

DOCUMENT RESUME

ED 295 914

SP 030 262

**TITLE** Overseas Teachers Act of 1988. Report from the Committee on Education and Labor, Together with Dissenting Views (To Accompany H.R. 3424). House of Representatives, 100th Congress, 2d Session.

**INSTITUTION** Congress of the U.S., Washington, D.C. House Committee on Education and Labor.

**REPORT NO** House-R-100-607-Pt-2

**PUB DATE** 9 May 88

**NOTE** 24p.; For related document see SP 030 321.

**PUB TYPE** Legal/Legislative/Regulatory Materials (090)

**EDRS PRICE** MF01/PCG1 Plus Postage.

**DESCRIPTORS** Educational Legislation; Elementary Secondary Education; Foreign Countries; Military Service; Occupational Mobility; \*Overseas Employment; \*Teacher Employment; \*Teacher Placement; \*Teacher Recruitment; \*Teacher Transfer

**ABSTRACT**

This report presents a summary of the Committee on Education and Labor action on H.R. 3424, the "Overseas Teacher Act of 1988." H.R. 3424 requires the establishment of a uniform system of filling vacant teaching positions in overseas schools operated by the Department of Defense. It principally addresses two issues: (1) the hiring of teachers; and (2) the implementation of an ongoing, effective transfer program. This report contains (1) the committee's recommendation that the bill be passed as amended; (2) the text of the proposed amendments; and (3) a summary of the bill together with an explanation of the amendments. In addition, the bill is analyzed section-by-section, cost analyses are given, and changes in existing law caused by the bill are noted. Dissenting views are presented at the conclusion of the report. (JD)

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ED 295914

OVERSEAS TEACHERS ACT OF 1988

MAY 9, 1988.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. HAWKINS, from the Committee on Education and Labor,  
submitted the following

REPORT

together with

DISSENTING VIEWS

U.S. DEPARTMENT OF EDUCATION  
Office of Educational Research and Improvement  
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[To accompany H.R. 3424 which on October 6, 1987, was referred jointly to the Committee on Post Office and Civil Service and the Committee on Education and Labor]

[Including cost estimate of the Congressional Budget Office]

The Committee on Education and Labor, to whom was referred the bill (H.R. 3424) amending the Defense Department Overseas Teachers Pay and Personnel Practices Act and the Defense Dependents' Education Act of 1978, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Overseas Teachers Act of 1988".

SEC. 2. UNIFORM SYSTEM RELATING TO THE TRANSFER AND APPOINTMENT OF TEACHERS.

Section 1403 of the Defense Dependents' Education Act of 1978 (20 U.S.C. 922) is amended by adding at the end the following:

"(a)(1) For purposes of this subsection—

"(A) the terms 'teaching position' and 'teacher' each have the meaning provided under section 2 of the Defense Department Overseas Teachers Pay and Personnel Practices Act;

"(B) the terms 'recruited in the United States' and 'recruited outside the United States' shall each have the meaning provided under regulations prescribed by the Director, taking into account the respective roles of the central office and the applicable regional or area offices of the Office of Dependents'

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Education in the appointment of the individual involved, except that such regulations may not require that a teacher be resident or interviewed in the United States during the recruitment and hiring process in order to be treated as a teacher recruited in the United States; and

"(C) the term 'school' means a school operated by the Department of Defense as described in section 2(1)(A) of the Defense Department Overseas Teachers Pay and Personnel Practices Act.

"(2)(A) Subject to the approval of the Secretary of Defense, the Director shall by regulation establish a uniform system for filling vacant teaching positions. Under the system, vacancies will, to the maximum extent practicable, be filled as follows.

"(i) First, by the voluntary transfer of an individual already appointed to a teaching position, except that if such individual was recruited outside the United States, such individual may not be considered under this subparagraph unless, under section 4(d)(3) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (disregarding subparagraph (B)(iii) thereof), such individual is entitled to be treated in the same way as an individual recruited in the United States. This clause shall apply until the first Tuesday following May 15 of the school year preceding the school year for which the vacancy occurs.

"(ii) Second, if there is no such individual available, by the appointment of an individual recruited in the United States. This clause shall apply until the first Tuesday following June 15 of the school year preceding the school year for which the vacancy occurs.

"(iii) Third, if none of the above, by the appointment of an individual recruited outside the United States.

Nothing in this subsection shall be considered to authorize the filling of a vacant position by the transfer or appointment of any individual who is not fully qualified for such position.

"(B) The priority of appointment established under subparagraph (A) shall not apply in the case of filling any vacancy that occurs during a school year for the remainder of that school year.

"(3)(A) Under the system, notification relating to vacant teaching positions for which application for transfer may be submitted shall be provided by any means reasonably designed to provide notice to potential applicants in timely fashion.

"(B) In order to carry out this subparagraph, the Director shall establish procedures under which each school will be required to inform the Director at least annually of any vacant positions (existing or anticipated) and to provide any other information which the Director may reasonably require. Information received by the Director under this subparagraph shall be compiled and prepared in a form appropriate for distribution throughout the defense dependents' education system, consistent with subparagraph (A).

"(4) The Director shall submit a written report to Congress annually on the implementation of this subsection. The report shall include—

"(A) the total number of teaching positions for which applications were sought during the most recent school year;

"(B) of the number reported under subparagraph (A), the total number which were filled;

"(C) of the number reported under subparagraph (B), the percentage which were filled by each of the respective methods described in paragraph (2);

"(D) a list of all vacant teaching positions reported to the Director under paragraph (3)(B) during the period covered by the report, including the name (or other appropriate identification) of the school having each such vacancy and the date on which the Director received notice with respect to each such vacancy; and

"(E) any other information which the Director considers appropriate.

"(5) In order to ensure the equitable and uniform implementation of this subsection, the Director shall provide that the central office of the Office of Dependents' Education shall be responsible for coordinating all activities under this subsection, including those relating to the recruitment, evaluation, professional certification, appointment, transfer, and recertification of teachers. The central office's functions under this subsection shall be in addition to any other functions of such office."

### SEC. 3. TEACHERS NOT TO BE DENIED PAY BECAUSE OF ADMINISTRATIVE DELAYS.

Section 4 of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 902) is amended by adding at the end the following:

"(c) The Secretary of Defense shall prescribe and issue regulations to provide that any individual who is employed as a teacher or who has accepted an offer of em-

ployment to serve as a teacher, but who is unable to commence that employment in a timely manner because of administrative delays in processing the appointment or providing transportation, shall, for purposes relating to basic pay, retirement, health benefits, and any other form of compensation or benefits, be considered to have begun employment at the beginning of the school year. However, such regulations shall not apply in the case of any individual whose scheduled term of employment is for less than the entirety of the school year involved."

