5.

(b) Obtain reports, information, advice, and assistance, consistent with the policies and criteria of DoD Directive 7750.5,⁵ as deemed necessary.

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

(d) Exercise the operational and administrative authorities contained in appendix A to this part.

⁴See footnote 1 to § 345.5(a)(6).

⁵See footnote 1 to § 345.5(a)(6).

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§ 345.8 Administration.

(a) The Director, DoD section 6 Schools, shall be a civilian selected by the ASD(FM&P).

(b) Administrative support for Headquarters, DoD section 6 Schools, and DoD section 6 Schools field elements shall be provided by the DoD Components.

(c) The DoD section 6 Schools Office shall be authorized such personnel, facilities, funds, and other resources as the Secretary of Defense deems necessary.

APPENDIX A TO PART 345—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 administration and operation of the DoD section 6 Schools, to:

1. Make determinations with respect to recruiting, selecting, removing, disciplining, and taking other actions involving civilian employees of the DoD section 6 Schools.

2. 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 DoD section 6 Schools as a “sensitive” position.

b. Authorize, in case of an emergency, the appointment of a person to a sensitive position in the DoD section 6 Schools 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 DoD section 6 Schools employee in the interest of national security.

3. Authorize and approve:

a. Travel for DoD section 6 Schools 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

¹See footnote 1 to § 345.5(a)(6).

to, or in connection with, DoD section 6 Schools activities, in accordance with Volume II, Joint Travel Regulations.

c. Overtime work for DoD section 6 Schools civilian employees in accordance with chapter 55, subpart V, of 5 U.S.C. and applicable OPM regulations.

4. Develop, establish, and maintain an active and continuing Records Management Program, pursuant to 44 U.S.C. 3102 and DoD Directive 5015.2,² "Records Management Program".

5. Authorize the publication of advertisements, notices, or proposals in newspapers, magazines, and other public periodicals, as required for the effective administration of the DoD section 6 Schools consistent with 44 U.S.C. 3702.

6. 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 "DoD Directives System Procedures".

7. Enter into support and service agreements with other DoD Components, including the Military Departments, as required for the effective performance of responsibilities and functions assigned to the DoD section 6 Schools.

8. Enter into and administer contracts directly or through a Military Department, a DoD contract administration services component, or other Government Department or Agency, as appropriate, for supplies, equipment, and services required to accomplish the mission of the DoD section 6 Schools. 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.

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

PART 346—DEPARTMENT OF DEFENSE EDUCATION ACTIVITY

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²See footnote 1 to §345.5(a)(6).

³See footnote 1 to §345.5(a)(6).

346.8 Administration.

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

SOURCE: 57 FR 53559, Nov. 12, 1992, unless otherwise noted.

§ 346.1 Purpose.

Pursuant to the authority vested in the Secretary of Defense under 10 U.S.C. 131(b), this part establishes the DoDEA with responsibilities, functions, authorities, and relationships as outlined.

§ 346.2 Applicability.

This part applies to the Office of the Secretary of Defense (OSD); 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.

§ 346.3 Mission.

The mission of the DoDEA is to:

(a) Advise and act for the Assistant Secretary of Defense (Force Management and Personnel) (ASD(FM&P)) on all matters relative to the DoD Dependents Schools (DoDDS), section 6 Schools, and Continuing and Post-Secondary Education (CAPSE) programs.

(b) Formulate and develop policies, guidelines, and standards for the management of defense education activities and programs.

(c) Plan, direct, coordinate, and manage the education programs for eligible dependents of U.S. military personnel and civilian personnel of the Department of Defense stationed overseas in accordance with 32 CFR part 347.

(d) Plan, direct, coordinate, and manage the education programs for eligible dependents of U.S. military and civilian personnel stationed in areas prescribed in 20 U.S.C. 2362; in accordance with 20 U.S.C. 241 note; and 32 CFR part 68.