

**DEPOSITORY**  
**DEPARTMENT OF DEFENSE OVERSEAS SCHOOLS**

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**JOINT HEARING**  
**BEFORE THE**  
**SUBCOMMITTEE ON LABOR STANDARDS**  
**AND THE**  
**SUBCOMMITTEE ON ELEMENTARY, SECONDARY,**  
**AND VOCATIONAL EDUCATION**  
**OF THE**  
**COMMITTEE ON EDUCATION AND LABOR**  
**HOUSE OF REPRESENTATIVES**

**NINETY-FIFTH CONGRESS**

**SECOND SESSION**

**ON**

**H.R. 9892**

**TO ESTABLISH A UNIFIED PROGRAM FOR THE EDUCATION  
OF MINOR DEPENDENTS OF MILITARY AND CIVILIAN PER-  
SONNEL OVERSEAS AND ON CERTAIN MILITARY BASES, TO  
ESTABLISH AN OFFICE OF DEPENDENTS' EDUCATION IN THE  
DEPARTMENT OF DEFENSE TO ADMINISTER SUCH PROGRAMS,  
AND FOR OTHER PURPOSES**

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**HEARING HELD IN WASHINGTON, D.C.**

**FEBRUARY 1, 1978**

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Printed for the Committee on Education and Labor

*CARL D. PERKINS, Chairman*

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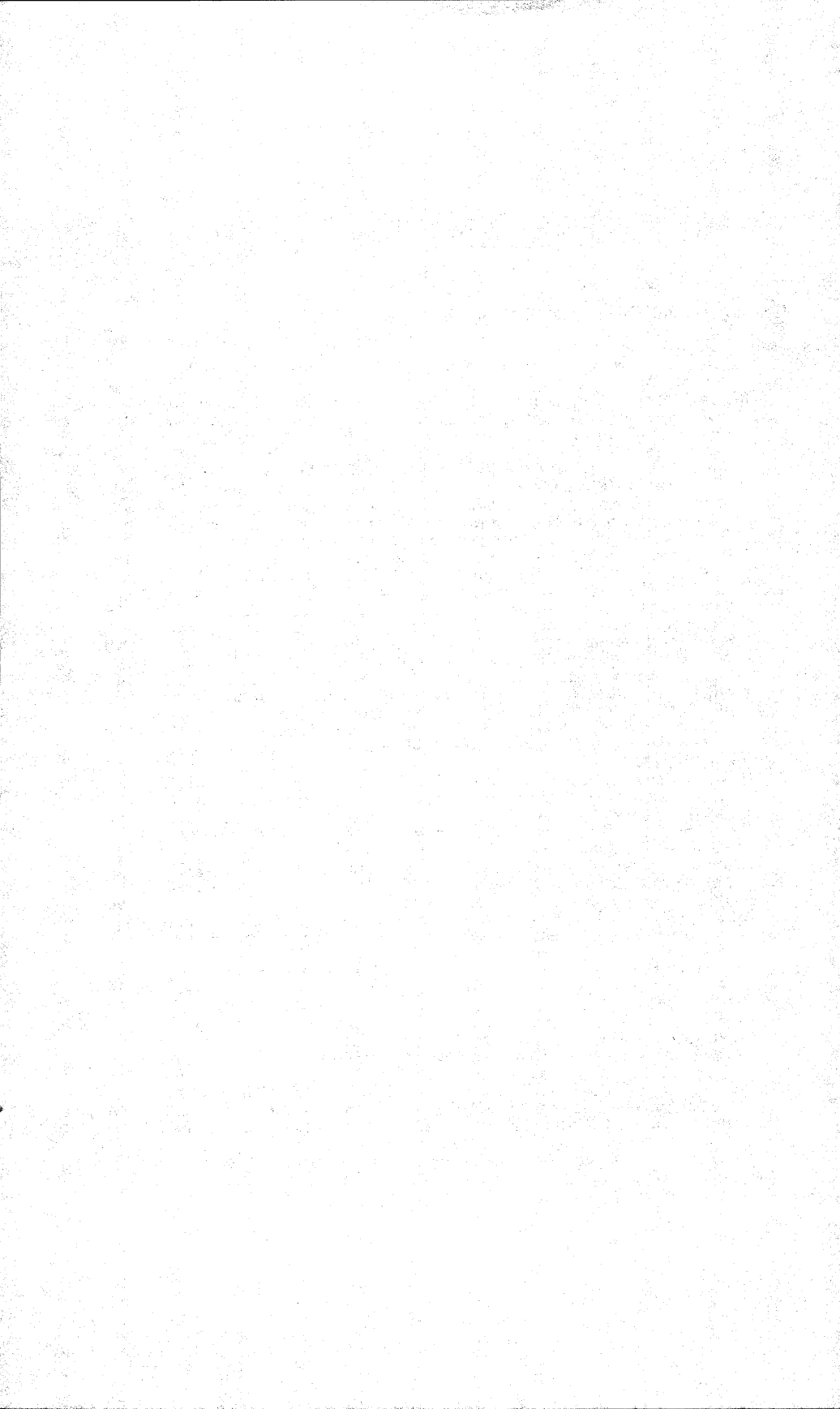
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## DEPARTMENT OF DEFENSE OVERSEAS SCHOOLS

WEDNESDAY, FEBRUARY 1, 1978

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON LABOR  
STANDARDS AND SUBCOMMITTEE ON ELEMENTARY, SEC-  
ONDARY, AND VOCATIONAL EDUCATION OF THE COMMIT-  
TEE ON EDUCATION AND LABOR,

*Washington, D.C.*

The subcommittees met, pursuant to notice, at 9:30 a.m. in room 2175, Rayburn House Office Building, Hon. William D. Ford presiding.

Members present: Representatives Ford, Simon, Weiss, Corrada, Kildee, Ashbrook, Erlenborn, Pressler, and Pettis.

Staff present: John F. Jennings, counsel; Chris Cross, senior education consultant; Nancy L. Kober, staff assistant; and Sharon Leininger, research assistant.

Mr. FORD. At this point I call the hearing to order.

The Subcommittee on Elementary, Secondary, and Vocational Education and the Subcommittee on Labor Standards are conducting a joint hearing today on H.R. 9892, a bill introduced by Congressman John Erlenborn of Illinois to establish a unified program for the education of dependents of military and civilian personnel overseas and on certain military bases.

Let me say at the outset that Chairman Carl Perkins, this morning is before the House Administration Committee, having been summoned there on a matter urgent to the operation of this committee.

Mr. ERLBORN. Very important.

Mr. FORD. He will not be able to join us. Nor is Chairman John Dent able to join us this morning.

This proposal would place all the Department of Defense Overseas Dependent Schools and all the schools presently operated under section 6 of the impact aid legislation under the authority of a single administrative unit in the Department of Defense. The legislation would also place the construction authority under section 10 of Public Law 81-815 within this new office in DOD.

[Text of H.R. 9892 follows:]

95TH CONGRESS  
1ST SESSION

# H. R. 9892

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 2, 1977

Mr. ERLBORN introduced the following bill; which was referred to the Committee on Education and Labor

---

## A BILL

To establish a unified program for the education of minor dependents of military and civilian personnel overseas and on certain military bases, to establish an Office of Dependents' Education in the Department of Defense to administer such program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SHORT TITLE**

4 **SECTION 1.** This Act may be cited as the "Defense De-  
5 pendants' Education Act of 1978".

1 ESTABLISHMENT OF DEFENSE DEPENDENTS' EDUCATION  
2 SYSTEM

3 SEC. 2. The Secretary of Defense shall establish and  
4 operate a program (hereinafter in this Act referred to as  
5 the "defense dependents' education system") to provide a  
6 free public education through secondary school for—

- 7 (1) eligible dependents in overseas areas, and  
8 (2) children eligible to have free public education  
9 provided under arrangements made by the Secretary of  
10 Defense under section 6 of the Act of September 30,  
11 1950 (20 U.S.C. 241).

12 (b) (1) The Secretary shall ensure that individuals eli-  
13 gible to receive a free public education under subsection (a)  
14 receive an education of high quality.

15 (2) In establishing a defense dependents' education  
16 system under subsection (a), the Secretary shall provide  
17 programs designed to meet the special needs of—

- 18 (A) the handicapped,  
19 (B) individuals in need of compensatory education,  
20 (C) individuals with an interest in vocational  
21 education,  
22 (D) gifted and talented individuals, and  
23 (E) individuals of limited English-speaking ability.

24 (3) The Secretary shall provide a preschool program  
25 to individuals eligible to receive a free public education under

1 subsection (a) who are of preschool age if a preschool pro-  
2 gram is not otherwise available for such individuals.

3 OFFICE OF DEPENDENTS' EDUCATION

4 SEC. 3. (a) (1) There is established within the Depart-  
5 ment of Defense an office to be known as the Office of De-  
6 pendants' Education.

7 (2) The Office of Dependents' Education shall be  
8 headed by a Director of Dependents' Education (hereinafter  
9 in this Act referred to as the "Director"), who shall be a  
10 civilian and who shall be appointed by the Secretary of  
11 Defense and shall report to the Assistant Secretary of Defense  
12 for Manpower and Reserve Affairs.

13 (b) Except with respect to the authority to prescribe  
14 regulations, the Secretary of Defense may carry out his  
15 functions under this Act through the Director.

16 (c) The Director shall—

17 (1) establish personnel policies, consistent with the  
18 Defense Department Overseas Teachers Pay and Per-  
19 sonnel Practices Act (20 U.S.C. 901-907), for em-  
20 ployees in the defense dependents' education system.

21 (2) have authority to transfer employees in the  
22 defense dependents' education system from one posi-  
23 tion to another,

24 (3) prepare a unified budget for each fiscal year,  
25 to include necessary funds for construction and opera-



1       tion and maintenance of facilities, for the defense de-  
2       pendents' education system for inclusion in the Depart-  
3       ment of Defense budget for that year,

4           (4) have authority to establish, in accordance with  
5       section 13, local school advisory committees,

6           (5) have authority to arrange for inservice and  
7       other training programs for employees in the defense  
8       dependents' education system, and

9           (6) perform such other functions as may be re-  
10      quired or delegated by the Secretary of Defense or the  
11      Assistant Secretary of Defense for Manpower and Re-  
12      serve Affairs.

13      (d) (1). The Director shall establish appropriate re-  
14      gional or area offices for the Office of Dependents' Education  
15      in order to provide for thorough and efficient administration  
16      of the defense dependents' education system.

17      (2) Not later than six months after the date of the  
18      enactment of this Act, the Secretary of Defense shall submit  
19      to the Congress a report (A) describing the organization of  
20      the Office of Dependents' Education in accordance with para-  
21      graph (1), (B) describing the assignment of personnel  
22      to the central office of the Office of Dependents' Education  
23      and to such regional or area offices as are established pur-  
24      suant to paragraph (1), and (C) detailing the personnel  
25      requirements of the defense dependents' education system.

1 Whenever the Office of Dependents' Education is reorganized  
2 after the submission of the report required under the pre-  
3 ceding sentence, the Secretary of Defense shall submit an  
4 additional report to the Congress describing the reorgani-  
5 zation.

6 (3) The Office of Dependents' Education is authorized to  
7 employ, in accordance with the civil service laws, a total of  
8 not more than 400 civilian employees in its central office  
9 and such regional or area offices as are established pursuant  
10 to paragraph (1).

11 TUTION-PAYING STUDENTS

12 SEC. 4. (a) Subject to subsection (b) and in accordance  
13 with regulations issued under subsection (c), the Director  
14 may authorize the enrollment in a school of the defense de-  
15 pendants' education system of a child not otherwise eligible  
16 to enroll in such a school if and to the extent that there is  
17 space available for such child in the school.

18 (b) (1) Except as otherwise provided under subsection  
19 (c), any child permitted to enroll in a school of the  
20 defense dependents' education system under this section shall  
21 be required to pay tuition at a rate determined by the  
22 Secretary of Defense, which shall not be less than the rate  
23 necessary to defray the cost of the enrollment of such child  
24 in the system.

1       (2) Amounts received under paragraph (1) shall be  
2 available to the defense dependents' education system to  
3 assist in defraying the cost of enrollment of the child in the  
4 system.

5       (c) The Secretary of Defense may by regulation iden-  
6 tify classes of children who shall be eligible to enroll in  
7 schools of the defense dependents' education system under  
8 this section if and to the extent that there is space available,  
9 establish priorities among such classes, waive the tuition  
10 requirement of subsection (b) (1) with respect to any such  
11 class, and issue such other regulations as may be necessary  
12 to carry out this section.

13                   ANNUAL EDUCATIONAL ASSESSMENT

14       SEC. 5. (a) The Director shall assess each year the  
15 performance of the defense dependents' education system in  
16 providing an education of high quality to children enrolled  
17 in the system. Such assessment may include the use of  
18 educational assessment measures and such other means as  
19 the Director determines to be suitable for assessing student  
20 performance.

21       (b) The results of each annual assessment under sub-  
22 section (a) shall be made available to the sponsors of indi-  
23 viduals enrolled in the defense dependents' education system  
24 during the year for which the assessment is made.

1 SCHOOL CONSTRUCTION, OPERATION, AND MAINTENANCE

2 SEC. 6. (a) Construction of school facilities on a mili-  
3 tary installation in an overseas area, or under section 10  
4 of the Act of September 23, 1950 (20 U.S.C. 640), and  
5 operation and maintenance of such facilities, shall be carried  
6 out through the military department having jurisdiction  
7 over the installation on which such facilities are located.

8 (b) The President shall include in his budget for each  
9 fiscal year a separate request for funds for construction of  
10 school facilities by the military departments in overseas  
11 areas and under such section 10.

12 DEPENDENTS' EDUCATION IN OVERSEAS AREAS

13 SEC. 7. (a) The Secretary of Defense shall establish  
14 and operate a school system for eligible dependents in over-  
15 seas areas.

16 (b) Under such circumstances as he may by regulation  
17 prescribe, the Secretary of Defense may provide tuition to  
18 allow eligible dependents in an overseas area where a school  
19 operated by the Secretary is not reasonably available to  
20 attend schools other than schools established under subsec-  
21 tion (a) on a tuition-fee basis. Any school to which tuition  
22 is paid under this subsection to allow an eligible dependent  
23 in an overseas area to attend such school shall provide an  
24 educational program satisfactory to the Secretary.

1           **ELIGIBILITY FOR SCHOOL LUNCH PROGRAMS**

2           **SEC. 8. (a)** The National School Lunch Act (42 U.S.C.  
3 1751 et seq.) is amended by adding at the end thereof the  
4 following new section:

5           **"DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS'**

6   **SCHOOLS**

7           **"SEC. 22.** For the purposes of this Act, that portion of  
8 the defense dependents' education system established under  
9 the Defense Dependents' Education Act of 1977 which is  
10 located in overseas areas (as such term is defined in section  
11 18 of such Act) shall be considered to be a State, and the  
12 Office of Dependents' Education, Department of Defense,  
13 shall be considered to be the State educational agency  
14 thereof."