#### SEC. 4. CONDITIONS FOR EMPLOYMENT AS A TEACHER.

Section 4 of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 902), as amended by section 3, is further amended by adding at the end the following:

"(d)(1)(A) The Secretary of Defense shall prescribe and issue regulations under which an individual recruited outside the United States for appointment to a teaching position shall, if such individual is the spouse of a member of the Armed Forces (hereinafter in this subsection referred to as the 'sponsoring spouse') serving on active duty in the region or area wherein the position is located, cease to be eligible to serve as a teacher if any of the contingencies described in subparagraph (B) occurs.

"(B) The contingencies under this subparagraph are as follows:

"(i) Divorce, annulment, or legal separation from the sponsoring spouse.

"(ii) The reassignment of the sponsoring spouse, for a period in excess of 90 days, to a post outside the region or area wherein the teaching position is located.

"(iii) The discharge of the sponsoring spouse from service in the Armed Forces.

"(C) If a teacher becomes ineligible to serve under this paragraph because of a contingency which occurs during any school year, such teacher may be permitted to complete such year.

"(2) The Secretary of Defense shall prescribe and issue regulations under which any individual recruited outside the United States for appointment to a teaching position, other than an individual subject to paragraph (1), shall be ineligible to serve as a teacher in more than 1 school year, except in a substitute capacity.

"(3)(A) The Secretary of Defense shall prescribe and issue regulations under which any individual described in subparagraph (b) of this paragraph shall, for purposes of any determination as to eligibility for an allowance or other benefit under the defense dependents' education system (including those relating to travel, living quarters, and storage of household goods) be treated in the same way as an individual recruited in the United States.

"(B) The regulations under this paragraph shall apply with respect to any individual—

"(i) who is serving as a teacher on the effective date of the Overseas Teachers Act of 1988;

"(ii) who, considering any service performed before, on, or after that date (whether on a continuous basis or otherwise), completes the equivalent of at least 3 school years of service as a teacher; and

"(iii) who is not eligible for similar benefits based on marital or other familial relationship to a member of the Armed Forces or civilian employee of the United States.

"(4) Paragraphs (1) and (2) shall apply with respect to individuals first appointed to serve beginning after the effective date of the Overseas Teachers Act of 1988.

"(e) The Secretary of Defense shall prescribe and issue regulations under which an individual may not, on or after the effective date of the Overseas Teachers Act of 1988, be appointed to a teaching position (other than in a substitute capacity) unless such individual has performed duties and responsibilities of a type described in clause (i), (ii), or (iii) of section 2(1)(B) for at least 1 complete school year.

"(f) For the purposes of this section—

"(1) the terms 'recruited in the United States' and 'recruited outside the United States' each has the meaning given such term pursuant to section 1403(e)(1)(B) of the Defense Dependents' Education Act of 1978; and

"(2) the term 'defense dependents' education system' refers to the program established under section 1402(a) of the Defense Dependents' Education Act of 1978."

#### SEC. 5. CLARIFICATION OF DEFINITION.

Section 2(1) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901(1)) is amended—

(1) by striking the period and inserting in lieu thereof a comma; and

(2) by adding at the end the following: "including the duties and responsibilities of an instructor in a unit of the Junior Reserve Officers' Training Corps within a school described in subparagraph (A)."

#### SEC. 6. TEACHERS' LEAVE PROGRAM.

Section 6(c) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 904(c)) is amended—

- (1) by striking "earned by any" and inserting in lieu thereof "available to a";
- (2) in paragraph (1), by inserting "or paternity" after "maternity"; and
- (3) in the second sentence, by striking "three" and inserting in lieu thereof "4".

#### SEC. 7. MAKING THE POSITION OF THE DIRECTOR OF DEPENDENTS' EDUCATION A CAREER RESERVED POSITION.

Paragraph (2) of section 1403(a) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 922(a)(2)) is amended—

- (1) by redesignating such paragraph as (2)(A); and
- (2) by adding at the end the following:
 

"(B) The Director's position shall be considered to be a career reserved position under section 3132(a)(8) of title 5, United States Code, and shall be subject to all provisions of such title relating to career reserved positions."

#### SEC. 8. BUDGET AND APPROPRIATIONS.

Section 1406 of the Defense Dependents' Education Act of 1978 is amended to read as follows:

##### "BUDGET AND APPROPRIATIONS

"Sec. 1406. (a) The President shall include in his budget for each fiscal year a separate request for funds for the operation of the Department of Defense school system for dependents in overseas areas and a separate request for funds for construction of school facilities by the Director.

"(b) To the end of affording the Director of Dependents' Education adequate notice of available funds for the school system for dependents in overseas areas, appropriations are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation. In order to effect a transition to this method of timing appropriation action, the preceding sentence shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.

"(c) Appropriations for any fiscal year may, in accordance with regulations of the Secretary, be made available for expenditure by the Director of Dependents' Education on the basis of an academic or school year differing from such fiscal year.

"(d) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds from appropriations to carry out any programs to which this Act is applicable during any fiscal year which are not obligated and expended by the Director of Dependents' Education prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure by the Director during such succeeding fiscal year."

#### SEC. 9. TECHNICAL AMENDMENTS.

(a) Section 5(b) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 903(b)) is amended—

- (1) by striking "section 203 of the Classification Act of 1949 (5 U.S.C. 1083)," and inserting in lieu thereof "section 5103 of title 5, United States Code,";
- (2) in paragraph (1), by striking "paragraph (33) of section 202 of such Act, as added by section 3 of this Act," and inserting in lieu thereof "section 5102(c)(22) of such title"; and
- (3) in paragraph (2), by striking "such paragraph (33)" and inserting in lieu thereof "such section 5102(c)(22)".

(b) Section 6(e) of such Act (20 U.S.C. 904(e)) is repealed.

(c) Section 7 of such Act (20 U.S.C. 905) is amended by striking "the Act of June 26, 1930 (5 U.S.C. 118a)" each place it appears and inserting in lieu thereof "sections 5912 and 5923 of title 5, United States Code, respectively".

(d) Section 8(b) of such Act (20 U.S.C. 906(b)) is amended by striking "cost-of-living allowances and additional compensation" and "allowances and compensation" and inserting in lieu thereof "allowances".

(e) Section 10(b) of such Act (20 U.S.C. 907) is amended—

(1) in paragraph (3), by striking "additional compensation" and inserting in lieu thereof "other benefits"; and

(2) by striking "section 301 of the Dual Compensation Act" and inserting in lieu thereof "section 5533 of title 5, United States Code,".

**SEC. 10. EFFECTIVE DATE.**

This Act and the amendments made by this Act shall take effect 90 days after the date of enactment of this Act.

**SUMMARY**

H.R. 3424, the "Overseas Teachers Act of 1988" requires the establishment of a uniform system for filling vacant teaching positions in overseas schools operated by the Department of Defense (DoD). It also extends eligibility for allowances and other benefits to certain employees who do not currently receive them. It would require that the Department of Defense Dependents' Schools (DoDDS) select future permanent teachers from among a common pool of applicants of both stateside teachers and those available overseas. Military spouses would be granted an exception to this requirement. A military spouse may restrict his or her application to the area in which the spouse is stationed and not compete with all other applicants. He or she may retain a teaching position while accompanying his or her spouse. The bill would also mandate that teachers already employed by DoD who wish to transfer be granted first consideration.

The Overseas Teachers Act of 1988 principally addresses two issues related to the recruitment and employment of teachers working for the Department of Defense Dependents' schools (DoDDS). The first issue concerns the hiring of teachers and the second concerns the implementation of an on-going, effective transfer program.

Teachers who are already overseas and who apply for a position within a DoDDS school are initially hired into temporary teaching positions to staff schools on an emergency basis. They help assure that the schools are fully staffed when unforeseen vacancies occur because of the mobile population that overseas schools serve. These locally hired teachers are not available for worldwide placement as are the teachers who are recruited in the United States; they do not compete with a vast pool of applicants like those in the United States; and they are not subjected to the same intense scrutiny as those applying from within the United States being offered employment. These teachers are also not eligible for the same benefits as those teachers who were hired in the United States.

Teachers who are recruited stateside are provided transportation between their points of hire in the United States and their destinations overseas, with additional transportation provided periodically between the two respective points if they choose to remain overseas. In addition, teachers hired in the United States are provided a living quarters allowances to help defray the costs of reestablishing a home abroad. Locally hired teachers do not receive these recruitment benefits.

The granting of overseas differentials and allowances is governed by regulations issued by the Department of State (Department of State standardized regulations). The regulations do not authorize



the payment of a differential or grant a living quarters allowance for locally hired employees, except under unusual circumstances. The granting of travel allowances to periodically return to the United States is governed by the Joint Travel Regulations, DoD Civilian Personnel, and specifically excludes from coverage employees hired overseas. The various allowances and differentials stem from the Overseas Differentials and Allowances Act of 1969 (P.L. 86-707). The basic purpose of these benefits is considered by the Department of Defense to be recruitment and retention incentives.

The locally hired work force is made up of tourists who choose to remain abroad, spouses of military and civilian personnel stationed overseas, and spouses of businessmen and businesswomen working abroad. A number of these teachers have no need for housing or travel benefits since they derive these benefits through the employment of a spouse. However, several hundred locally hired teachers have either never received benefits through a spouse or can expect to lose their spousal benefits upon the retirement of the sponsoring spouse.

The practice of hiring locally was intended to offer a short-term solution to the problem created by unforeseen vacancies by allowing schools to fill these vacancies quickly. This avoids any disruption in the education program of children overseas. It was not intended to create a competing method for selecting long-term, regularly employed teachers.

However, this less competitive local-hire method of filling vacancies has become more the rule than the exception to the rule. In fact, approximately 40 percent of teachers overseas are currently hired through the local-hire method. Moreover, teachers who enter the system through the local hire method have been encouraged to remain well beyond their initial year of teaching so that what was envisioned as a temporary appointment has become one that is permanent. A local hire teacher is hired as a "not-to-exceed" employee which assumes that the position will be temporarily filled until a regular full-time permanent employee is found. However, DoDDS teachers are being regularly converted from temporary status to regular status without ever having been subjected to the rigorous screening applied to stateside hires.

By reducing the general use of the more competitive stateside hire system, we are not guaranteeing the best possible selection of teachers. Moreover, by increasing the use of locally available teachers, we are restricting the ability of teachers in hardship posts to transfer into more desirable areas.

#### EXPLANATION OF AMENDMENTS

During consideration of H.R. 3424 by the Committee on Education and Labor, two amendments were offered by Congressman Goodling and were approved by voice vote. Mr. Goodling's amendments amend section 2, the "uniform method for filling vacancies".

The first amendment established that any vacancy which occurs during the school year may be filled for the remainder of that year without adhering to the "uniform method for filling vacancies". This amendment would clarify that the intent of this bill is not to diminish in any way the functioning of the schools by inhibiting a

principal's ability to fill the unexpected vacancies that occur mid-year as expeditiously as possible.

The second amendment establishes dates in mid-May and mid-June after which transfers and stateside recruits, respectively, need not be considered before considering local hires. This provision would provide the same type of flexibility as the first, allowing principals the option of using local hires to fill vacancies that are reported in the few months immediately preceding the opening day of classes.

#### BILL SUMMARY BY SECTION

Section 1. Short title.

Section 2. Requires the Director of Dependents' Education to establish a uniform system for filling vacant teaching positions. Vacancies are to be filled as follows:

(A) Voluntary transfer of an individual already in a teaching position.

(B) If there is no individual who wishes to transfer voluntarily, the vacant teaching position shall be filled from the pool of applicants submitting applications to DoDDS headquarters in the United States.

(C) If neither a voluntary transferee nor an applicant from the DoDDS applicant pool is available, the vacancy shall be filled from recruitment in overseas locations.

The Director is required to establish procedures under which each school will be required to inform the Director at least annually of any vacant positions and to provide any other information which the Director may require. The Director is also required to submit an annual report to Congress on the number of position vacancies, the percentage filled by each prescribed method, and details on all vacant teaching positions reported to the Director for the period covered by the report.

Section 3. Regulations are required which provide that any individual who is employed as a teacher but who is unable to commence that employment in a timely manner because of administrative delays shall, for the purposes of compensation and benefits, be deemed to have begun employment at the beginning of the school year.

Section 4. Sets forth conditions for employment as a teacher.

For initial appointments after the date of enactment of the Act:

(A) If an individual is recruited outside the U.S. and is a spouse of a member of the Armed Forces, that individual may teach so long as they are an accompanying spouse. Should they divorce, separate, or should the sponsoring spouse resign, such a teacher may continue to teach until the end of the school year.

(B) If any other individual is recruited outside the United States, they shall be ineligible to serve as a teacher for more than one school year.

For full-time teachers employed by DoDDS before the effective date, this legislation provides for full benefits to any teacher hired locally, including transportation and housing benefits, if that individual:

(A) Is serving as a teacher on the effective date of the Act;



(B) Completes the equivalent of at least three school years of service as a teacher; and

(C) Is not eligible to receive similar benefits based on marital or other familial relationships to a member of the Armed Forces or civilian employee of the United States.