15           **(b)** The Child Nutrition Act of 1966 (42 U.S.C. 1771  
16 et seq.) is amended by adding at the end thereof the  
17 following new section.

18           **"DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS'**

19   **SCHOOLS**

20           **"SEC. 20.** For the purposes of this Act, that portion of  
21 the defense dependents' education system established under  
22 the Defense Dependents' Education Act of 1977 which  
23 is located in overseas areas (as such term is defined in  
24 section 18 of such Act) shall be considered to be a State,  
25 and the Office of Dependents' Education, Department of

1 Defense, shall be considered to be the State educational  
2 agency thereof.”

3 SCHOOLS ON DOMESTIC MILITARY INSTALLATIONS TRANS-  
4 FERRED FROM COMMISSIONER OF EDUCATION

5 SEC. 9. There is hereby transferred to, and vested in,  
6 the Secretary of Defense all authority of the Commissioner  
7 of Education, Department of Health, Education, and Wel-  
8 fare, with respect to—

9 (1) any arrangement made by the Commissioner  
10 under section 6 of the Act of September 30, 1950 (20  
11 U.S.C. 241), to provide free public education for chil-  
12 dren residing on an installation under the jurisdiction of  
13 a military department, and

14 (2) any school facility constructed or otherwise  
15 provided by the Commissioner under section 10 of the  
16 Act of September 23, 1950 (20 U.S.C. 640), which  
17 is located on an installation under the jurisdiction of  
18 a military department.

19 AMENDMENTS TO PUBLIC LAW 874, RELATING TO THE  
20 PROVISION OF EDUCATION IN AREAS AFFECTED BY  
21 FEDERAL ACTIVITIES

22 SEC. 10. (a) (1) Subsection (a) of section 6 of the  
23 Act of September 30, 1950 (20 U.S.C. 241), relating to  
24 children for whom local agencies are unable to provide  
25 education, is amended—

1 (A) in the first sentence—

2 (i) by inserting “or of the Secretary of De-  
3 fense, in the case of children of members of the  
4 Armed Forces on active duty who reside on a mili-  
5 tary installation” after “the Commissioner” the  
6 first place it appears; and

7 (ii) by inserting “or the Secretary of Defense,  
8 as appropriate,” after “the Commissioner” the sec-  
9 ond place it appears;

10 (B) in the second sentence—

11 (i) by inserting “by the Secretary of Defense”  
12 after “may also be made”; and

13 (ii) by striking out “Commissioner” and insert-  
14 ing in lieu thereof “Secretary of Defense”;

15 (C) by inserting after the fourth sentence the fol-  
16 lowing new sentence: “The Defense Department Over-  
17 seas Teachers Pay and Personnel Practices Act (20  
18 U.S.C. 901-907) shall be applicable to any individual  
19 employed by the Secretary of Defense under this sub-  
20 section in a teaching position (as such term is defined  
21 in section 2 (1) of such Act).”; and

22 (D) in the last sentence, by striking out “Commis-  
23 sioner and the Secretary of the military department con-  
24 cerned jointly determine” and inserting in lieu thereof  
25 “Secretary of Defense determines”.

1 (2) Subsection (b) of such section is amended—

2 (A) by inserting “or the Secretary of Defense”  
3 after “the Commissioner” the first and sixth places it  
4 appears, and

5 (B) by inserting “or the Secretary of Defense, as  
6 the case may be,” after “the Commissioner” the second,  
7 third, fourth, and fifth places it appears.

8 (3) Subsection (c) of such section is amended—

9 (A) by inserting “or the Secretary of Defense”  
10 after “the Commissioner” the first place it appears; and

11 (B) by inserting “or the Secretary of Defense, as  
12 the case may be,” after “the Commissioner” the second  
13 time it appears.

14 (4) Subsection (d) of such section is amended to read  
15 as follows:

16 “(d) (1) The Commissioner may make an arrangement  
17 under this section with a local educational agency or with the  
18 head of a Federal department or agency administering Fed-  
19 eral property on which children reside who are to be pro-  
20 vided education pursuant to such arrangement. An arrange-  
21 ment may be made by the Commissioner under this section  
22 only for the provision of education in facilities of a local  
23 educational agency or in facilities situated on Federal  
24 property.



1       “(2) The Secretary of Defense may make an arrange-  
2 ment under the second sentence of subsection (a) only with  
3 a local educational agency, the head of a Federal depart-  
4 ment or agency administering Federal property on which  
5 children reside who are to be provided education pursuant  
6 to such arrangement, or with the head of any Federal depart-  
7 ment or agency having jurisdiction over the parents of some  
8 or all of such children.”.

9       (5) Subsection (e) of such section is amended by in-  
10 serting “, or the Secretary of Defense, as appropriate,”  
11 after “the Commissioner” both places it appears.

12       (6) The second sentence of subsection (f) of such  
13 section is amended by inserting “or the Secretary of Defense,  
14 as the case may be,” after “the Commissioner” both places  
15 it appears.

16       (b) (1) Subsection (b) of section 401 of the Act of  
17 September 30, 1950 (20 U.S.C. 242), is amended—

18           (A) by striking out “The” before “Commissioner  
19 shall” and inserting in lieu thereof “(1) Except as  
20 provided in paragraph (2), the”; and

21           (B) by adding at the end thereof the following  
22 new paragraph:

23       “(2) The Secretary of Defense shall administer this  
24 Act with respect to the provisions of section 6 of this Act  
25 applicable to the Secretary of Defense, and he may make

1 such regulations and perform such other functions as he finds  
2 necessary to carry out the provisions of such section appli-  
3 cable to the Secretary of Defense. The Secretary of Defense  
4 shall carry out his functions under this Act through the Office  
5 of Dependents' Education, Department of Defense, estab-  
6 lished by section 3 of the Defense Dependents' Education  
7 Act of 1977."

8 (2) Subsection (c) of such section is amended—

9 (A) by inserting "(1)" before "The Commis-  
10 sioner": and

11 (B) by inserting at the end thereof the following  
12 new paragraph:

13 "(2) The Secretary of Defense shall include in his  
14 annual report to the Congress a full report of the administra-  
15 tion of his functions under this Act, including a statement  
16 of receipts and disbursements."

17 AMENDMENTS TO PUBLIC LAW 815, RELATING TO THE  
18 CONSTRUCTION OF SCHOOL FACILITIES IN AREAS  
19 AFFECTED BY FEDERAL ACTIVITIES

20 SEC. 11. (a) (1) Subsection (a) of section 10 of the  
21 Act of September 23, 1950 (20 U.S.C. 640), is amended—

22 (A) in the third sentence—

23 (i) by inserting "by the Secretary of Defense"  
24 after "may also be made"; and

1           (ii) by striking out "Commissioner" and insert-  
2           ing in lieu thereof "Secretary of Defense"; and

3           (B) in the sixth sentence, by inserting "or the Sec-  
4           retary of Defense" after "the Commissioner".

5           (2) Subsection (b) of such section is amended—

6           (A) in the first sentence—

7           (i) by inserting "or the Secretary of Defense"  
8           after "the Commissioner"; and

9           (ii) by inserting "which are under his juris-  
10          diction" before the period; and

11          (B) by inserting "or the Secretary of Defense, as  
12          the case may be," after "the Commissioner" in the  
13          second sentence thereof.

14          (b) (1) Subsection (b) of section 12 of such Act is  
15          amended—

16          (A) by striking out "The" before "Commissioner  
17          shall" and inserting in lieu thereof "(1) Except as pro-  
18          vided in paragraph (2), the"; and

19          (B) by adding at the end thereof the following new  
20          paragraph:

21          “(2) The Secretary of Defense shall administer this  
22          Act with respect to the provisions of section 10 of this  
23          Act applicable to the Secretary of Defense, and he may  
24          make such regulations and perform such other functions  
25          as he finds necessary to carry out the provisions of such

1 section applicable to the Secretary of Defense. The Secretary  
 2 of Defense shall carry out his functions under this Act  
 3 through the Office of Dependents' Education, Department  
 4 of Defense, established by section 3 of the Defense De-  
 5 pendents' Education Act of 1977."

6 (2) Subsection (c) of such section is amended—

7 (A) by inserting "(1)." before "The Commis-  
 8 sioner"; and

9 (B) by inserting at the end thereof the following  
 10 new paragraph:

11 "(2) The Secretary of Defense shall include in his  
 12 annual report to the Congress a full report of the adminis-  
 13 tration of his functions under this Act, including a statement  
 14 of receipts and disbursements."

15 AMENDMENTS TO DEFENSE DEPARTMENT OVERSEAS

16 TEACHERS PAY AND PERSONNEL PRACTICES ACT

17 SEC. 12. (a) Section 2 of the Defense Department  
 18 Overseas Teachers Pay and Personnel Practices Act (20  
 19 U.S.C. 901) is amended by inserting "or under section 6  
 20 of the Act of September 30, 1950 (20 U.S.C. 241)," in  
 21 paragraph (1) (A) after "in an overseas area".

22 (b) (1) Subsection (a) of section 5 of such Act (20  
 23 U.S.C. 903) is amended—

24 (A) by striking out "secretary of each military

1 department" and inserting in lieu thereof "Director of  
2 Defense Education"; and

3 (B) by striking out "in his military department";

4 (2) Subsection (b) of such section is amended to read  
5 as follows:

6 "(b) Subject to section 5103 of title 5, United States  
7 Code, the Director of Defense Education—

8 "(1) shall determine the applicability of paragraph  
9 (22) of section 5102 of title 5, United States Code, to  
10 positions and individuals in the Department of Defense,  
11 and

12 "(2) shall establish the appropriate annual salary  
13 rate in accordance with this Act for each such position  
14 and individual to which such paragraph (22) is deter-  
15 mined to be applicable."

16 (3) Subsection (c) of such section is amended—

17 (A) by striking out "Secretary of each military  
18 department" and inserting in lieu thereof "Director of  
19 Defense Education";

20 (B) by striking out "in his military department";  
21 and

22 (C) by adding at the end the following new sen-  
23 tence: "With respect to teachers and teaching positions  
24 in the United States, the Director may vary the rates of  
25 basic compensation established under the preceding sen-

1 tence to reflect the prevailing rates of basic compensation  
2 for similar positions in the local area of a comparable  
3 level of duties and responsibilities.”.

4 (4) Subsection (d) of such section is amended by  
5 striking out “Secretary of each military department” and  
6 inserting in lieu thereof “Director of Defense Education”.

7 (5) The subsection (c) of such section appearing after  
8 subsection (d) is redesignated as subsection (e) and is  
9 amended by inserting “in overseas areas” in paragraph (1)  
10 after “teaching positions”.

11 (c) Sections 7 (a), 7 (b), 7 (c), and 8 (a) of such Act  
12 (20 U.S.C. 905 (a), (b), (c), 906 (a)) are amended by  
13 inserting “who is employed in a teaching position in an  
14 overseas area” after “(other than a teacher employed in a  
15 substitute capacity)”.

16

#### ALLOTMENT FORMULA

17 SEC. 13. (a) The Director shall by regulation establish  
18 a formula for determining the minimum allotment of funds  
19 necessary for the operation of each school in the defense  
20 dependents' education system. In establishing such formula,  
21 the Director shall take into consideration—

22 (1) the number of students served by a school and  
23 the size of the school;

24 (2) special cost factors for a school, including—

25 (A) geographic isolation of the school,

1 (B) a need for special staffing, transportation,  
2 or educational programs at the school, and

3 (C) unusual food and housing costs,

4 (3) the cost of providing academic services of a  
5 high quality as required by section 2 (b) (1); and

6 (4) such other factors as the Director considers  
7 appropriate.

8 (b) Any regulation under subsection (a) shall be  
9 issued, and shall become effective, in accordance with the  
10 procedures applicable to regulations required to be issued  
11 by the Department of Health, Education, and Welfare in  
12 accordance with section 431 of the General Education Pro-  
13 visions Act (20 U.S.C. 1232).

14 SCHOOL ADVISORY COMMITTEES

15 SEC. 14. (a) (1) The Director shall provide for the  
16 establishment of an advisory committee for each school in  
17 the defense dependents' education system. An advisory com-  
18 mittee for a school shall advise the principal of the school  
19 with respect to the operation of the school, particularly in  
20 the areas of personnel and budget matters, and shall have  
21 authority to make recommendations with respect to the em-  
22 ployment and discharge of personnel, and, except as pro-  
23 vided under paragraph (2), shall advise the local military  
24 commander with respect to problems concerning dependents'  
25 education within the jurisdiction of the commander.

1           (2) In the case of any military installation or overseas  
2 area where there is more than one school operated by the  
3 Secretary of Defense, the Director shall provide for the estab-  
4 lishment of an advisory committee for such military installa-  
5 tion or overseas area to advise the local military commander  
6 with respect to problems concerning dependents' education  
7 within the jurisdiction of the commander.

8           (b) Members of a school advisory committee established  
9 under this section shall be elected by individuals of voting  
10 age residing in the area to be served by the advisory com-  
11 mittee. The Secretary of Defense shall by regulation pre-  
12 scribe the qualifications for election to an advisory committee  
13 and procedures for conducting elections of advisory com-  
14 mittee members.

15           (c) Members of school advisory committees established  
16 under this section shall serve without pay.

17           ADVISORY COUNCIL ON DEPENDENTS' EDUCATION

18           SEC. 15. (a) There is established in the Department of  
19 Defense an Advisory Council on Dependents' Education  
20 (hereinafter in this section referred to as the "Council").  
21 The Council shall be composed of—

22           (1) the Assistant Secretary of Defense for Man-  
23 power and Reserve Affairs (hereinafter in this section  
24 referred to as the "Assistant Secretary"), who shall be  
25 the chairman of the Council;



1           (2) 12 individuals appointed by the Assistant Sec-  
2           retary, who shall be individuals versed by training or  
3           experience in the field of primary or secondary educa-  
4           tion and who shall include representatives of profes-  
5           sional employee organizations, parents of students en-  
6           rolled in the defense dependents' education system, and  
7           one student enrolled in such system; and

8           (3) a representative of each of—

9           (A) the Commissioner of Education, Depart-  
10          ment of Health, Education, and Welfare,

11          (B) the Director of the National Institute and  
12          Education, Department of Health, Education, and  
13          Welfare, and

14          (C) the Director of the Educational Directorate  
15          of the National Science Foundation.

16 The Director shall be the Executive Secretary of the Council.

17          (b) The term of office of each member of the Council  
18 appointed under subsection (a) (2) shall be three years,  
19 except that—

20          (1) of the members first appointed under such  
21 paragraph, 4 shall serve for a term of one year, 4 shall  
22 serve for a term of two years, and 4 shall serve for  
23 a term of three years, as determined by the Assistant  
24 Secretary at the time of their appointment, and

25          (2) any member appointed to fill a vacancy occur-

1 ring before the expiration of the term for which his  
2 predecessor was appointed shall be appointed for the  
3 remainder of such term.