Section 5. Clarifies "teaching position" to include instruction in a unit of the Junior Reserve Officers' Training Corps within a school in the system.

Section 6. Expands the leave program to include "paternity leave". Grants an additional "any purpose" day of leave, without expanding the total number of leave days available to a teacher.

Section 7. Makes the position of the Director of Dependents' Education a career reserved position.

Section 8. Requires the President to include in his budget for each fiscal year a separate request for funds for operations of the school system and a separate request for funds for construction of school facilities.

Authorizes forward funding for appropriations as well as authorizing appropriations to be made available on the basis of a school year, rather than fiscal year. Directs that funds not obligated shall remain available for obligation and expenditure during a succeeding fiscal year.

Section 9. Makes technical changes in title 20, United States Code to account for recent codifications in title 5, United States Code.

Section 10. Provides that amendments made by the Act shall take effect 90 days after the date of enactment.

#### COMMITTEE CONSIDERATION

H.R. 3424 was introduced by Representative William D. Ford on October 6, 1987. It was referred jointly to the Committee on Post Office and Civil Service and the Committee on Education and Labor.

On October 27, 1987, at a joint hearing by both Committees of jurisdiction, testimony was presented by Dr. John Stremple, Director, Department of Defense Dependents' Schools; Mr. Jack D. Rollins, President, Overseas Education Association; Dr. Marie Sainz-Funaro, President, Overseas Federation of Teachers accompanied by Mr. Bruce Thale, President, Panama Federation of Teachers; Mr. Arthur P. Shankle, President, American Foreign Service Association; and Ms. Sydney Hickey, Director, National Military Family Association.

On April 28, 1988, the Committee on Education and Labor considered H.R. 3424. The provisions under jurisdiction of this Committee are contained in Sections 2, 7, and 8, along with the title and effective date. Two amendments were approved by voice vote concerning section 2, the uniform method for filling vacancies. On April 28, 1988, the Committee ordered H.R. 3424, as amended, favorably reported by a recorded vote of 22-7, a quorum being present.

## OVERSIGHT

No findings or recommendations concerning oversight of the provisions contained in this bill have been received by the Committee from the Committee on Government Operations.

The joint hearings on H.R. 3424 held by both the Committee on Education and Labor and the Committee on Post Office and Civil Service fulfilled the responsibility of holding oversight of the Defense Dependents' Education Act of 1978.

## CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 2(1)(3)(C) of Rule XI of the Rules of the U.S. House of Representatives, the estimate prepared by the Congressional Budget Office pursuant to section 403 of the Congressional Budget Act of 1974, submitted prior to filing of this report is set forth as follows:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, May 4, 1988.

Hon. AUGUSTUS F. HAWKINS,  
Chairman, Committee on Education and Labor,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate of an amendment in the nature of a substitute to H.R. 3424, as provided by your staff.

Should the Committee so desire, we would be pleased to provide further details of this estimate.

Sincerely,

JAMES L. BLUM, *Acting Director.*

Attachment.

## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: An amendment in the nature of a substitute to H.R. 3424.

2. Bill title: Overseas Teachers Act of 1988.

3. Bill status: As provided by staff of the House Committee on Education and Labor on May 2, 1988.

4. Bill purpose: This bill requires the establishment of a uniform system for filling vacant teaching positions in overseas dependents' schools operated by the Department of Defense. It also extends eligibility for allowances and other benefits to certain employees who do not currently receive them. The bill also increases the amount of leave which may be granted for any purpose with advance notice from three days to four days.

5. Estimated costs to the Federal Government:

[By fiscal year, in millions of dollars]

	1989	1990	1991	1992	1993
Uniform hiring system:					
Estimated authorization amount.....	13.6	13.7	18.2	22.8	23.6
Estimated outlays.....	4.1	8.6	13.2	17.7	22.3

(By fiscal year, in millions of dollars)

	1989	1990	1991	1992	1993
Extension of benefits:					
Estimated authorization amount.....	7.0	3.5	3.5	3.5	3.5
Estimated outlays.....	3.1	3.4	3.5	3.5	3.5
Additional day of leave:					
Estimated authorization amount.....	0.9	0.5	0.5	0.5	0.5
Estimated outlays.....	0.4	0.5	0.5	0.5	0.5
Bill total:					
Estimated authorization amount.....	21.6	17.6	22.2	26.7	27.5
Estimated outlays.....	7.7	12.5	17.1	21.7	26.2

The costs of this bill fall in budget function 050.

Basis for estimate: The uniform transfer and appointment system that this legislation establishes would give priority to certain types of applicants for overseas teaching positions in Department of Defense Dependents' Schools (DoDDS). There are three main groups from which applicants are recruited: (1) currently employed teachers who wish to transfer to a different position within the DoDDS system; (2) individuals recruited in the United States; and (3) individuals recruited locally, that is, outside of the United States.

This legislation specifies that prior to the first Tuesday following May 15, qualified, current teachers who apply for transfer should be used to fill vacancies whenever possible. For the period between this cutoff date and the first Tuesday following June 15, the legislation indicates that qualified individuals recruited in the United States are to be given first priority in filling vacancies. Following the June deadline, all qualified applicants, including individuals recruited outside the United States (local hires) can be considered for filling vacancies regardless of their employment status.

Because this system of prioritizing applicants limits DoD's current flexibility in filling vacancies, the effect of this legislation would be to reduce local hiring and increase the reliance on internal transfers and individuals recruited in the United States. CBO estimates that 123 additional transfers would take place as a result of this legislation, and an estimated 396 additional hires from the continental United States would occur each year. This would increase costs because it would increase the number of additional teachers eligible for moving expenses, transportation expenses, and living quarters allowances each year. Employees transferring within the system already receive a living quarters allowance and transportation expenses, but would incur moving expenses of approximately \$6,500 per transfer, the average amount for transfer from one overseas location to another. New hires recruited in the United States would receive moving expenses of approximately \$8,500, the average amount for transfer from the continental United States to an overseas location; transportation expenses of \$1,500; and a living quarters allowance of approximately \$10,000. (Because the increase in United States recruits is cumulative, the costs for this group increase over time.) Since most of the hiring affected by this provision takes place in advance of the school year, the costs of the uni-

form transfer and appointment system are not incurred until the second year of enactment.

Another provision of this legislation extends the eligibility for certain allowances and other benefits to some employees who do not currently receive them. Cost increases would result from the payment of the living quarters allowance of approximately \$10,000 per employee and the transportation benefit of approximately \$1,500 per employee to approximately 303 current employees who do not now receive these payments.