4 No member appointed under subsection (a) (2) shall serve  
5 more than two full terms on the Council.

6 (c) The Council shall—

7 (1) recommend to the Director general policies  
8 for operation of the defense dependents' education sys-  
9 tem with respect to personnel, curriculum selection,  
10 administration, and operation of the system,

11 (2) provide information to the Director from other  
12 Federal agencies concerned with primary and secondary  
13 education with respect to education programs and prac-  
14 tices which such agencies have found to be effective  
15 and which should be considered for inclusion in the  
16 defense dependents' education system,

17 (3) advise the Director on the design of the study  
18 and the selection of the contractor referred to in section  
19 16(a) (2) of this Act, and

20 (4) perform such other tasks as may be required by  
21 the Assistant Secretary.

22 (d) Members of the Council who are not in the regular  
23 full-time employ of the United States shall, while attending  
24 meetings or conferences of the Council or otherwise engaged  
25 in the business of the Council, be entitled to receive compen-

1 sation at the rate specified at the time of such service for  
2 grade GS-18 in section 5332 of title 5, including traveltime,  
3 and while so serving on the business of the Council away from  
4 their homes or regular places of business, they may be  
5 allowed travel expenses, including per diem in lieu of sub-  
6 sistence, as authorized by section 5703 of title 5 for persons  
7 employed intermittently in the Government service.

8 (e) The Council shall continue in existence until  
9 terminated by law.

#### 10 STUDY OF DEFENSE DEPENDENTS' EDUCATION SYSTEM

11 SEC. 16. (a) (1) As soon as practicable after the date  
12 of the enactment of this Act, the Director shall provide for  
13 a comprehensive study of the entire defense dependents'  
14 education system, which shall include a detailed analysis of  
15 the education programs and the facilities of the system.

16 (2) The study required by this subsection shall be con-  
17 ducted by a contractor selected by the Director after an  
18 open competition. After conducting such study, the con-  
19 tractor shall submit a report to the Director describing the  
20 results of the study and giving its assessment of the defense  
21 dependents' education system.

22 (b) In designing the specifications for the study to be  
23 conducted pursuant to subsection (a) (1), and in selecting a  
24 contractor to conduct such study under subsection (a) (2),

1 the Director shall consult with the Advisory Council on  
2 Dependents' Education established under section 15 of this  
3 Act.

4 (c) The Director shall submit to the Congress not later  
5 than one year after the date of the enactment of this Act the  
6 report submitted to him under subsection (a) (2) describing  
7 the results of the study carried out pursuant to subsection  
8 (a) (1), together with the recommendations of the con-  
9 tractor performing such study, for legislation and any in-  
10 crease in funding needed to improve the defense dependents'  
11 education system. Notwithstanding any law, rule, or regula-  
12 tion to the contrary, such report shall not be submitted to any  
13 review before its transmittal to the Congress, but the Sec-  
14 retary of Defense shall, at the time of the transmittal of such  
15 report, submit to the Congress such recommendations as he  
16 may have with respect to legislation and any increase in  
17 funding needed to improve the defense dependents' education  
18 system.

19  
20 **REGULATIONS**

21 **SEC. 17.** Not later than the 180 days after the date of  
22 enactment of this Act, the Secretary of Defense shall issue  
23 regulations to carry out this Act. Such regulations shall—

24 (1) prescribe the educational goals and objectives  
of the defense dependents' education system,

1 (2) establish standards for the developments of  
 2 curricula for the system and for the selection of in-  
 3 structional materials,

4 (3) prescribe ethical and professional standards  
 5 for professional personnel employed in the system,

6 (4) provide for arrangements between the Director  
 7 and commanders of military installations for necessary  
 8 logistic support for schools of the system located on  
 9 military installations,

10 (5) provide for a recertification program for pro-  
 11 fessional personnel employed in the system, and

12 (6) provide for such other matters as may be  
 13 necessary to ensure efficient organization and operation  
 14 of the defense dependents' education system.

15 DEFINITIONS

16 SEC. 18. For purposes of this Act:

17 (1) The term "eligible dependent" means an in-  
 18 dividual—

19 (A) who has not completed secondary school-  
 20 ing, and

21 (B) who is the child, stepchild, adopted child,  
 22 ward, or spouse of a sponsor or who is a resident  
 23 in the household of a sponsor who stands in loco  
 24 parentis to such individual and who receives one  
 25 half or more of his support from such sponsor.

1 (2) The term "sponsor" means—

2 (A) a member of the Armed Forces serving  
3 on active duty, or

4 (B) a civilian officer or employee of the De-  
5 partment of Defense paid from appropriated funds.

6 (3) The term "overseas area" means any area sit-  
7 uated outside the United States.

8 (4) The term "United States", when used in a  
9 geographical sense, means the several States, the Dis-  
10 trict of Columbia, the Commonwealth of Puerto Rico,  
11 and the possessions of the United States (excluding  
12 the Trust Territory of the Pacific Islands and Midway  
13 Island).

Mr. Ford. The DOD Overseas Dependent Schools have been in existence since 1946 and enroll approximately 150,000 children of military personnel around the world. The 25 section 6 schools enroll about 38,500 children and are operated jointly by the Department of Health, Education, and Welfare and the different branches of the armed forces they serve.

In June of 1977 the Subcommittee on Elementary, Secondary, and Vocational Education conducted a hearing on these section 6 schools in conjunction with our review of the impact aid laws. At that time, we heard testimony indicating that the facilities are very poor in some of these schools, especially at places such as Fort Buchanan of the Antilles Consolidated School System.

Today we will hear from representatives of the Department of Defense, the U.S. Office of Education, and various parent and teacher organizations involved with these two types of schools.

I would like to first recognize a familiar face down there, Dr. Anthony Cardinale, Director of the Department of Defense Schools.

Dr. Cardinale, we are happy to see you again before this committee. Without objection, Dr Cardinale's prepared statement will be inserted in full at this point in the record.

You may proceed to add to it, amplify on it or comment on it as you find necessary.

[The prepared statement of Anthony Cardinale follows:]

STATEMENT OF DR. ANTHONY CARDINALE, DIRECTOR, DEPARTMENT OF DEFENSE  
DEPENDENTS SCHOOLS

Mr. Chairman, I appreciate the opportunity to appear before this Committee regarding H.R. 9892, "Defense Dependents' Education Act of 1978."

This proposed legislation would establish within the Department of Defense an Office of Dependents' Education. On July 1, 1976, the Department of Defense centralized its overseas dependents' education program within the Office of Dependents Schools, a field activity of the Office of the Secretary of Defense. This centralization was mandated by Congress.

Currently, the authorization for operation of the overseas dependents schools' program is contained in the General Provisions of the Annual Department of Defense Appropriation Act. A sectional analysis of Sections 1, 2, 3, 4, 5, 7, and 13 through 18, together with the views of the Department of Defense, are included as an enclosure to this statement. The Department is of the opinion that these provisions of H.R. 9892, if enacted, will assist in the continued operation of the overseas dependents schools' program.

This proposed legislation provides for some major changes regarding the education of dependent children residing on military installations in the United States and Puerto Rico under the provisions of Public Laws 81-874 and 81-815.

Sections 6, 9, 10, 11, and 12 of H.R. 9892 would transfer from the Commissioner of Education to the Secretary of Defense (1) complete responsibility for the operation of schools on military installations, and (2) authorize the Secretary of Defense to take title to existing school facilities and to construct additional facilities as required. Because of the President's decision to recommend creation of a new Department of Education and the efforts of the President's reorganization project to determine which programs should be included in the new department, the administration recommends that consideration of these provisions be delayed.

Section 8 amends the National School Lunch Act and the Child Nutrition Act of 1965 to include DoD overseas dependents' schools. The impact of this proposed change has not been fully staffed within the Department of Defense and with the Department of Agriculture. We expect to have the official views to the Committee on this section within the next few weeks.

I will be pleased to answer any questions the Committee may have.  
Enclosure.

DEPARTMENT OF DEFENSE COMMENTS ON H.R. 9892 "A BILL TO ESTABLISH A UNIFIED PROGRAM FOR THE EDUCATION OF MINOR DEPENDENTS OF MILITARY AND CIVILIAN PERSONNEL OVERSEAS ON CERTAIN MILITARY BASES, TO ESTABLISH AN OFFICE OF DEPENDENTS' EDUCATION IN THE DEPARTMENT OF DEFENSE TO ADMINISTER SUCH PROGRAM, AND FOR OTHER PURPOSES."

*Section 1.*—This Act is cited as the Defense Dependents' Education Act of 1978.

*DoD Comment.*—Concur with the title.

*Section 2.*—This section requires the Secretary of Defense to establish and operate a dependents' education system that provides free public education for children of military and civilian personnel in overseas areas. In addition to operating grades kindergarten through 12, this section authorizes the Secretary of Defense to also operate a preschool program.

*DoD Comment.*—The stated mission of the current Department of Defense Office of Dependents Schools, is to provide a high quality educational program for all minor dependents in overseas dependents schools. Included are special programs for the handicapped, vocationally oriented student, and the gifted and talented. Thus, the DoD concurs with the language as written. The Department recommends that the provision for authorizing a preschool program be delayed pending the results of the study of the entire dependents education system, as required by Section 16 of H.R. 9892.

*Section 3.*—(a) This section provides for the establishment and administration of an Office of Dependents' Education within the Department of Defense. The director of the office will be a civilian, appointed by the Secretary of Defense, and will report to the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics).

(b) The Secretary may carry out his functions under the act, except the issuing of regulations, through the Director of the office.

(c) The duties of the Director will include establishing personnel policies for system employees, preparing a budget for each fiscal year, and performing other functions required or delegated by the Secretary or Assistant Secretary of Manpower and Reserve Affairs. The Director will have authority to transfer employees, establish local school advisory committees, and arrange inservice or other training programs.

(d) The Director is required to establish regional or area offices and must, within six months of this Act's enactment, file a report detailing the organizational structure, assignment of personnel, and personnel requirements of the Office of Dependents' Education. The Director must submit a report to Congress describing each subsequent reorganization of the Office. The Office is limited to 400 civilian employees in its central and regional offices.

*DoD Comment.*—The DoD concurs with this section, except as follows:

Section 3(a) (1) should be changed to read, "There is established within the Office of the Secretary of Defense a *field* office to be known as the Office of Dependents' Education."

Section 3(a) (2) should be changed to read, "The Office of Dependents' Education shall be headed by a Director of Dependents' Education . . . who shall be *selected* by the Assistant Secretary of Defense (MRA&L) . . ."

Section (3) (d) (3) should be changed to read, "The Director of Dependents' Education is authorized to employ an appropriate number of civilian employees in its central office and such regional and area offices as are established to carry out the functions of this Act, subject to approval by the Secretary of Defense."

*Section 4.*—This section allows for the enrollment of non-eligible children where space is available in the education system overseas, and requires that each child be charged tuition which is at least sufficient to cover the cost of enrollment. The Secretary may establish regulations which identify classes of children who shall be eligible to enroll in DoD schools where space is available. The Secretary may also establish priorities among these classes or waive tuition for the children in any such class.

*DoD Comment.*—Concur with the language as written.

*Section 5.*—This section requires the Director to establish procedures to assess the educational performance of the school system annually and make the results available to sponsors of children enrolled in the system.

*DoD Comment.*—Concur with the language as written.

*Section 7.*—This section authorizes the Secretary of Defense to purchase educational services in overseas areas when/where DoD-operated schools are not available.

*DoD Comment.*—The DoD concurs with the language as written.

*Section 13.*—This section gives the Director authority to establish by regulation a formula for determining the minimum allotment of funds to each school in the DoD system.

*DoD Comment.*—The DoD concurs with the language as written.

*Section 14.*—This section requires the Director to provide for the establishment of advisory committees for each school and for central advisory committees where more than one school are operated on a federal installation. Advisory committee members are elected and serve without pay.

*DoD Comment.*—The DoD concurs with the concept of school advisory committees. The Department is opposed to that portion of Section 14(a) (1) which reads: ". . . and shall have authority to make recommendations with respect to the employment and discharge of personnel." The Department believes that the total authority and responsibility for employment practices, including hiring and firing, must rest with the Director of Dependents' Education, regional directors and principals. The role of the school advisory committee should not include this management responsibility.

*Section 15.*—This section makes provision for the establishment of a twelve-member Advisory Council on Dependents' Education within the Department of Defense to be chaired by the Assistant Secretary of Defense for Manpower and Reserve Affairs.

*DoD Comment.*—The Department of Defense does not concur with the concept of establishing an Advisory Council on Dependents' Education. The Department believes that the current Department of Defense Dependents Education Council is working well, and sees no need to establish any advisory council by statute. If the Committee insists that such a council should be established by statute, the Department offers the following to change Section 15:

The DoD believes that included within the 12-member Advisory Council should be a representative from each military department. The Department opposes that part of the language contained in Section 15(a) (2) ". . . who shall include representatives of professional employee organizations." We do not concur that professional employee organizations should have membership on the committee unless that term is defined to exclude "Labor Organizations"



or any other professional organization whose membership is represented by a Labor Organization. Within the DoD Dependents Schools system, labor organizations have been granted exclusive recognition under the provisions of Executive Order 11491, as amended. The Overseas Federation of Teachers, A.F.T. (AFL-CIO) has recognition in the European Region and represents approximately 1,000 teachers. The Overseas Education Association, an affiliate of the National Education Association, has recognition at the national level and represents approximately 6,500 teachers. The DoD Dependents Schools has negotiated two labor contracts with both of these unions. A continuing obligation exists under E.O. 11491, as amended, to negotiate all changes in Personnel Policies, Practices, and Matters Affecting Working Conditions with these two labor organizations. Providing membership for these two labor organizations on the committee, as proposed by the legislation, would seriously weaken the collective bargaining machinery established under E.O. 11491.

*Section 16.*—This section requires a study of the entire defense dependents' education system. The Director, in consultation with the Advisory Council on Dependents' Education, will design specifications for the study and select a contractor. The analysis is to be submitted directly to Congress within one year from the enactment of this Act and is to include comments and recommendations of both the contractor and the Secretary of Defense.

*DoD Comment.*—The DoD concurs with the language as written.

*Section 17.*—This section requires the issuing of regulations within 180 days from enactment of the legislation.

*DoD Comment.*—The DoD concurs with this section, except for the provision contained in Section 17(5): “. . . provide for a recertification program for professional personnel employed in the system. . . .” The Department recommends, instead, that a new section be added to the bill as follows:

“CERTIFICATION AND RECERTIFICATION OF PROFESSIONAL EMPLOYEES”

“All professional personnel employed in the schools and regional offices overseas will be required to be fully certified in their areas of teaching or supervision by a state prior to their selection for employment.

“Professional personnel overseas will be governed by Certification and Recertification regulations issued by the Director, Office of Dependents Education. Effective with the 1978-79 school year, the Director will issue an Initial Certificate, valid for 6 years, to all professional personnel then employed. A Continuing Certificate, also valid for 6 years, will be issued to professional personnel who (1) possess a valid Dependents Schools Initial Certificate, and (2) provide documentary evidence of satisfactory teaching in the schools under the jurisdiction of the Department of Defense, and who have earned the equivalent of 8 semester hours of graduate education courses related to their field of teaching or supervision. In-service education, workshops, individually approved research, or other educationally related experience, may be substituted for the equivalent of the 8 semester hours, as determined by the Director.”