The additional day of leave specified in the legislation would be available to all teachers, and DoD believes that this benefit would be fully utilized. This would result in an additional expenditure of \$51.50, the daily cost of a substitute teacher, annually for each of 9,212 teachers.

This estimate assumes that H.R. 3424 takes effect on October 1, 1988. The full costs of the additional day of leave and the extension of benefits will be incurred beginning in fiscal year 1989. The uniform transfer and appointment system will not affect costs until the school year that begins in September 1989, so fiscal 1989 includes only one month of outlays for this provision. The estimate assumes that authorizations are fully funded prior to the beginning of each fiscal year.

6. Estimated cost to State and local governments: None.

7. Estimate comparison: None.

8. Previous CBO cost estimate: CBO prepared a cost estimate of H.R. 3424, the Overseas Teachers Act of 1988, on April 29, 1988. H.R. 3424 was identical to this legislation except that it did not indicate specific cutoff dates to be used in establishing priority for the various types of applicants for vacant teaching positions. However, these dates are consistent with the assumptions CBO used in preparing the original estimate. Therefore the costs of this legislation are identical to those of H.R. 3424.

9. Estimate prepared by: Amy L. Plapp.

10. Estimate approved by: C. G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.

#### COMMITTEE ESTIMATE

With reference to the statement required by clause 7(a)(1) of Rule XIII of the rules of the House of Representatives, the Committee accepts the estimate prepared by the Congressional Budget Office.

#### INFLATIONARY IMPACT STATEMENT

The Committee estimates that the inflationary impact of this legislation will not be significant.

#### SECTION-BY-SECTION ANALYSIS

Section 1.—Titles the Act, "Overseas Teachers Act of 1988."

Section 2. Uniform system relating to the transfer and appointment of teachers.—Provides for the establishment of a prioritized manner for filling vacancies. First, teachers holding positions in DoDDS schools will be considered for a transfer to a new position. The first priority is established to assure that teachers who are

teaching in hardship areas of the world will be granted the means to move to a more desirable area. Teachers serving in these isolated or undesirable areas have their chance of moving diminished when vacancies or anticipated vacancies are filled from among the local pool of applicants. Under this section, principals would be required to report all vacancies or anticipated vacancies to help assure that teachers wishing to transfer will be informed of the vacancies and have the first option of filling them. Transfers must be considered up until at least mid-May.

After considering teachers wishing to transfer, this section requires that consideration be given to new recruits from the States. (This category also includes teachers residing overseas who have forwarded their applications to DoDDS headquarters in the States.) The stateside pool of applicants is the more competitive arena when compared with teachers available locally. Approximately 6,000 stateside applications are received in a 12 month period. By the late winter when the identification of highly qualified candidates is made, about 4,000 applications are on file. Applications are screened and candidates are selected for personal interviews which are conducted by the DoDDS principals who return to the States. Between 500 and 600 teachers are hired each year from this pool of applicants. By requiring that stateside recruits be considered second, the bill helps guarantee that the best teachers available are selected. Stateside recruits must be considered until at least mid-June.

The final category of teacher to be given consideration is the teacher who is already overseas wishing to apply for a position in the area in which he or she resides. The local hire competes only with other applicants in that location. Competition may be non-existent or rigorous, depending upon the number of qualified teachers who happen to be in the area at the time.

Section 2 also provides for coordination of all activities relating to the recruitment, evaluation, certification and recertification of teachers by the DoDDS central office.

Section 3. Teachers being denied pay because of administrative delays.—Provides the statutory authority and requirement that when a teacher has accepted an offer of employment, but cannot begin on time because of administrative or transportation delays, he or she will be paid as though having begun at the beginning of the school year.

Section 4. Conditions for employment as a teacher, including eligibility for benefits.—Provides for a single door of entry into the overseas schools by limiting teachers who are hired locally to a single year of employment. The percentage of local hire teachers to the total teaching workforce has increased significantly over the past five years. In 1983 about 35 percent of the teaching force was hired overseas. Four years later that percentage had grown to almost 40 percent.

Anyone hired overseas after the effective date would be restricted to one year of employment. If the teacher wishes to continue to teach in the DoD schools he or she must compete with all other applicants in the States for a full-time regular assignment. The bill enables such a person to forward an application to DoDDS head-

quarters from overseas, in contrast to the current regulation which requires that stateside applicants reside in the U.S.

One exception has been made to the requirement that local hires may teach for only one year. A military spouse on active duty overseas may be employed as a local hire and may continue to teach as long as he or she resides with the sponsoring spouse on active duty. Although the civil service laws, generally do not permit consideration of marital status (5 U.S.C. 2301), the spouses of military personnel have been provided an exception to the one-year limitation. This exception was mandated by the employment preferences provided military spouses under the 1985 Department of Defense Authorization Act (P.L. 99-145) and is justified because these spouses are subject to command-directed transfer. A military spouse is provided this special consideration, or waive from the "rules", only for the duration that he or she is accompanying a military sponsor on active duty. If the military sponsor retires, or if a divorce or a separation occurs, the local hire teacher brought in under this special category may continue to teach until the end of the school year.

Section 4 also establishes that anyone who is employed in the DoDDS schools on the effective date of the bill will be eligible to receive full benefits. Under the conditions of the bill, such a teacher would be eligible for these benefits when he or she has taught for three years and when comparable government benefits are not received through a spouse. Some 300 teachers would immediately qualify for transportation and housing allowances which they do not now receive. Most of these teachers were hired locally and have devoted a career to teaching overseas. These teachers were initially hired as temporary hires, but were converted into regular status and have been allowed to work year after year. While the bill grants these teachers, or anyone who subsequently qualifies, the same benefits afforded stateside hires, it prevents this situation from being repeated by limiting future local hires to one year of employment.

Section 5. Clarification of Definition.—A Junior Reserve Officer's Training Corps will be included under this definition of "teacher" in the Defense Department Overseas Teachers Pay and Personnel Practices Act. This section provides equity in employment practices for JROTC instructors employed by DoDDS.

Section 6. Teacher's Leave Program.—The leave program is expanded to include "paternity leave", to allow fathers to share in the full responsibilities of caring for their children. An additional day of "any purposes" leave is provided, expanding from three to four the number of days available in this category. This provision does not increase the total number of leave days available.

Section 7. Making the position of the Director of Dependents' Education a Career Reserved Position.—This section would preclude the Director's position from being filled through a political appointee. After the director of DoDDS resigned in the fall of 1986, the position was held by four acting directors until a suitable candidate was found and approved—almost a full year late. One of the difficulties in filling the position in a timely manner had to do with satisfying certain political considerations. This provision would help assure greater stability by removing the Director's position from the political arena.



Section 8. Budget and Appropriations.—This section will provide greater stability to the overseas program by providing for budgetary planning. The section would authorize the DoDDS Schools to be funded a year in advance, like most other federally-funded education programs. It would also require the President to submit a line-item for the DoD schools in his yearly budget.

Section 9. Technical Amendments.

Section 10. Effective Date.

#### CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### DEFENSE DEPENDENTS' EDUCATION ACT OF 1978

\* \* \* \* \*

#### OFFICE OF DEPENDENTS' EDUCATION

SEC. 1403. (a)(1) There is established within the Department of Defense an office to be known as the Office of Dependents' Education.

(2) (A) The Office of Dependents' Education shall be headed by a Director of Dependents' Education (hereinafter in this title referred to as the "Director"), who shall be a civilian and who shall be selected by the Secretary of Defense and shall report to the Assistant Secretary of Defense for Manpower, Reserve Affairs, and Logistics.

(B) *The Director's position shall be considered to be a career reserved position under section 3132(a)(8) of title 5, United States Code, and shall be subject to all provisions of such title relating to career reserved positions.*

\* \* \* \* \*

(e)(1) For purposes of this subsection—

(A) the terms "teaching position" and "teacher" each have the meaning provided under section 2 of the Defense Department Overseas Teachers Pay and Personnel Practices Act;

(B) the terms "recruited in the United States" and "recruited outside the United States" shall each have the meaning provided under regulations prescribed by the Director, taking into account the respective roles of the central office and the applicable regional or area offices of the Office of Dependents' Education in the appointment of the individual involved, except that such regulations may not require that a teacher be resident or interviewed in the United States during the recruitment and hiring process in order to be treated as a teacher "recruited in the United States"; and

(C) the term "school" means a school operated by the Department of Defense as described in section 2(1)(A) of the Defense Department Overseas Teachers Pay and Personnel Practices Act.

(2)(A) Subject to the approval of the Secretary of Defense, the Director shall by regulation establish a uniform system for filling

vacant teaching positions. Under the system, vacancies will, to the maximum extent practicable, be filled as follows:

(i) First, by the voluntary transfer of an individual already appointed to a teaching position, except that if such individual was recruited outside the United States, such individual may not be considered under this subparagraph unless, under section 4(d)(3) of the Defense Department Overseas Teachers Pay and Personnel Practices Act (disregarding subparagraph (B)(iii) thereof), such individual is entitled to be treated in the same way as an individual recruited in the United States. This clause shall apply until the first Tuesday following May 15 of the school year preceding the school year for which the vacancy occurs.

(ii) Second, if there is no such individual available, by the appointment of an individual recruited in the United States. This clause shall apply until the first Tuesday following June 15 of the school year preceding the school year for which the vacancy occurs.

(iii) Third, if none of the above, by the appointment of an individual recruited outside the United States.

Nothing in this subsection shall be considered to authorize the filling of a vacant position by the transfer or appointment of any individual who is not fully qualified for such position.

(B) The priority of appointment established under subparagraph (A) shall not apply in the case of filling any vacancy that occurs during a school year for the remainder of that school year.

(3)(A) Under the system, notification relating to vacant teaching positions for which application for transfer may be submitted shall be provided by any means reasonably designed to provide notice to potential applicants in timely fashion.

(B) In order to carry out this paragraph, the Director shall establish procedures under which each school will be required to inform the Director at least annually of any vacant positions (existing or anticipated) and to provide any other information which the Director may reasonably require. Information received by the Director under this subparagraph shall be compiled and prepared in a form appropriate for distribution throughout the defense dependents' education system, consistent with subparagraph (A).

(4) The Director shall submit a written report to Congress annually on the implementation of this subsection. The report shall include—

(A) the total number of teaching positions for which applications were sought during the most recent school year;

(B) of the number reported under subparagraph (A), the total number which were filled;

(C) of the number reported under subparagraph (B), the percentage which were filled by each of the respective methods described in paragraph (2);

(D) a list of all vacant teaching positions reported to the Director under paragraph (3)(B) during the period covered by the report, including the name (or other appropriate identification) of the school having each such vacancy and the date on which the Director received notice with respect to each such vacancy; and

*(E) any other information which the Director considers appropriate.*

*(5) In order to ensure the equitable and uniform implementation of this subsection, the Director shall provide that the central office of the Office of Dependents' Education shall be responsible for coordinating all activities under this subsection, including those relating to the recruitment, evaluation, professional certification, appointment, transfer, and recertification of teachers. The central office's functions under this subsection shall be in addition to any other functions of such office.*

\* \* \* \* \*

**[SCHOOL CONSTRUCTION BY THE DIRECTOR OF DEPENDENTS' EDUCATION**

**[SEC. 1406. The President shall include in his budget for each fiscal year a separate request for funds for construction of school facilities by the Director.]**

**BUDGET AND APPROPRIATIONS**

*SEC. 1406. (a) The President shall include in his budget for each fiscal year a separate request for funds for the operation of the Department of Defense school system for dependents in overseas areas and a separate request for funds for construction of school facilities by the Director.*

*(b) To the end of affording the Director of Dependents' Education adequate notice of available funds for the school system for dependents in overseas areas, appropriations are authorized to be included in the appropriation Act for the fiscal year preceding the fiscal year for which they are available for obligation. In order to effect a transition to this method of timing appropriation action, the preceding sentence shall apply notwithstanding that its initial application will result in the enactment in the same year (whether in the same appropriation Act or otherwise) of two separate appropriations, one for the then current fiscal year and one for the succeeding fiscal year.*

*(c) Appropriations for any fiscal year may, in accordance with regulations of the Secretary, be made available for expenditure by the Director of Dependents' Education on the basis of an academic or school year differing from such fiscal year.*

*(d) Notwithstanding any other provision of law, unless enacted in specific limitation of the provisions of this subsection, any funds from appropriations to carry out any programs to which this Act is applicable during any fiscal year which are not obligated and expended by the Director of Dependents' Education prior to the beginning of the fiscal year succeeding the fiscal year for which such funds were appropriated shall remain available for obligation and expenditure by the Director during such succeeding fiscal year.*

\* \* \* \* \*

**DEFENSE DEPARTMENT OVERSEAS TEACHERS PAY AND PERSONNEL PRACTICES ACT**

\* \* \* \* \*

## DEFINITIONS

SEC. 2. For the purposes of this act, the term—

(1) "teaching position" means those duties and responsibilities which—

(A) are performed on a school-year basis principally in a school operated by the Department of Defense in an overseas area for dependents of members of the Armed Forces and dependents of civilian employees of the Department of Defense, and

(B) involve—

(i) classroom or other instruction or the supervision or direction of classroom or other instruction; or

(ii) any activity (other than teaching) which requires academic credits in educational theory and practice equal to the academic credits in educational theory and practice required for a bachelor's degree in education from an accredited institution of higher education; or

(iii) any activity in or related to the field of education notwithstanding that academic credits in educational theory and practice are not a formal requirement for the conduct of such activity [.]