*Section 18.*—This section defines, for the purposes of the Act, “eligible dependent”, “sponsor”, “overseas area”, and “United States.”

*DoD Comment.*—The DoD concurs with the definition of Terms, except as follows:

The word “individual” should be changed to “*minor dependent*.”

**STATEMENT OF ANTHONY CARDINALE, DIRECTOR, DEPARTMENT OF DEFENSE DEPENDENT SCHOOLS**

Dr. CARDINALE. Thank you very much, Mr Chairman.

In order to save some time, since the statement will be recorded, I would like to just summarize the Department of Defense's position on H.R. 9892.

The Department concurs with sections 1, 2, 3, 4, 5, 7 and 13 through section 18. Certainly the Department agrees with the title of the bill.

Section 2 provides for a quality education for all dependents enrolled in overseas dependent schools and the provisions of the free

school program. The Department concurs with this. What we would have to do with the military structure is to survey the overseas bases to find out eligibility of the numbers of students for this preschool education program if this bill is enacted. Certainly, within the Office of the Secretary of Defense, we concur with the establishment of the Office of Dependents Education.

Section 4 where we would be permitted to allow the non-DOD students to enroll in the DOD school, we certainly would concur with that, providing it is space available, tuition paying. To establish procedures for the annual assessment of DOD school, there is no conflict within the Department of Defense.

Section 7 authorizes the Secretary to purchase educational services in those locations where we do not have DOD schools.

Section 13 would establish a formula for determining the minimum allotment of funds for each school in the DOD system. We basically do that now, and we do not object to this portion of the legislation.

The section 14 requires the Director to establish advisory committees for each school or school complex. We certainly are in agreement with that. When the Department of Defense became totally responsible for the operation of the overseas program, this was one of the first provisions we made; that there be established at each school a school advisory committee.

We also have a regional advisory educational committee.

Section 15 requires establishment of a 12-member advisory council on dependents education within DOD. We concur with that. But in the composition of the 12-member committee, we recommended that there be at least 1 representative from each military department.

Section 16 requires a study within 1 year of the entire Defense school system by an outside contractor. We, of course, would have no objections to that.

Section 17, we concur with those items that are listed, including the recertification program for all professional personnel. As an attachment to my statement, we have some suggestions that we would offer the committee on the recertification program. The last section, we certainly concur with the definitions. We recommended to the committee that the word "minor dependent" be inserted because we want this to be a program for schoolage children, kindergarten through the 12th grade. The word "individual" might open it up to the nonminor dependent.

Other than those comments, Mr Chairman, and the information contained in my statement, I would be very happy to answer any questions that you or the committee members may have.

Mr. FORB. Thank you very much, Dr. Cardinale.

It will be just about 14 years since Congressman Dent's subcommittee on Labor Standards, of which I was then a member, made the first trip around the world at the request of Dr. Lynn Bartlett to take a look at the DOD school system. The committee has maintained an interest in the system since that time. During the sixties we saw some rather exciting changes take place in the DOD system.

A great deal of effort has gone into professionalizing a system that is one of the most interesting phenomena in the Government. It is

something that has grown completely by accident, with no pre-planning and no policy, but it seems to work. Anyone who attempts to study the history of the development of this system usually is surprised to discover that it has no formal history. We started some schools in Germany during the occupation period at the end of the war, and from those few schools that had sprung up, a system developed which at one point would have a student population of 200,000.

Dr. CARDINALE. Yes.

Mr. FORD. It would have been at that time, about the fifth largest school district in the country, if it had been a single school district. It developed without any statute on the books authorizing its existence. It has existed by executive fiat and appropriations, oversight by Armed Services, Education and Labor, and Post Office and Civil Service has been in the act.

I think one of the events with the most impact was a bill sponsored by Congressman Morris Udall, which we worked on in 1965. It changed the status of the teachers so that they had a pay and work schedule that more closely approximated their peers in the American public school system.

While I have some reservations about the legislation before us, and I want to work those out, I know that the author of this bill, Mr. Erlenborn, has been interested in this school system since he came to Congress 13 years ago. He has spent perhaps as much time as anyone in the Congress on an examination of this school system and its exponents throughout the world. So I respect not only his judgment, but his motivation in introducing this legislation.

Some of the language in here we have talked about many times over the years. At least we now have before us specific proposals that can be considered. So with that, I would like to recognize the author of the legislation, Mr. Erlenborn.

Mr. ERLBORN. Thank you, Mr. Chairman.

Let me welcome you, Dr. Cardinale.

Dr. CARDINALE. Thank you, sir.

Mr. ERLBORN. Thank you for being here and for your testimony.

As the chairman has pointed out, and you pointed out in your testimony, there is no statutory basis for the present operation of the overseas dependent schools. Just looking at that fact, the rather impermanent status of the program, do you feel that a statutory authorization for the program would be desirable?

Dr. CARDINALE. Yes, sir, I believe that personally, and it is also the view of the Defense Department. It would give us something permanent, more so than just the general provisions of the annual Department of Defense appropriation item. I would feel much more comfortable with an authorization bill in order to operate the school program.

Mr. ERLBORN. What advantages would flow to the overseas schools as a result of statutory authorization?

Dr. CARDINALE. In preparing the budget for the dependent schools, I am sure that part of the budget would be heard also by the Education and Labor Committee, as well as the House and Senate Appropriations Committees, and the Subcommittees on Defense Appropriations.

I would say that it would give my office some concrete authority in issuing regulations that would govern certain aspects of the program. For an example, a point that comes to mind is that we are attempting to do a great deal in the area of child abuse. We want our personnel, our teachers and administrators, to report cases, but at the moment we are hesitant to require that because we have no immunity for the teachers or administrators being liable if the parents want to press this issue. Through legislation I think we can give this kind of a commitment to our teachers—you know, protect them, so to speak, from the parents when the teacher is conscientiously trying to do a good job in reporting child abuse cases.

I think the way the legislation would be written, many of the programs that now exist for students in the United States that are funded by Federal programs would also extend to all of our students overseas.

The thing uppermost in my mind is that if our students were back in the United States in the local public schools, they would be eligible for all of these benefits. Therefore, I see no reason why overseas they shouldn't have the same benefits extended to them.

Mr. ERLNBORN. You are referring to such things as the school lunch program?

Dr. CARDINALE. Yes, sir. That is one of the items.

Mr. ERLNBORN. What changes would this legislation, or some similar authorizing legislation make in the way the overseas schools are operated?

Dr. CARDINALE. It would give us a little bit more permanent basis to operate from, and we would be able to set up some programs that I believe have to be in legislation; one is the ability or the authority to authorize a teacher certification, recertification programs, to once and for all outline what we mean by space available students and tuition-paying students coming to our program, who may come tuition-free, who may come on a tuition-paying basis. We get many complaints about our program now from civilian personnel residing overseas who are not a part of the Defense Establishment.

We would be able to establish once and for all in legislation, who can and cannot attend our schools. I can see through working with the various teacher organizations that we would be able to come up with an agreement on the other kinds of administrative and educational policies that we need for the total operation of the school system.

Mr. ERLNBORN. I realize from your statement that the Department of Defense is not at this time endorsing the concept of folding in the section 6 schools for this legislation, but would you have a personal view as to the ultimate desirability of this, and do you know how the various services feel about bringing section 6 schools into the overall operation?

Dr. CARDINALE. Yes, sir. As I have mentioned on page 2 of my statement, the administration's position is that during this period of time since the President has come forth with the concept of the Department of Education, nothing ought to be transferred from one department to another in the area of education. But my personal views regarding the stateside, the so-called section 6 operation, is that much can be done to bring together a more cohesive operation of this school system.

As you stated, Mr. Erlenborn, the military departments now operate these schools on some 18 installations in the United States. The funding for the maintenance, operation and construction is the responsibility of the U.S. Commissioner of Education. This arrangement has been working very well.

I have talked to the representatives from the military departments, and they assured me that the program is going well, that the base commanders like the operation.

Mr. FORD. Excuse me for interrupting.

We are old friends, but did you ever talk to a military commander that didn't tell you everything was going well with the schools?

Dr. CARDINALE. Yes, sir. On many occasions.

Mr. FORD. In some of the inferior facilities we have seen around the world, there were top people being assured by school officers that there was no problem. But we had piles of complaints from teachers and parents when we arrived there. In the end we would face a five-star general with a surprised look on his face who believed there was nothing wrong on his little island.

Dr. CARDINALE. I have seen some of the same things. I am sure that the committee has.

Mr. FORD. I felt compelled to react to that with the military, because we have seen and heard some horror stories about these schools that go across the board. One in particular which Mr. Corrada is concerned about, shows the consistent ability of the Navy to mismanage the schools over which it has jurisdiction.

As a former Navy man I apologize out of loyalty to that service, but in the 14 years I have served in Congress, I have been convinced that one of the first things we ought to do is get the Navy out of the business of running schools. Almost universally we have seen the chaos they have created. Schools enjoy such a low priority on the average naval installation that when compared with the lesser services like the Air Force and the Army, they just don't do the job.

One of the places where we are having real problems, which Congressman Corrada has brought to our attention, is Puerto Rico. As I recall, the Navy runs the school on an Army installation there, and the majority of the students are nonmilitary dependents, or at least not military dependents. It has no identity of any kind.

We would like to explore the section 6 problem because the committee had hearings this summer indicating that even though there are only a few schools, that there are serious complaints about the section 6 schools.

Dr. CARDINALE. Well, Mr. Erlenborn, in my own personal opinion, as I mentioned, there are some areas where greater cohesiveness could exist between the section 6 schools, and some of the policies that are set for the school operation.

It is my understanding that one of the services has all the teachers under personal services contract. And the other services have them under excepted appointments, that is an excepted appointment, under the Civil Service Commission.

It seemed to me if you were operating something under a specific piece of legislation, that all of this ought to be uniform, at least from the standpoint of the teachers. They ought to have one kind, either all have a personal service contract or all be excepted appointments.

This is something I think that within the Department of Defense we would have to sort out ourselves and look at that whole issue. But, basically, in time I think that we would have to look at the total operation of the section 6 program.

Mr. ERLBORN. You may have noted the bill requires or directs that school facilities be brought up to health and safety codes; requires that they be made accessible to the handicapped just as public schools are required here in the United States.

What is the current condition of DOD overseas schools and section 6 schools relative to these requirements, and what would you be required to do to meet the directives of the bill?

Dr. CARDINALE. I believe that the bill does an excellent job in this area, Mr. Erlenborn. Within the overseas program, the way the legislation normally is written, would indicate that any school system receiving its funds from the Federal Government would have to comply with these standards. I know that we have been accused in the overseas organization of our school program that we are not complying with the new legislation for the handicapped. This isn't so. I would be very stupid not to try and comply with all Federal laws, at least those having to do with education. In the overseas area we have made a very concerted effort to bring our special education program up to all of the requirements.

I have several people on my staff now who are spending full time with personnel in the Office of Education and other associations to be sure that what we are doing is in complete compliance with the law on handicapped education. I have a very personal interest in the whole area of special education, because for about 15 years I have been chairman of the board of St. Coletta School for Retarded Children. I do this because I know something about special education. I greatly support any legislation, any program, that would help these youngsters.

In our program we are making movements in the area of the gifted, the talented students and vocational oriented student. We have some outstanding career education programs going on in our system. We have a full-time person on my staff whose sole responsibility is career and vocational education. We have been pushing our people overseas to do more in these areas.

I am not familiar with what the section 6 schools are doing, specifically, in this area. But I am sure that they are in compliance with the various pieces of legislation.

Mr. ERLBORN. I might say you would have one great advantage in meeting the directives of the Congress relative to facilities for the handicapped in that you also have your funding from the Congress. I think we would have some responsibility to give you the funding to comply with the directives, which is not the practice in the public school system here in the United States. As I recall we have been very generous in issuing directives, but have not provided any funding to comply with those directives.

Dr. CARDINALE. In our school program, the Secretary of Defense has been extremely supportive of our overseas operation. In this regard I might mention at this moment, Mr. Chairman, that the Secretary of Defense has approved, for fiscal year 1979, a total of \$307

million for the operation and maintenance of our schools overseas. That is \$44 million more than we have approved for our fiscal year 1978 program.

The Secretary is lending strong support to this program, and in the area of school construction we have requested, in fiscal year 1979, \$44.8 million. The Secretary has approved this amount in the defense budget. As I recall, the combined total of all military departments for construction, or major-minor construction during fiscal year 1978 was \$17 million.

In realizing this, we are trying to identify the programs where we have to put more emphasis such as the special education program, the gifted and talented, the vocational and career educational type programs.

Mr. ERLNBORN. Thank you again.

Thank you, Mr. Chairman.

Mr. FORD. Thank you.

You mentioned your interest in the problems within your school of the retarded child. We discovered a few years ago a peculiar handicap that you have in dealing with this problem. Among the armed services, there are differing attitudes on how they deal with career officers who have retarded or handicapped children. It was possible for a serviceman to turn down a duty assignment based on whether services were available for his handicapped child.

There was a specific directive that protected him to the extent that such directives are able to do this—against any loss of progress in his career status as a result of his inability to accept that assignment.

At the same time, another service viewed this as a parental disability and said:

Sorry, if you can't take this overseas assignment because of that condition, we just have to write it down the same as if it were any other disability from performing a duty that we want you to perform."

It resulted in a rather strange mixture of attitudes among people about how to deal with the problem. Should we send them all home and try to institutionalize these children, separate them from their brothers and sisters and parents, or do we have a different responsibility? I am not at all sure that we have worked that out very well, but it is a dimension of trying to deal with the special problem of having any child that needs special education in a system that is fragmented and spread around the world, like yours, where you aren't necessarily going to be in an area large enough to justify the expense of a facility and a program that would accommodate the needs of a very strong variety of disabilities, or any kind of handicap.

Could you give us some indication about what the services are doing to deal with this kind of problem?

Dr. CARDINALE. Yes, sir. We have been working pretty hard in this area also, because we realize that it is a significant problem. Mr. Ferguson, my Deputy Director, has been working with the Surgeons General of the military departments to develop the different formats necessary to screen the military man prior to going overseas. This will insure that if he does have a retarded or handicapped child, and

the man is absolutely necessary for that particular military assignment, he would be assigned to a location where we can adequately take care of his handicapped or his retarded child.

What we are attempting to do now is to set up regional centers for handicapped and retarded children. We have a study under way to find out how many of these centers we would need, and where they should be located, so that if a man arrives and he is assigned to Heidelberg, as an example, we would be able to take care of his retarded or handicapped youngster.

But if he is assigned to some base, a very small base 20 or 30 miles away, and this may be the only child at the base, we ought to take care of that child one way or the other as long as he is in our dependent school. We either make arrangements to get a teacher into that school to take care of the child part-time or part of the day, or provide some kind of transportation to get the child up to this center that we are proposing in each of our three geographical regions.

My point is that once the child gets to the overseas area regardless of what the parents said about not having a retarded or handicapped youngster, or whatever the reason, my belief is the child is there in our school system so we ought to have the wherewithal to take care of him completely. This is a significant problem, we are aware of it, and as I have mentioned, I have several staff people who for the last several weeks, have been devoting their entire time to coming up with this type program package.

Mr. ERLBORN. Mr. Chairman.

Mr. FORD. Yes.

Mr. ERLBORN. If you would indulge me just for a comment.

In our travels I think my observation was the finest facilities for the handicapped were in the schools in Panama. Now, of course that was the school that was not operated by DOD, but, rather by the Panama Canal Company, and they just sent the bill at the end of the year to DOD.

Dr. CARDINALE. That is right.

Mr. ERLBORN. But they did have some very fine facilities down there. Could you tell us what the difference in cost for educating dependents overseas is between Panama and the other schools that are operated by DOD?

Dr. CARDINALE. Well, sir, I know that the per-pupil cost for operation of DOD schools for fiscal year 1979 is \$2,035. This is our overall average. I don't know that for the Panama Canal Zone. I can get it and insert it in the record if you would like.

Mr. ERLBORN. Not knowing what it is, would you guess that it is more?

Dr. CARDINALE. It is, yes, sir, because I pay the bills every October, so I know what the bill is.

Mr. FORD. Something like twice what you pay for other children, isn't it?

Dr. CARDINALE. I would think so, Mr. Chairman. For the education of a handicapped or retarded youngster I am sure the cost is either double and sometimes triple the cost of other type education.

Mr. FORD. No; I am talking about the per-pupil education costs in Panama.



Dr. CARDINALE. It is. It is more than our \$2,035. I know that for a fact. But I will insert that exact amount in the record.

Mr. ERLBORN. Thank you.

[Data to be supplied follows:]

The basic per-pupil cost in the Canal Zone is approximately \$2,800. The per-pupil cost for mentally handicapped is approximately \$5,500. For students in categories such as speech, remedial reading, multiple handicapped, et cetera, the per-pupil cost is approximately \$3,400.

Mr. FORD. The gentleman from Illinois, Mr. Simon.

Mr. SIMON. Yes; I have two questions, and I am not sure if I should direct them to the witness or to the chief sponsor.

First of all, I would like to commend the sponsor for having the bill, because it does seem to me it fills a real void. Just glancing through the bill on pages 18 and 19, as I read the school advisory committees which I think is a sound idea, I note that there is no requirement that the school advisory committee meet.

And I would not like to see a school advisory committee appointed that is a paper thing and doesn't meet. It would seem to me that that ought to be amended so that they would meet something like nine times a year, or something like that.

I will defer to my colleague from Illinois or the witness, either one.

Mr. ERLBORN. I would like Dr. Cardinale to respond as well, but my feeling is probably some minimum number ought to be specified.

Mr. SIMON. Yes; I am not sure what that number ought to be. I don't think what we want is a paper organization here.

Mr. ERLBORN. My only fear, Mr. Simon, now that you called my attention to this, is this might be another one of these advisory committees the President could abolish and claim progress. I think that is where he has made his progress so far.

Dr. CARDINALE. Well, if it comes into being, Mr. Simon, this legislation, as written, would make me executive secretary of that council and I would not oppose that.

Mr. SIMON. Well, you are talking about the council. See there is a council and there are also school advisory committees. These are separate entities, as I read the bills.

Dr. CARDINALE. Right, sir. But I would say not less than four times a year, at least once quarterly, they ought to meet, probably at the local school level, local school advisory committee, not less than once a month.

Mr. SIMON. That is what I think ought to be written in there. The school advisory committees are the local groups.

Dr. CARDINALE. Local.

Mr. SIMON. And it seems to me they ought to be meeting once a month, at least. That is why I suggested nine times a year during the term.

Dr. CARDINALE. During the course of the school year.

Mr. SIMON. Right. I just pass that along to my colleague from Illinois as a suggestion that he might want to amend that.

Now, this is a question directed both to the witness and to my colleague: This bill, as I understand it, directs some 20 or 25 schools

that are now within the United States on bases. Have we checked with local school districts for their reaction to this legislation?

Dr. CARDINALE. I don't know if the military departments have done that. I have not as part of my operation. I do know that there have been some newspaper articles written by the different superintendents of these current, or so-called section 6 schools in opposition to any kind of a transfer. But I have not made a study of that.

Mr. SIMON. What is the basis for this?

Mr. FORD. Would the gentleman yield?

Mr. SIMON. Yes; I will yield to my colleague.

Mr. FORD. We have covered this subject in hearings on impact aid legislation and also for the Elementary and Secondary Education Act reauthorization that is being worked on now by the subcommittee, and I think a fair look at it would indicate that superintendents' opinions range from liking the status quo to the belief that what they have are the worst possible conditions. But there are problems such as this:

There are local school districts that would be willing to take over the section 6 school if it were first modernized, all the handicap barrier problems corrected, and put in A-1 condition.

In other cases, frankly, there has been some suspicion over the years that there have been at some times section 6 schools which appeared to exist to prevent dependents from going to integrated local public schools, where the racial makeup of the integrated local public schools was different than the racial makeup of the dependents on that military installation.

One of these situations existed for a period of years within slingshot distance from where we are sitting. But it was well known among Members of Congress. I don't think it exists any longer.

Mr. SIMON. You are better at slingshots than I am, but go ahead.

Mr. FORD. Great anomalies did exist. Recently I spent some time with the school superintendent of a public school district at Fort Sam Houston, Tex. The public school district, which is part of the whole Texas system, is coterminous with the boundaries of Fort Sam Houston. To be residents of the school district you must be a resident of Fort Sam Houston. But it is not a section 6 school, nor is it a DOD school. It is a part of the Texas school system, and structured like every other school district in the State. It seems to work marvelously well with the category A funds that they get from impact aid.

The more you look at this the more you discover that there is no consistent pattern. Mr. Erlenborn's bill reveals the fact that no one really knows what's going on. There is a small number of section 6 schools. There isn't anyone in the Federal Government that you can refer to who can tell you what is currently going on with these schools.

Maybe no one has paid enough attention to them. Even though they have a statutory existence in the Impact Aid bill, this committee has ignored their existence for all the years I have been on it. And we give them about \$60 million annually.

Mr. FORD. This approximately \$60 million gets into the Labor-HEW appropriation every year, which the whole education com-

munity fights for. Then it sort of disappears out there. Nobody knows who administers it.

Mr. SIMON. Well, I am not opposed to the bill. It does seem to me that we ought to be asking local school districts, like the Fort Sam Houston thing, I don't know anything about it, but maybe we ought to ask the people at Fort Sam Houston on this bill, are there problems, are there ways that it should be amended.

It would seem to me that either the committee staff or someone from the Defense Department, or the chief sponsor, that we ought to be checking with those local school districts. I am not suggesting that we just fall over and play dead if they don't like the thing, but they may have some practical concrete suggestions that we ought to be listening to.

Dr. CARDINALE. Yes.

Mr. SIMON. I have no more questions, Mr. Chairman.  
Thank you.

Mr. FORD. The counsel and I were just discussing a special problem that we have at Fort Knox. For a number of years, the local public school system had the choice of whether or not they wanted to take over the school. They have to maintain a section 6 school because the public system won't take the students who are generated by the dependents at Fort Campbell and Fort Knox.

We assume that Kentucky law, or the Kentucky system, leads to the situation, because we don't know of it happening elsewhere.

A few years ago the committee built a new high school in Puerto Rico because of complaints that the children who went off the base at Ramey Air Force Base had to go to a school system where all the teachers were speaking Spanish and they didn't speak Spanish. So there was a sudden flurry of activity, and a new high school was built. Teachers were sent down there and they lived happily ever after in their isolation, and then came back without learning any Spanish.

Congressman Ashbrook?

Mr. ASHBROOK. Yes; I noticed the AFT in their upcoming testimony indicate they would have your schools enroll children in the host countries on a regular no-fee basis. What would be your position on that?

Dr. CARDINALE. I would be opposed to that. And I am sure that the Department of Defense would be opposed to that also. We are talking about the expenditures of Federal dollars, and as I see it, the mission of the overseas dependent schools is to provide primary and secondary education for the dependents of military and civilian personnel on active duty and stationed overseas.

Now, we do permit some children in our schools. We are required to educate children of other U.S. Government agencies; the State Department, U.S.I.A., Treasury, AID, Internal Revenue, and so forth, on a tuition-paying basis. We enroll children of private U.S. citizens who are in the vicinity of a school when we have space available.

As I mentioned, we have some local national and third country national children in our schools on a tuition-paying basis. But I don't think that should be the role of the Department of Defense

with respect to running this type educational program. Perhaps some other Federal agency might be interested in that, but, I could say very candidly that my position, since we are expending Federal dollars, would be opposed to the concept of the OFT.

Mr. ASHBROOK. Well, that brings up two questions, of course. In my experience on the committee, AFT has never really been worried about spending Federal money. That has never operated as any restraint on their programs or suggestions.

First, what would it cost if you were to have a regular no-fee basis for those now enrolled? And, second, in addition to those who are now enrolled, what would you guess would be the long-term impact if you did open it up to a regular no-fee basis?

Dr. CARDINALE. Well, based upon the question, you could almost go indefinitely with the no-fee basis. I am sure there would be thousands of—

Mr. ASHBROOK. How many do you have now in yours, or do you know?

Dr. CARDINALE. On the tuition-paying basis?

Mr. ASHBROOK. Yes.

Dr. CARDINALE. Approximately 4,000 children. These are other Federal agencies, private U.S. citizens from private U.S. corporations.

Mr. ASHBROOK. So that would cost roughly about \$8 million to \$10 million on the basis of your—

Dr. CARDINALE. Right, sir. Just about an estimated \$14 million. This is the amount that we collect from these tuition-paying students, roughly \$14 million.

Mr. FORD. Would you yield, John?

Mr. ASHBROOK. Surely.

Mr. FORD. Some idea can be gained of the resistance in the Defense Department to letting anybody in that isn't technically covered from a bill that John and I cosponsored about 6 or 7 years ago, during the Vietnam war. We were over in Japan and we discovered when a serviceman was killed in Vietnam he was no longer a Department of Defense employee, so that his children were no longer Department of Defense employee dependents and they were thrown out of school. An extraordinary set of circumstances was brought to our attention by the equivalent of a PTA over there. At a time when you would think there would be the greatest feeling toward these dependents, they said, "We are sorry."

There were a lot of them in Japan in particular, because there were high school children age living over there while the father was serving in Vietnam. When he was killed, the wife stayed on. It took the threat of legislation. I think the item was tucked into one of the armed services bills. It was a matter of hundreds of these children that the schools wanted to serve, but the Defense Department would not let them serve, because of the very strict interpretation they have always put on who may attend their schools.

Mr. ASHBROOK. Well, that is one more example that justifies my continuing faith in the travel of Congressmen to faraway places. I am certainly glad we brought that information back.

Mr. PRESSLER. Mr. Chairman, may I just ask a question following that, if the gentleman would yield.

In a case such as that, can an American family pay to have a child in a school? What are the rules? The only students there are those who are dependents; is that right?

Dr. CARDINALE. Yes, sir; these are dependents of the military and civilian personnel, DOD, stationed overseas on active duty.

Mr. PRESSLER. Is there anyone, that someone can pay for, from the American community?

Dr. CARDINALE. Yes, sir, they are admitted to our schools. We have different priorities of enrollment, and they may, if there is space available in a school be enrolled grade by grade and pay the tuition of \$2,035.

Mr. PRESSLER. Thank you, Mr. Chairman.

Mr. FORD. Would the gentleman yield?

It works both ways. There are so-called American international schools located in countries where we have problems with statutes of forces agreements, and other things that make it difficult to run a DOD school. In some of these schools, virtually all of the students are DOD dependents, and they are paying that school tuition. You will also find the reverse of this situation where you may have 20 or 25 percent of the students in one of their schools who are not DOD dependents but are there paying tuition to DOD.

Dr. CARDINALE. Not necessarily like that, Mr. Chairman.

In some of these so-called State Department-sponsored schools, the ones that you mentioned, we have just too few dependents in that area. We might have 5 or 6 or 10 or 20, not enough really to operate a DOD school, so we will pay tuition to these tuition-fee schools. The tuition can range anywhere from \$1,000 to as high as \$3,000 or \$4,000 in these so-called State Department-sponsored schools.

And then, conversely, where we have a non-DOD person enrolled in our dependent schools, they have to pay our worldwide per-pupil cost, which for this year is \$2,035. But we may, in the Panama Canal Zone—I would insert those figures for the record—but I know that we are paying more than \$2,035 for secondary and elementary education in the Canal Zone.

Mr. FORD. If the treaties are ratified, does that school system operate under the Department of Defense?

Dr. CARDINALE. Yes, sir, this is the intent of the proposed treaty, that 6 months after the treaty, if and when the treaty is ratified, and the ratification is exchanged between countries, 6 months from that date, the school systems there will be operated by the Department of Defense. We have approximately 60 percent of the total enrollment, which is roughly about 5,500 DOD students for whom we pay the Canal Zone Government.

The Department of Defense will operate schools in the Canal Zone under the new treaty.

Mr. FORD. Mr. Corrada.

Mr. CORRADA. Yes.

First of all, I would like to state my appreciation for the previous words of Chairman Ford with respect to the problems that we have been having recurrently in Puerto Rico with respect to the section 6 school, the education given to children there. Later, we will have some witnesses that come from Puerto Rico who will elaborate perhaps on this problem.

But just to give you an idea. Last year it was necessary for me to get, as part of the Labor or HEW appropriation, some \$400,000 specifically earmarked to build some portable rooms in the middle schools in Puerto Rico because the students and the teachers there, the parents, found themselves in some sort of dilemma and inaction from any of the concerned agencies.

As Mr. Ford was stating before, the peculiar situation was that the school actually was in an Army post for dependents, but belonging to the Navy, and actually under the jurisdiction of the Navy for that reason and supposedly under terms of HEW providing for the necessary educational services there, and they just found themselves in this terrible position of not getting appropriate answers from anyone.

We therefore have a very serious problem here. I don't know if the solution would be transferring this to DOD as the bill proposes, but certainly something ought to be done. And I just wanted to raise a number of questions with respect to this proposal.

For instance, the Parents Organization for Quality Education, which is a local group in Puerto Rico for the parents of children that go to the schools, raises the question what provisions or guarantees would there be that someone with educational expertise will review the proposed budget for each school to assure that the basic educational needs of all students, including the mentally and physically handicapped as well as the gifted are met.

Will the DOD have the sensitivity for this kind of problem? What incentives are there to encourage all schools to pay stateside school systems to acquire the new materials like textbooks, occupational materials, provision to publish laboratory materials, and so forth?