*including the duties and responsibilities of an instructor in a unit of the Junior Reserve Officers' Training Corps within a school described in subparagraph (A).*

\* \* \* \* \*

## REGULATIONS OF SECRETARY OF DEFENSE

SEC. 4. \* \* \*

\* \* \* \* \*

*(c) The Secretary of Defense shall prescribe and issue regulations to provide that an individual who is employed as a teacher or who has accepted an offer of employment to serve as a teacher, but who is unable to commence that employment in a timely manner because of administrative delays in process the appointment or providing transportation, shall, for purposes relating to basic pay, retirement, health benefits, and any other form of compensation or benefits, be considered to have begun employment at the beginning of the school year. However, such regulations shall not apply in the case of any individual whose scheduled term of employment is for less than the entirety of the school year involved.*

*(d)(1)(A) The Secretary of Defense shall prescribe and issue regulations under which an individual recruited outside the United States for appointment to a teaching position shall, if such individual is the spouse of a member of the Armed Forces (hereinafter in this subsection referred to as the "sponsoring spouse") serving on active duty in the region of area wherein the position is located, cease to be eligible to serve as a teacher if any of the contingencies described in subparagraph (B) occurs.*

*(B) The contingencies under this subparagraph are as follows:*

*(i) Divorce, annulment, or legal separation from the sponsoring spouse.*

(ii) *The reassignment of the sponsoring spouse, for a period in excess of 90 days, to a post outside the region or area wherein the teaching position is located.*

(iii) *The discharge of the sponsoring spouse from service in the Armed Forces.*

(C) *If a teacher becomes ineligible to serve under this paragraph because of a contingency which occurs during any school year, such teacher may be permitted to complete such year.*

(2) *The Secretary of Defense shall prescribe and issue regulations under which any individual recruited outside the United States for appointment to a teaching position, other than an individual subject to paragraph (1), shall be ineligible to serve as a teacher in more than 1 school year, except in a substitute capacity.*

(3)(A) *The Secretary of Defense shall prescribe and issue regulations under which any individual described in subparagraph (B) of this paragraph shall, for purposes of any determination as to eligibility for an allowance or other benefit under the defense dependents' education system (including those relating to travel, living quarters, and storage of household goods) be treated in the same way as an individual recruited in the United States.*

(B) *The regulations under this paragraph shall apply with respect to any individual—*

(i) *who is serving as a teacher on the effective date of the Overseas Teachers Act of 1988;*

(ii) *who, considering any service performed before, on, or after that date (whether on a continuous basis or otherwise), completes the equivalent of at least 3 school years of service as a teacher; and*

(iii) *who is not eligible for similar benefits based on marital or other familial relationship to a member of the Armed Forces or civilian employee of the United States.*

(4) *Paragraphs (1) and (2) shall apply with respect to individuals first appointed to serve beginning after the effective date of the Overseas Teachers Act of 1988.*

(e) *The Secretary of Defense shall prescribe and issue regulations under which an individual may not, on or after the effective date of the Overseas Teachers Act of 1988, be appointed to a teaching position (other than in a substitute capacity) unless such individual has performed duties and responsibilities of a type described in clause (i), (ii), or (iii) of section 2(1)(B) for at least 1 complete school year.*

(f) *For purposes of this section—*

(1) *the terms "recruited in the United States" and "recruited outside the United States" each has the meaning given such term pursuant to section 1403(e)(1)(B) of the Defense dependents' Education Act of 1978; and*

(2) *the term "defense dependents' education system" refers to the program established under section 1402(a) of the Defense Dependents' Education Act of 1978.*

#### ADMINISTRATION

SEC. 5. (a) *The secretary of each military department in the Department of Defense shall conduct the employment and salary practices applicable to teachers and teaching positions in his mili-*

tary department in accordance with this Act, other applicable law, and the regulations prescribed and issued by the Secretary of Defense under section 4 of this Act.

(b) Subject to [section 203 of the Classification Act of 1949 (5 U.S.C. 1083),] *section 5103 of title 5, United States Code*, the Secretary of each military department—

(1) shall determine the applicability of [paragraph (3) of section 202 of such Act, as added by section 3 of this Act,] *section 5102(c)(2) of such title* to positions and individuals in his military department, and

(2) shall establish the appropriate annual salary rate in accordance with this Act for each such position and individual to which [such paragraph (3)] *such section 5102(c)(2)* is determined to be applicable.

\* \* \* \* \*  
SEC. 6. (a) \* \* \*

\* \* \* \* \*  
(c) Subject to the regulations prescribed and issued by the Secretary of Defense, leave [earned by any] *available to a teacher* under subsection (a) of this section may be used by such teacher—

(1) for maternity or paternity purposes,

(2) in the event of the illness of such teacher,

(3) in the event of illness, contagious disease, or death in the immediate family of such teacher, and

(4) in the event of any personal emergency.

If appropriate advance notice is given of the intended absence of a teacher, not to exceed [three]  $\frac{1}{4}$  days of such leave may be granted for any purpose in each school year to such teacher.

\* \* \* \* \*  
[(e) In any case in which the amount of sick leave, which is to the credit of any individual under a different leave system immediately prior to the date on which he becomes subject as a teacher to the leave system provided by this section and which is included in the leave provided for in subsection (a) of this section, is in excess of the maximum amount of accumulated leave allowable under subparagraph (2) of such subsection, such excess shall remain to the credit of such teacher until used, but the use during any leave year of an amount in excess of the aggregate amount which shall have accrued during such year shall reduce automatically the maximum allowable amount of accumulated leave at the beginning of the next leave year until such amount no longer exceeds the maximum amount allowable under subparagraph (2) of subsection (a) of this section.]

\* \* \* \* \*  
QUARTERS, QUARTERS ALLOWANCES, AND STORAGE

SEC. 7. (a) Under regulations which shall be prescribed by or under authority of the President, each teacher (other than a teacher employeed in a substitute capacity) shall be entitled, in addition to basic compensation, to quarters, quarters allowance, and storage as provided by this section.