Will the educational level be raised to higher HEW standards, or will they be lowered for lack of sufficient priority in terms of the needs of the DOD?

All these are serious questions that have to be answered.

In the specific case of Puerto Rico, about 60 percent of the students that attend this school are non-DOD dependents. Now, if they are transferred to a school system of the Department of Defense, what would happen if the military installation is closed? Actually, Fort Buchanan very recently became a subpost of Fort McPherson and people there are certainly not very confident that Fort Buchanan is an installation that may exist as it is now for decades to come. Hopefully it may.

So this problem is of particular concern in Puerto Rico due to the recent reductions in force at Fort Buchanan. I think these are some of the answers that we would hope to find in the hearings.

But, Mr. Chairman, I am certainly very much concerned about the present situation and, again, although I don't know that the bill really is the answer to the problem, I hope that we will be able to do something to improve the situation.

Thank you, Mr. Chairman.

Mr. Ford. Thank you.

Since this bill would transfer the specific school that Mr. Corrada is talking about here, could you tell us what role, if any, your office now plays in the operation of that school?

Dr. CARDINALE. Right now, Mr. Chairman, my office has no responsibility for any schools in the United States, under any of the titles, under section 10, which I understand provides for the construction of schools on military installations. It has nothing to do with section 6 operation, these 18 on base, including the ones Mr. Corrada referred to in Puerto Rico.

My office, as you know, has no responsibility directly. The legislation, 81-874 and 81-815, say that this is the responsibility of the Secretaries of military departments and the Commissioner of Education. So I have played a very low profile in this, since it isn't my responsibility, my charter doesn't cover this school operation.

Mr. FORD. Mr. Corrada, have you finished?

Mr. CORRADA. Yes, Mr. Chairman. Thank you.

Mr. FORD. Ms. Pettis.

Ms. PETTIS. Thank you, Mr. Chairman.

Dr. Cardinale, do you have any reaction from the individual services within the Department of Defense, such as the Marine Corps, and the Army and the Air Force offices?

Dr. CARDINALE. Yes; I do, and the reaction from the military departments is that they are opposed to transferring the responsibility to the Office of the Secretary of Defense.

You are talking about a split operation, as currently exists, where the military departments are operating schools, hiring the personnel, purchasing the materials, all with the funds provided by the Commissioner of Education.

This is the way they have been operating since inception back in September 1950. I do know that the military departments would be opposed to transferring the responsibility to the Department of Defense; that is, the administration and supervision.

If along the way—and this is my own personal guess and my own personal opinion—if the responsibility for the operation, as well as the funding for these schools were to transfer to the Secretary of Defense, I would assume the Departments would concur with that. That is my own personal opinion.

It seems to me that the operation and maintenance moneys to these schools is sufficient. It is the area of construction, of constructing new and additional facilities and making major repairs, that seem to be the major concern of the military departments.

Ms. PETTIS. It is interesting to me that a number of the key military people have come to me and said that they did not want this, and I was just wondering why, if it were to be such an advantage for their children.

Thank you very much.

Mr. FORD. I was just looking at the list of section 6 schools still in existence. They really have been slowly but surely disappearing. For example, there are none in the State of California, which is by far the largest recipient of impact aid funds in the country.

In your State, even at the big marine base there, the schools are all operated as public schools, and the public school systems have become impact aid recipients.

California and other States have picked these students up and removed the necessity for section 6 schools. Some of the other States

have just been a little bit slower in accommodating the military dependents. There are now, I think, only 18 such schools.

Dr. CARDINALE. That is 18; yes, sir.

Mr. FORD. There is no pattern, even among the 18, as to who runs them. In some cases they even have 66 schools run by the local education agency. Isn't that correct?

Dr. CARDINALE. Right, sir.

Mr. FORD. I believe a lot of these schools would disappear if someone just took enough time to do the paperwork on them, and put them in shape so the LEA could take them over.

Mr. Weiss?

Mr. WEISS. Thank you, Mr. Chairman.

Mr. Chairman, I want to commend and compliment Mr. Erlenborn for focusing our attention on this problem. We had some earlier testimony some moments back when a parents' group from Puerto Rico had come here under the auspices of Mr. Corrada.

At the same time I have—I guess my question is whether we are going in the direction that we ought to be going with the legislation. Whether, in fact, there ought not be more. It would not be more appropriate to take the military totally out of the operations of schools and transfer all of the administrative responsibilities to the Office of Education and to whatever may or may not succeed that Office of Education.

I wonder, Dr. Cardinale, if you had considered that as an alternative and if you have any comments or thoughts on that?

Dr. CARDINALE. I do not have any comments, or the Department of Defense position on that. But certainly under the proposal, the President's proposal for a new Department of Education, I am sure that this whole concept of education within the Defense Department, that is childhood education, and education among the other Federal agencies is certainly being looked at at this point as to whether or not something like this ought to be transferred to the new Department of Education when it comes into being.

Mr. WEISS. Assuming that in fact this concept were to be adopted, would you have any thoughts to more direct involvement and control in the selection of personnel and the overseeing of the operations of the schools, the setting of curriculum, and so on, on the parts of the parents rather than just the advisory committees that are referred to in this legislation?

Dr. CARDINALE. Right now, in the operation of our schools since my office became totally responsible, we have made it our highest priority to involve parents, teachers, students, and command officials in our curriculum decisions-making process—our curriculum review process, that is. Anything that we do where it is going to have an impact upon the students, we always get comments and ideas from parents, the sponsors of the clientele we are serving.

Mr. WEISS. Well, is that a formal legal responsibility and right that they have, or is it simply a matter of your soliciting comments, and advice and then doing as you, or not you personally, but as the Department thinks best?

Dr. CARDINALE. Well, again, sir, we have no specific legislations other than the annual appropriation act of the Department of Defense, for the operation of these schools. But being school-minded



people, we have been in education, at least myself and members of my staff, for 25 to 30 years, and we know the value of having parents and having people participate in the formulation of all policies. Now, it is true we may not accept everything that comes in for whatever reason, but certainly in the past, this was the case.

It has not been the case since the first of July 1976, whether we do involve parents of students in command decisions, at least they will have their say, and at some point in time decisions have to be made and certainly decisions should take into consideration what is being said out in the field.

Mr. WEISS. Now, you are talking about DOD schools rather than straight military service schools?

Dr. CARDINALE. Yes, sir, that is all I can really speak on.

Mr. WEISS. Right.

Dr. CARDINALE. I am not responsible for the section 6 schools in the United States.

Mr. WEISS. The reason I ask the question is because I recall vividly the testimony given to us by Mr. Corrada's constituents who appeared before us and pointed out that the school board in the Antilles school system that was run by the Navy, I think, the Admiral, and the Admiral, by himself, made all of the decisions which we here in the United States, the mainland area in the civilian sector, wherever, would think of being a parent body responsibility.

And I am just expressing concern to you and I guess the committee that the direction that we are going may, in fact, take us away from the direction which everybody else is going in. If, in fact, it is appropriate to consider placing all of these schools within a new Department of Education, I wonder why the title makes any difference, why you simply could not do that even within an Office of Education, and then have it picked up if there is a new department subsequently.

Mr. CORRADA. Would the gentleman yield?

Mr. WEISS. I will be pleased to yield.

Mr. CORRADA. Definitely I think that at such time as we consider, and hopefully it will come to us, the reorganization of the Department of Education, if we were to assume that these functions are not transferred to DOD as the bill would intend to do, we, it would be the proper time, definitely, to see what we do to resolve the problem.

It is fundamentally under HEW, but it is not working right as a result of the different notions of different agencies and dependents, as you can see from the experience we have had in Puerto Rico.

Mr. WEISS. Yes; absolutely, and I am pleased that the gentleman from Puerto Rico could have the opportunity to bring his constituents to tell us personally what conditions prevailed, not just physically but from a school administration point of view.

Thank you, Mr. Chairman. I have no further questions.

Mr. ERLBORN. Would the gentleman yield?

Mr. WEISS. I will be glad to yield.

Mr. ERLBORN. Let me just raise a question with respect to observations the gentleman made about transferring to the Office of Education. I am not certain about this, but my impression is the Office of Education presently does not operate any schools. They did administer programs that we have established for aid to local educational agencies and state educational agencies.

I have been pleased over the course of years that this committee and the Congress have been very careful to keep the Office of Education out of the business of determining text books, course content, required courses, the other things that rightfully in my opinion and so far in the opinion of the Congress collectively have been the province of local educational agencies.

And for one, I would be just a bit concerned if we began to have the Office of Education operating as a school board and making these course content, text book selections, and other decisions. They would tend, I fear, to then spill over into the private sector.

I felt and I continue to feel much more comfortable with the Department of Defense doing this as an obligation for the education of their dependents, rather than having the Office of Education getting into a field that I think we have been careful to keep them out of.

Mr. WEISS. I appreciate the gentleman's concern.

I guess really it all depends on the matter of perspective. And I am not really inclined to intend to have the Office of Education run those schools directly, but I guess if it were freezed in that kind of stark polarization terms, I think that I might be more inclined to have the Office of Education do it then the admiral of any particular naval installation do it.

Mr. FORB. Would the gentleman yield?

In my perfect piece of legislation, for the purpose of establishing the new Department of Education, I have solved this problem for both of you, and you would both have what you want. It is really a relatively simple thing we have done in the past, so there is a precedent for it.

There would be a Secretary of Education who would have the overall responsibility for all education policy in the Federal Government and all educational activities either through funding or operations in the Government.

But we would authorize for at least a period of time for the operations of the DOD schools to remain in the Defense Department. Instead of the ultimate sign-off on policy being the Secretary of Defense, the ultimate sign-off on their operations would be the Department of Education.

The same thing could be done in the Department of Agriculture, where they believe that no one can run the school lunch program unless they work in the agriculture building. You could solve that whole thing by letting the Secretary have temporary authority to oversee the operation of the school lunch program. Heaven forbid that we should ever delegate the running of Indian schools back to the Interior Department, where they have been poorly run for so many years that everybody has become accustomed to it.

There are some problems about running the operations of these schools through the Office of Education. A few years ago on this side we had the initiative to dismantle poverty programs that were being operated by the Government. We had to spin them off into Labor and HEW. We solved the problem of keeping them out of the business of operating things by letting them delegate the authority to run things generally to the Department of Labor.

The operational programs at OE ended up with HEW, out of the poverty program, and the operational authority ended up being del-

egated to the Department of Labor. It could be done. You can both have what you want and I have heard that there are some people who are deeply concerned that just a flat, sudden all-out transfer of everything to the Office of Education would lead to chaos, because you would have some new concepts with which to deal.

There is no reason why everybody operating any kind of a training program in this country could not ultimately go through the Office of Education for administrative purposes and stay right in the buildings and on the military bases where they now exist.

Mr. WEISS. I believe that sounds like an idea which has some merit.

Mr. FORD. As I mentioned, it is my idea of the perfect solution to all of these problems. I will be glad to get it on paper soon.

Mr. WEISS. I assume my distinguished colleague's idea is not dependent on whether there is a Department of Education or Office of Education, it would work just as well either way?

Mr. FORD. Well, let me say I was going to ask Dr. Cardinale about this a little while ago, but I figured it is not really his problem. But let me just see if I can illustrate the mental problem we have had between the Department of Defense and the Office of Education.

Do you participate in title II of the Elementary and Secondary Educational Act?

Dr. CARDINALE. No, sir.

Mr. FORD. Did you ever in your years accept the title II moneys that we authorized by law to be paid through the Department of Education to you?

Dr. CARDINALE. We have not accepted the money. Once we were about to until the following day when we received instructions that we were not to accept funds from another Federal agency. If we needed funds, we were to program for them in our own budget.

Mr. FORD. Let me recite the history of that. A decade ago, in generosity, we amended the Elementary and Secondary Education Act to qualify Defense Department Dependent students for a title II, title III, and title IV-B and C, title VII, and the NE AIII. Then we discovered after a period of time that they did not, and would not take any money from the Office of Education.

What they did instead was compute how much money they would have received if they had accepted the money from the Office of Education and added it to their budget. The budget was then submitted through the Armed Services Committee, now on the Appropriations Committee, and the Appropriations Committee said OK, if you are taking that tainted money from the Office of Education, you would have this much, so we will give you this much so you do not have to take a handout from them.

In the process they avoided having anybody in the Office of Education meddling around in policies with regard to all of these categorical programs as they do in other American public schools.

Mr. WEISS. Do you think Mr. Erlenborn gave them the advice of how to handle that situation?

Mr. FORD. Well, it is a capital example. The traditional suspicion between Defense and HEW is going to prevent them from ever getting together.

Unfortunately you cannot assign blame. We have tried. The Subcommittee on Labor Standards' reports have commented on this year

after year, without trying to point the finger at anybody but just mentally about this kind of confrontation.

If you think it is hard to get Israel and Egypt to sit down at the table, you ought to try to get these people to sit at the same table in the same room. When they go to AASA conventions, they are careful not to get caught at the same cocktail parties.

Without objection, at this point, I would like to re-insert in the record a portion from part 5 entitled "Impact Aid" of the hearings the subcommittee conducted on reauthorization of the Elementary and Secondary Education Act, which includes the letter to the Department of Health, Education, and Welfare from Chairman Perkins on page 960 of that report and the attachment, which is a series of some 21 questions that the Chair would address to the Office concerning the section 6 schools, their present statutes, and the responses that they made to him in their letter of July 20, 1977.

[The documents referred to follow:]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,  
OFFICE OF EDUCATION,  
Washington, D.C., July 20, 1977.

HON. CARL D. PERKINS,  
*Chairman, Committee on Education and Labor, House of Representatives,*  
Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of July 5 submitting additional questions to be answered for the record.

We have provided answers in the enclosures. I am sorry that we were unable to respond by July 15 as you requested.

Sincerely yours,

WILLIAM L. STORMER,  
*Director, school assistance*  
*in federally affected areas.*

Enclosures.

**Question.** The uncertainty of the amount and timing of impact aid payments appears to be one of the greatest problems of the program. What steps are being taken to correct this situation?

**Answer.** The uncertainty of the amount of the payment has existed since the beginning of the program but has become more of a problem in recent years because so many more school districts are suffering financial difficulties. Similarly, the timing has become more of a problem in recent years for the same reason. For a number of years, applications were not due to be filed in the Office of Education until March 31. As now, some applications were filed steadily from the beginning of the school year with most being filed on the deadline date then wanting an immediate payment. We moved the deadline date up to January 31 several years ago to allow for some earlier payments and more time for processing all initial payments before the close of the school year. But because of increasing local school district financial difficulties, more and more districts have been requesting earlier payments. We have met our June 30 deadline for processing initial payments each year. When the percentage that our payment represents of total budgets is so small in many school districts, it is difficult to understand the increasing number of requests for earlier and earlier SAFA payments.

Although some discussions have taken place, we need to devote more time in the area of developing and evaluating possible alternatives to present procedures. To date, the following possibilities have been mentioned:

A. On the basis of previous years' data, estimate by State the ratio of average daily attendance to membership for use in processing the current year's applications. Thus, a firm (although estimated) determination of entitlement and payment would be made during the processing of an application (before the close of the school year) instead of changing when the school district files a final report of actual average daily attendance after the close of each school year. This would benefit districts by allowing them to know:

absolute amounts they can depend on for the current year. Possibly, we also might be able to provide the full payment before the close of the school year. The Division would benefit by fewer processings not only of regular entitlements and payments but of hold harmless payments as well. We are not certain at this time, but believe that this kind of firm (although estimated) determination is possible because the law presently provides the Commissioner authority to determine the average daily attendance of Federally-connected children.

B. Determine eligibility and payment on the basis of membership of federally-connected children on a single survey date rather than on the basis of average daily attendance. This would accomplish the same benefits as "A" without the necessity to determine a ratio for each State. This procedure would definitely require a change in the law that presently calls for determinations on the basis of average daily attendance. The local contribution rate could be reduced (also by changing the law) to reflect the use of higher membership figures as compared to average daily attendance, or left unchanged, it would somewhat make up for the two-year old fiscal data on which rates are based.

C. Upon the receipt of applications, but without analyzing them, provide an immediate payment based on some portion of the previous year's payment. This would provide timelier payments, although perhaps smaller than usual initial payments, but would not meet the need for districts to know firm amounts for the year. Inquiries might still be numerous from school districts wanting to know how soon they would be receiving more funds and more accurate payments. This method, however, would provide earlier payments.

D. Appropriating funds for the program a year in advance of the current year also would assist local school districts in anticipating the amounts of entitlement and payment which would be available. This would permit local districts to more accurately reflect anticipated receipts from P.L. 874 in their annual budgets.

*Question.* To what extent do LEAs carry over impact aid funds?

*Answer.* We have little information that would answer this question. P.L. 874 funds are deposited along with other resources, including State and local funds, in a general operating account that is used to pay for current expenses in accordance with State and local laws. Once funds have been commingled in this fashion, they tend to lose their identity. Even for those school districts that might receive a P.L. 874 payment just before school closes and carry over an identical amount, it would be difficult to say that the impact aid funds were being carried over. The expenses that may have been planned to be covered by the impact aid payment may have been paid from other funds; the impact aid payment simply reimbursed those other funds making them available for their intended purpose.

Most of our applicants lead us to believe that they have urgent need for the payment to meet expenses for the current year. Carry over balances of impact aid or other funds may be cases of unpaid bills. Not all school districts are required to settle their accounts by the close of the school year. On the other hand, a few school districts specifically request smaller payments to insure no carry over balances. It is difficult to get a true financial picture of a school district without individual analysis.

*Question.* What percentage of districts receiving impact aid funds use the various methods of determining payments, e.g. comparable districts, groupings, and State and national averages?

*Answer.* In 1975, 13% of school districts receiving impact aid funds received a local contribution rate higher than the minimums based on individually selected comparable districts, 22% received a higher rate than the minimums based on State groupings, 16% received one-half the State and 49% received one-half the national average. These percentages were most likely the same or quite similar in 1976. In 1977, however, California and Nebraska requested the use of individually selected comparable districts instead of State groupings. The effect is not precisely known at this time but is estimated to raise the percentage of districts receiving individually selected comparable district rates to 19% and lower the percentage receiving rates higher than minimums based on State groupings to 16%.

*Question.* What is the role of the HEW regional offices regarding the impact aid program? Are they able to provide assistance in applications, questions of pupil eligibility, and computation of rates? Do you feel there is adequate staff in the regional offices working on this program?

Answer: The role of the HEW Regional Offices regarding the impact aid program is one of providing the Headquarter's Office with information relative to determining entitlements and payments made to local education agencies. The Regional Offices are assigned specific functions necessary to the processing of applications for Federal aid under the provisions of P.L. 874 and P.L. 815, including disaster aid. These include providing technical assistance to applicants, assuring compliance with the laws and regulations, and verifying pupil, financial and other data contained in applications. These activities are accomplished primarily by on-site visits to local education agencies for the purpose of reviewing the data supporting impact aid applications, and reporting their findings to Headquarters. Such reviews, depending upon the sections of the Acts for which assistance is claimed, involve the examination and analysis of parent-pupil survey forms, attendance records, educational programs, school facilities, budgets, financial records, school board minutes, policies and procedures. In addition, the regional program officers provide liaison to and otherwise work closely with impact aid representatives in State Departments of Education.

With respect to P.L. 874 in those instances where SAFA Regional Program Officers have been able to visit local education agencies and make administrative reviews of the records, assistance has been provided to the school personnel relative to applications and pupil eligibility; some assistance on rates can be provided.

The SAFA staff has not been sufficient in number since 1967. Before then, from 40 to 50 SAFA Program Officers were able to keep current with the required workload under Public Laws 874 and 815. Since that time, the staff has been reduced to 24 program officers who now report directly to Regional Commissioners of Education; sometimes duties other than impact aid require more immediate attention. There has been an annual increase in the backlog of cases to be reviewed and less assistance to State and local education agencies in recent years.

*Question.* As I understand it, the supplemental appropriations bill earmarks 17 new positions for the division administering the impact aid laws. Have you hired the 17 individuals yet and to what responsibilities will you assign them?

Answer: The 1977 Supplemental Appropriations Act identified 17 new positions for the impact aid division. Six positions were for the SAFA Headquarters staff, three for the Field Coordinator's Office and three for the Maintenance and Operations Branch. Eleven positions were to be assigned to the ten Regional Offices. These eleven positions plus filling the 4 existing SAFA regional vacancies would provide a regional staff of 39 Program Officers and 11 secretarial-clerical support persons. Pending the identification of any additional requirements to service applicants under the disaster assistance programs, these numbers should be sufficient. None of the 17 positions has been allotted to the Program at the present time.

*Question.* What percentage of impact aid funds are retained by LEAs to cover administrative costs? How much is retained for administration at the State and Federal level?

Answer: No percentage is provided to LEAs specifically for administrative costs. As indicated earlier, P.L. 874 payments are deposited, with the possible exception of those attributable to low rent housing children, in general operating accounts that are used to pay current expenses in accordance with State and local laws. Whatever administrative costs are associated with impact aid would be paid from that account. No impact aid funds are provided for administration at the State and Federal levels. At the Federal level, expenses for program personnel are provided in the Office of Education S&E account.

*Question.* What coordination is there between your division and the O.E. Title I people for administration of the low rent public housing program?

Answer: We have worked closely with Title I people to coordinate the procedures relative to the low rent housing program. A joint directive was prepared in October 1976 by our staff and representatives of the Division of Education for the Disadvantaged, signed by the Deputy Commissioner of Education and sent to Chief State School Officers. It explained the provisions of the law and how applicant districts should proceed in order to obtain funds under this provision of P.L. 874. The document also provided State Title I officials instructions as to procedures to follow in order to permit payments to be made to the local education agencies. Title I officials will monitor the LRH-funded program when they do other reviews of Title I projects in that State and will make reports as required to Title I Headquarter's office. Expendi-

tures of P.L. 874 LRH payments for the specific LRH Title I projects will be reviewed by SAFA Regional Program Offices. In addition, we have met collectively and separately with State and local directors of Title I programs on a number of occasions.

*Question.* Do you feel it would be feasible to structure the low rent public housing section of the law like the handicapped provision, where districts would receive a base payment for all LRH children and an additional percentage for cases where they are providing Title I type services for these children?

*Answer.* Although basic support payments were authorized previously for LRH children, none were ever made because of limiting appropriations. In view of the fact that basic support never occurred and that the Amendments of 1974 changed payments from basic to categorical support, it would seem that doubts remain as to the Federal responsibility for the basic educational support of LRH children. Administratively, it would be considerably easier to provide basic support the same as for other Federal children. It would also be easier to provide an extra payment for those LRH children being served in an existing Title I or Title I-type program. One of the main differences between the present two funds, the handicapped and LRH, is that the extra payment for the handicapped child is provided on the basis that the particular handicapped child being claimed is enrolled and participating in a special program while the LRH payment is provided for a special program that does not yet exist; thus, the necessity exists to require adequate documentation on the planned use of the funds. With the assurance that such programs already exist and that particular LRH children are participating in them, there should be little difficulty in providing LRH payments the same as for the handicapped. Separate or special accounting, the same as for the handicapped, would be required to insure that the extra payment was used for specialized purposes.

*Question.* Since the law does not permit funds to private non-profit educational institutions, handicapped in private facilities could not be counted for handicapped funds. Does this create any problems?

*Answer.* Under Section 3, we believe that handicapped in private facilities can be counted if a local education agency is sending them to private schools in order to provide them free public education. This is consistent with the Education of the Handicapped Act which requires handicapped children to be provided a suitable education even if that means private schools. There is a problem however in sending handicapped children to private schools under Section 6. Section 6(d) contains specific prohibitions against furnishing education to children in facilities other than those located on a Federal installation or those of a local education agency. Although there is some possibility that we may be able to resolve this conflict, we believe that amending language to update Section 6 in this respect is preferable and would make it compatible with other more recent laws concerning the handicapped. It would also be preferable to amend Section 3 in this respect for the same reason.

Mr. KILDEE. Mr. Chairman, because we have a number of other witnesses, I will not ask questions at this time.

Mr. FORD. Thank you very much.

Dr. Cardinale, I want to thank you very much for your cooperation with the committee, and we will look forward to discussing further with you what is going on here after we have an opportunity to hear from additional witnesses today and following on in the hearing. I will look forward to talking to you some more about the legislation now pending before Mrs. Spellman's committee.

Dr. CARLINALE. Yes, sir.

Mr. FORD. It looks like something is going to happen with that legislation.

Dr. CARDINALE. That is good.

Thank you very much, Mr. Chairman.

Mr. FORD. Fine.

We have representing the Office of Education, from the Bureau of Elementary and Secondary Education, Dr. Thomas K. Minter,

Deputy Commissioner, Bureau of Elementary and Secondary Education. He is accompanied by Mr. William Stormer, Director, Division of School Assistance in Federally Affected Areas.

**STATEMENT OF THOMAS K. MINTER, DEPUTY COMMISSIONER, BUREAU OF ELEMENTARY AND SECONDARY EDUCATION, ACCOMPANIED BY WILLIAM STORMER, DIRECTOR, DIVISION OF SCHOOL ASSISTANCE IN FEDERALLY AFFECTED AREAS; AND AL ALFORD, U.S. OFFICE OF EDUCATION**

Mr. Ford. Without objection, the prepared statement will be included in full at this point in the record.

[The statement of Mr. Minter follows:]

STATEMENT BY THOMAS K. MINTER, DEPUTY COMMISSIONER, BUREAU OF ELEMENTARY AND SECONDARY EDUCATION, U.S. OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. Chairman and Members of the Subcommittee, we thank you very much for the opportunity to appear before you today to present our views on H.R. 9892, a bill to establish a unified program for the education of students of military and civilian personnel overseas and on certain military bases. We defer to the Department of Defense on that portion of the bill dealing with matters affecting DoD organization for purposes of carrying out an overseas education program for organization's of military parents. We do have a major interest in that portion of the bill which transfers to the Department of Defense a number of schools which have in the past been provided for by the Department of Health, Education, and Welfare.

The U.S. Office of Education, DHEW, administers the School Assistance in Federally Affected Areas Program which, among other things, authorizes the Commissioner to make such arrangements as are necessary to provide free public education to children who reside on Federal property if no State or local public agency is able to provide a suitable education for such students, or if no State or local revenues may be used to provide such education. This portion of the program is authorized in Section 6 of P.L. 81-874. Also there is a similar authority in the construction portion of our program which authorizes the Commissioner to construct or otherwise provide minimum school facilities necessary to house an instructional program for students under those same conditions previously described for the P.L. 81-874 program. This program is authorized under Section 10, P.L. 81-815. The major portions of these two programs would be transferred to the Department of Defense by the bill you are considering today.

In his State of the Union message, the President said that he would work with the Congress toward the creation of a separate Department of Education. The President's Reorganization Project is in the process of analyzing which programs might be included in such a Department. In the expectation of a general Administration position on education reorganization in the coming months, the Administration recommends that no major interdepartmental reorganizations be planned in the interim.

It may be helpful to the Committee if we briefly review our experiences with these programs over the 27 years of their existence. During the first year of the Section 6, P.L. 81-874 program, we provided education for the students on a number of Air Force bases in the unorganized territory portion of Alaska. The Alaska project lasted only three years. In 1952, 14 projects were acquired from the other Federal agencies that had been operating them in 1951. Eight additional projects were started that year. All of these projects were in the United States with the exception of two projects in Puerto Rico and one in Alaska.

Because of the prominent role which State and local governments occupied on the educational scene and strong Congressional interest; Section 6 was amended in 1953 specifying that the Commissioner was always to "make arrangements" with either a local educational agency or another Federal agency for the operation of Section 6 schools. Therefore, since 1953 the law clearly requires the Commissioner to do three things:



(1) He determines the need for a Section 6 arrangement; (2) he requires and distributes the necessary appropriations to meet the financial need; and, (3) he provides sufficient funds to each project to insure that the educational opportunity afforded students by Section 6 schools is comparable to that provided in similar communities in a particular State.

We have always administered the Section 6 program on the premise that it was established to assist in limited and unusual situations and that State and local educational agencies should be encouraged to accept responsibility to provide suitable free public education to children residing on Federal property.

During the 27 years of this program's history there have been a total of 99 different Section 6 projects. We have reduced that number to 25 projects which we have in operation today. Twenty-two of the projects are for military children residing on bases. A listing of these projects is attached to the testimony for the information of the Committee.

In summary, the Section 6 program has provided educational opportunities for many students who may otherwise have been shortchanged in terms of an adequate educational program. Our current 25 Section 6 projects provide for approximately 38,000 students. Six of the 25 Section 6 arrangements are operated by local educational agencies. The remainder are operated by the military services; in most cases, high school students attend regular public high schools. The vast majority of the students are dependents of military personnel. The Fiscal Year 1978 cost for operating the 25 projects is approximately \$57,700,000.

Budgetary and funding policies of the Congress and the Administration have always given Section 6 needs a high priority and we have had only minor problems with the agency or military service which have been actually administering the day-to-day activities of the schools on the Federal installations across the Nation. Our contacts with local and State educational systems afforded by other parts of the Impact Aid Program and other education programs have provided a vantage point from which we can effectively negotiate on matters such as: establishing a Section 6 arrangement; persuading a local educational agency to assume the responsibility of taking over a Section 6 arrangement or to retain responsibility for educating children residing on Federal property; and in making comparisons of costs between instructional programs afforded for Section 6 students and other quality educational offerings.

#### Public Law 81-815 Activities

Section 10 of P. L. 81-815 authorizes the Commissioner to construct, or otherwise provide, minimum school facilities for children living on Federal property if there are no State or local revenues available and if no local educational agency is able to provide free public education for such children. Under this program the Commissioner has constructed or acquired several hundred facilities over the 27 years of program activity. The law also authorizes the Commissioner to pass ownership of these facilities over to local educational agencies. Currently we have about 160 separate school buildings under the responsibility of the Commissioner. Twenty-nine of this number are in the process of being turned over to local educational agencies or being declared excess. The remaining 131 are located on 69 different Federal installations in 25 different States and in the Commonwealth of Puerto Rico.