(b) Each teacher (other than a teacher employed in a substitute capacity) shall be entitled, for each school year for which he performs services as a teacher, to quarters or a quarters allowance equal to those authorized by [the Act of June 26, 1930 (5 U.S.C. 118a)] *sections 5912 and 5923 of title 5, United States Code respectively.*

(c) Each teacher (other than a teacher employed in a substitute capacity) who is performing services as a teacher at the close of a school year and agrees in writing to serve as a teacher for the next school year may be authorized, for the recess period immediately preceding such next school year—

(1) quarters or a quarters allowance equal to those authorized by [the Act of June 26, 1930 (5 U.S.C. 118a)] *section 5912 and 5923 of title 5, United States Code, respectively, or*

(2) in lieu of such quarters or quarters allowance, storage (including packing drayage, unpacking, and transportation to and from storage) of his household effects and personal possessions.

\* \* \* \* \*

#### COST-OF-LIVING ALLOWANCES AND POST DIFFERENTIAL

SEC. 8. (a) Under regulations which shall be prescribed by or under authority of the President, each teacher (other than a teacher employed in a substitute capacity) shall be entitled, in addition to basic compensation, to—

(1) cost-of-living allowances equal to those authorized by section 5924 of title 5, United States Code, and

(2) additional compensation equal to that authorized under section 207 of the Independent Offices Appropriation Act, 1949 (5 U.S.C. 118h).

(b) The [cost-of-living allowances and additional compensation] *allowances* provided under subsection (a) of this section for any teacher shall be based on the teaching position in which he rendered services on a school-year basis, except that, if such teacher is employed in another position during any recess period between two school years, such [allowances and compensation] *allowances* for such recess period shall be based on the position in which he is employed during such recess period.

\* \* \* \* \*

[section 301 of the Dual Compensation Act] *section 5533 of title 5, United States Code,*

#### APPLICABILITY OF CERTAIN EXISTING LAW

SEC. 10. (a) The Annual and Sick Leave Act of 1951, as amended (5 U.S.C. 2061 and the following), and the Federal Employees Pay Act of 1945, as amended (5 U.S.C. 901 and the following), shall not apply to teachers and teaching positions.

(b) In the case of any teacher who—

(1) is performing services as a teacher at the close of a school year,

(2) agrees in writing to serve as a teacher for the next school year, and

(3) is employed in another position in the recess period immediately preceding such next school year, or, during such recess period, receives quarters, allowances, or [additional compensation] *other benefits* referred to in sections 7 and 8 of this Act, or both, as the case may be,

[section 301 of the Dual Compensation Act] *section 5533 of title 5, United States Code*, shall not apply to such teacher by reason of any such employment during a recess period or any such receipt of quarters, allowances, or additional compensation, or both, as the case may be.

\* \* \* \* \*

## DISSENTING VIEWS ON H.R. 3424—OVERSEAS TEACHERS ACT OF 1987

The Majority of the Committee believes that there is a "Civil Service problem" with the current hiring practices of the Department of Defense Dependents' Schools. Unfortunately, this proposal to fix the "Civil Service problem" conflicts with good educational policy, and with a helpful approach towards our military families and families of other U.S. employees stationed overseas. The "cure" is worse than the suspected disease.

The proposed legislation takes away much of the current flexibility of DODD school principals to engage "local hires" for teaching in DODD schools. Currently teachers (all U.S. citizens) are hired through one of two routes—either by applying, being approved, and then assigned to a particular school by the centralized stateside system headquartered near Washington, D.C., or directly by the local principal as a local hire—and de facto, neither is given a preference in terms of hiring. According to testimony, 30-40 percent of current staff in DODD schools are local hires, the predominance of whom are military spouses. The major change this legislation would make is to give these local hires third preference for positions, after transfers within the system and those who apply through the centralized stateside system (CONUS).

There will, thus, be fewer positions for spouses of our military personnel stationed overseas. There is no evidence that this change is necessary from an educational point of view; in fact the evidence is to the contrary. Students in DODD schools, under the existing system, consistently score well above the national norms on tests such as the SAT. Locally hired teachers are fully qualified as teachers by DODDS criteria. This is not a question of hiring unqualified local individuals versus qualified individuals sent from Washington. It is a question of who is "preferred" by virtue of various entrance requirements that would disfavor military spouses.

In fact, in many ways local hires are better qualified, in ways that would not show up on paper, than those assigned by the central office in Washington. As a recent joint report by the Education and Labor and Post Office and Civil Service Committees said:

The military spouses have at least two advantages over CONUS-hires. They have usually already adjusted to living overseas, and they understand and are acclimated to being part of the Armed Forces establishment. The adjustment to live overseas and to being part of the military are sometimes significant problems for teachers newly-hired from the United States. These problems can detract from their effectiveness in the classroom and their ability to relate well to their students, their students' parents and their colleagues.

(22)

Further, as the same report cited, local hires are for more likely to be members of minority groups than those assigned by the CONUS system. Thus local hires contribute to a more racially and ethnically representative teaching force in these DODD schools.

From the schools' point of view, local hires allow the principal some ability to personally interview prospective teachers. Under the centralized, stateside system, qualifying teachers make application and are interviewed by a panel of school principals brought to Washington for this purpose. But there is no opportunity for the principal or the prospective teacher to interview one on one for a particular position; teachers are simply assigned to vacancies by the Washington office. One thing should be clear from the countless educational reform reports, that taking away authority from the principal of the school to have a say in such things as hiring of staff works against effective education. There are obviously special problems with operating a very diverse and geographically diffused system such as the DODD schools. But that is not an excuse for moving against accepted educational practices, particularly when there is no demonstrated educational reason for doing so.

The Committee points out that Congress has made special allowance in the past for military spouses, in recognition of the fact that in many areas in which the military is stationed, teaching in the DODD school is one of the very few jobs available to U.S. citizens. The Committee suggests that this bill is consistent with that past recognition. It is not. Military spouses are given this priority for hiring, after transfers and those hired through the centralized stateside system. Furthermore, these spouses are put on notice that should their marital status change, by divorce, separation, or death, they will have no protection, and in fact will not be eligible to continue teaching in the DODD schools. The National Military Family Association, which represents the families of our military personnel, is opposed to this legislation as currently written.

Finally, it should be noted that the change proposed by the bill in giving preference to transfers and CONUS-hires will cost the Department of Defense an additional \$25 million per-year—again, for no demonstrated educational or military reason.

This is an unnecessary bill, and one that is not helpful to the educational effort in the DODD schools, or to the families of our military personnel. It runs contrary to local control of schools. It will reduce job opportunities for spouses of military personnel. It will reduce the number of minorities teaching in DODD schools. It increases defense spending. We urge its defeat.

PAUL B. HENRY.  
FRED GRANDY.  
CASS BALLENGER.  
STEVE BARTLETT.

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