The 1978 appropriation for the entire P.L. 81-815 program is \$30,000,000. This amount will allow an expenditure of \$10.5 million for Section 10 projects.

We are now engaged in a process of assessing the responsibility of the Commissioner and in modifying the administration of this program to achieve more desirable results. Our completion of this study is the necessary first step toward paving the way to more completely fulfilling the policy that local and State educational agencies should offer elementary and secondary programs for the student dependents of military parents.

We believe there is a direct relationship between the quality of existing facilities in the Section 10 program and our success in achieving an agreement between local and State educational authorities and the military services for the transfer of operational responsibility to local educational agencies. No local educational agency is enthusiastic about taking over school buildings in a poor state of repair.

In view of the conditions which this statement sets forth we believe that the U.S. Office of Education should continue both of these programs pending decisions on the new Department of Education.

Mr. Chairman, this completes my prepared statement. We shall be glad to respond to any questions you or members of the committee may have.

## SEC. 6 SCHOOLS, PUBLIC LAW 81-874

All sec. 6 schools that have existed since program began, their termination date and those that are at present in existence

Project Number	Name of school and/or installation	Agency	Termination date	Existing schools
<b>Alabama:</b>				
1	Craig Air Force Base	Air Force		X
2	Maxwell Air Force Base	do		X
3	Fort McClellan	Army		X
4	Fort Rucker	do		X
<b>Alaska:</b>				
1	Adak Naval Station	Navy	1953	
	Big Delta	Army		
	Eielson Air Force Base	Air Force		
	Elmendorf Air Force Base	do		
	Ladd Air Force Base	do		
	Fort Richardson	Army		
	Kodiak	Navy		
	Whittier	Army		
<b>Arizona:</b>				
1	Fort Huachuca	do	1953	
<b>Delaware:</b>				
1	Dover Air Force (Caesar Rodney)	Local education agency		X
<b>District of Columbia:</b>				
1	Walter Reed Medical Center	Army	1971	
<b>Florida:</b>				
1	McDill Air Force Base	Air Force	1964	
2	Patrick Air Force Base	do	1963	
3	Eglin Air Force Base	do	1964	
4	Tyndall Air Force Base	do	1973	
5	do	Local education agency	1968	
<b>Georgia:</b>				
1	Fort Benning	Army		X
2	Fort Stewart	do		X
3	Robins Air Force Base	Air Force		X
<b>Kentucky:</b>				
1	Fort Knox	Army		X
2	Fort Campbell	do		X
3	Camp Breckinridge	do	1964	
4	Blue Grass Ordinance Depot	do	1963	
5	Fort Thomas Veterans Administration Hospital	VA	1965	
6	Mammoth Cave National Park	Interior	1968	
8	Fort Thomas Veterans Administration Hospital	Veterans Administration	1971	
9	Mammoth Cave National Park	Local education agency	1971	
<b>Massachusetts:</b>				
4	Hanscom Air Force Base, Lincoln	do		X
6	Hanscom Air Force Base, Bedford	(transportation only)		X
<b>Louisiana:</b>				
1	England Air Force Base	Air Force		X
<b>Michigan:</b>				
1	Fort Custer	Army	1964	
2	Selfridge Air Force Base	Local education agency	1964	
3	Fort Wayne	Army	1966	
5	Custer Air Force Station	Air Force	1965	
6	Selfridge Air Force Base	Local education agency	1962	
7	Battle Creek Veterans Administration Hospital	Veterans Administration	1961	
<b>Missouri:</b>				
1	Whiteman Air Force Base	Air Force	1957	
1	Fort Leonard Wood	Army	1957	
<b>New Jersey:</b>				
	Borough of Victory Gardens		1956	
<b>New York:</b>				
1	West Point Military Academy	Army		X
2	Fort Jay	Army (transportation only)	1967	
4	Coast Guard Base, Governors Island	Transportation Department		X

## SEC. 6 SCHOOLS, PUBLIC LAW 81-874

All sec. 6 schools that have existed since program began, their termination date and those that are at present in existence

Project Number	Name of school and/or installation	Agency	Termination date	Existing schools
<b>North Carolina:</b>				
1	Fort Bragg	Army		X
2	Camp Lejeune (Marine Corps)	Navy		X
3	Fort Bragg	Army (transportation only)	1967	
<b>Ohio:</b>				
1	Lockbourne AFB	Air Force	1953	
<b>Oregon:</b>				
1	Tongue Point Naval Station	Navy	1955	
2	Chiemawa Indian School	Interior	1955	
3	Crater Lake National Park	do	1967	
4	do	Local education agency		X
<b>Pennsylvania:</b>				
5	Veterans Administration Hospital, Aspinwall	Veterans Administration	1956	
7	Carlisle Barracks	Local education agency	1953	
8	Letterkenny Ordnance Depot	do	1970	
9	Letterkenny Ordnance Susquehanna	do	1970	
10	Coatesville Veterans Administration Hospital	do	1965	
11	Marietta Air Force Base Veterans Administration	do	1968	
12	Tobyhanna Signal Depot	do	1970	
13	Naval Air Station	do	1962	
14	Lebanon Veterans Administration Hospital	do	1967	
16	Letterkenny Ordnance Depot	do	1964	
17	Olmstead Air Force Base	do	1967	
18	New Cumberland General Depot	do	1967	
19	do	do	1967	
20	do	do	1970	
21	U.S. Penitentiary	do	1962	
22	Naval Air Station	do	1965	
23	Coatesville Veterans Administration Hospital	do	1970	
24	Carlisle Barracks	Army (transportation only)	1970	
25	New Cumberland General Depot	do	1970	
26	Olmstead AFB	Local education agency	1969	
27	Lebanon Virginia Hospital	do	1961	
29	Naval Air Station, Willow Grove	do	1970	
30	Valley Forge General Hospital	do	1970	
31	Coatesville Virginia Hospital	do	1965	
32	Letterkenny Army Depot	do	1965	
33	Mechanicsburg Naval Supply Depot	Local education agency	1970	
34	Olmstead AFB	Air Force (transportation only)	1969	
35	Coatesville Virginia Hospital	Local education agency	1970	
36	New Cumberland Army Depot	do	1970	
37	Erie Coast Guard Station, Presque Island	do		X
<b>Puerto Rico:</b>				
1	Ramey AFB	Air Force	1973	
3	Antilles Consolidated Schools	Navy		
	Naval Air Station, San Juan		1973	
	Fort Allen Naval Radio Station		1973	
	Fort Buchanan		1970	
	Fort Brooke	Navy	1970	X
	Naval Air Station and Roosevelt Roads		1973	
	Camp Losey		1956	
	Henry Barracks		1956	
<b>South Carolina:</b>				
1	Parris Island Marine Base	Navy	1972	
2	Marine Corps Air Station, Beaufort	do		X
3	Myrtle Beach Air Force Base	Air Force		X
4	Fort Jackson	Army		X
<b>South Dakota: 1</b>				
	Wind Cave National Park	Interior	1970	
<b>Virginia:</b>				
1	Quantico Marine Base	Navy		X
2	Dahlgren Naval Base	do		X
5	Fort Belvoir	Army	1970	
6	Fort Meyer	do	1964	
7	Fort Monroe	do	1964	
8	Langley Air Force Base	Air Force	1964	
<b>Wake Island:</b>				
1	Wake Island	FAA	1972	
2	do	(Transportation) Air Force	1973	
Totals			74	25

Mr. FORD. You may proceed. The gentleman may amplify or highlight the presentation in any way you feel most comfortable.

Mr. MINTER. Good morning, Mr. Chairman. I would like very much if you would allow me to read our testimony. Our statement is very short, and we believe it amplifies the major points that we wish to express this morning.

Mr. Chairman and members of the subcommittee:

We thank you very much for the opportunity to appear before you today to present our views on H.R. 9892, a bill to establish a unified program for the education of students of military and civilian personnel overseas and on certain military bases. We defer to the Department of Defense on that portion of the bill dealing with matters affecting DOD organization for purposes of carrying out an overseas education program for dependents of military parents. We do have a major interest in that portion of the bill which transfers to the Department of Defense a number of schools which have in the past been provided for by the Department of Health, Education, and Welfare.

The U.S. Office of Education, DHEW, administers the school assistance in federally affected areas program which, among other things, authorizes the Commissioner to make such arrangements as are necessary to provide free public education to children who reside on Federal property if no State or local public agency is able to provide a suitable education for such students, or if no State or local revenues may be used to provide such education. This portion of the program is authorized in section 6 of Public Law 81-874.

Also there is a similar authority in the construction portion of our program which authorizes the Commissioner to construct or otherwise provide minimum school facilities necessary to house an instructional program for students under those same conditions previously described for the Public Law 81-874 program. This program is authored under section 10, Public Law 81-815. The major portions of these two programs would be transferred to the Department of Defense by the bill you are considering today.

In his state of the Union message, the President said that he would work with the Congress toward the creation of a separate Department of Education. The President's reorganization project is in the process of analyzing which programs might be included in such a Department. In the expectation of a general administration position on education reorganization in the coming months, the administration recommends that no major interdepartmental reorganizations be planned in the interim.

It may be helpful to the committee if we briefly review our experiences with these programs over the 27 years of their existence. During the first year of the section 6, Public Law 81-874 program, we provided education for the students on a number of Air Force bases in the unorganized territory portion of Alaska. The Alaska project lasted only 3 years.

In 1952, 14 projects were acquired from the other Federal agencies that had been operating them in 1951. Eight additional projects were started that year. All of these projects were in the United States with the exception of two projects in Puerto Rico and one in Alaska.

Because of the prominent role which State and local governments occupied on the educational scene and strong Congressional interest, section 6 was amended in 1953 specifying that the Commissioner was always to "make arrangements" with either a local educational agency or another Federal agency for the operation of section 6 schools. Therefore, since 1953 the law clearly requires the Commissioner to do three things:

(1) He determines the need for a section 6 arrangement; (2) he acquires and distributes the necessary appropriations to meet the financial need; and (3) he provides sufficient funds to each project to insure that the educational opportunity afforded students by section 6 schools is comparable to that provided in similar communities in a particular state.

We have always administered the section 6 program on the premise that it was established to assist in limited and unusual situations and that State and local educational agencies should be encouraged to accept responsibility to provide suitable free public education to children residing on Federal property.

During the 27 years of this program's history there has been a total of 99 different section 6 projects. We have reduced that number to 25 projects which we have in operation today. Twenty-two of the projects are for military children residing on bases. A listing of these projects is attached to the testimony for the information of the committee.

In summary, the section 6 program has provided educational opportunities for many students who may otherwise have been short-changed in terms of an adequate educational program. Our current 25 section 6 projects provide for approximately 38,000 students. Six of the 25 section 6 arrangements are operated by local educational agencies. The remainder are operated by the military services; in most cases, high school students attend regular public high schools. The vast majority of the students are dependents of military personnel. The fiscal year 1978 cost for operating the 25 projects is approximately \$57,700,000.

Budgetary and funding policies of the Congress and the administration have always given section 6 needs a high priority and we have had only minor problems with the Agency or military service which has been actually administering the day-to-day activities of the schools on the Federal installations across the Nation. Our contacts with local and State educational systems afforded by other parts of the impact aid program and other education programs have provided a vantage point from which we can effectively negotiate on matters such as: Establishing a section 6 arrangement; persuading a local educational agency to assume responsibility of taking over a section 6 arrangement or to retain responsibility for educating children residing on Federal property; and in making comparisons of costs between instructional programs afforded for section 6 students and other quality educational offerings.

Section 10 of Public Law 81-815 authorizes the Commissioner to construct, or otherwise provide, minimum school facilities for children living on Federal property if there are no State or local revenues available and if no (local) educational agency is able to provide

free public education for such children. Under this program the Commissioner has constructed or acquired several hundred facilities over the 27 years of program activity. The law also authorized the Commissioner to pass ownership of these facilities over to local educational agencies. Currently we have about 160 separate school buildings under the responsibility of the Commissioner. Twenty-nine of this number are in the process of being turned over to local educational agencies or being declared excess. The remaining 131 are located on 69 different Federal installations in 25 different States and in the Commonwealth of Puerto Rico.

The 1978 appropriation for the entire Public Law 81-815 program is \$30 million. This amount will allow an expenditure of \$10.5 million for section 10 projects.

We are now engaged in a process of assessing the responsibility of the Commissioner and in modifying the administration of this program to achieve more desirable results. Our completion of this study is the necessary first step toward paving the way to more completely fulfilling the policy that local and State educational agencies should offer elementary and secondary programs for the student dependents of military parents.

We believe there is a direct relationship between the quality of existing facilities in the section 10 program and our success in achieving an agreement between local and State educational authorities and the military services for the transfer of operational responsibility to local educational agencies. No local educational agency is enthusiastic about taking over school buildings in a poor state of repair.

In view of the conditions which this statement sets forth we believe that the U.S. Office of Education should continue both of these programs pending decisions on the new Department of Education.

Mr. Chairman, this completes my prepared statement. We shall be glad to respond to any questions you or members of the committee have have.

Mr. Ford. Thank you very much. I would like to start with the little bit of confusion that exists here between your statement of today and your letter of last July to the chairman of the committee. In today's statement you say the vast majority of students are dependents of military personnel. In the letter it seems to indicate that it used to be 75 percent, and now it is only 50 percent. Are those inconsistent, or is it just a difference in what the vast majority means?

Mr. STORMER. Are you referring to the Nation as a whole, Mr. Chairman, or in Puerto Rico?

Mr. Ford. In the Nation as a whole, yes. This is in the response by your office to Mr. Perkins, where the statement is made that at the program's beginning it was estimated that DOD activities accounted for 75 percent of the program. The present rough estimates indicate that DOD activities account for close to 50 percent of the children in the program. That was in response to a question about how many Federal agencies were contributing Federal dependents to the section 6 schools. Before originating the present program, Federal agencies had authority to provide some different assistance to school districts affected by their activities. The adoption of section 6 was:

intended to bring that all together in your shop, having you and your predecessors administer the program. Nevertheless the children who were generated by the FAA or whatever other Federal activity like the Canal Zone Company continued to exist. Then the Office of Education went on to say that the current make-up of the Federal children involved was about 50 percent from the Department of Defense.

Your statement today indicates that the overwhelming majority of the students in the section 6 schools are Department of Defense dependents. It appears as though most of the remaining 18 schools are located on military installations.

Mr. MENTER. Mr. Chairman, may we check that and supply that material for the record, please?

[The material to be furnished follows:]

Presently, Defense Department activities account for about 50 percent of the children under the entire Public Law 874 program. Defense Department activities account for 95 percent of the children educated under section 6 of Public Law 874.

Mr. FORD. Fine. Then you mention a "catch-22" situation at the very end of that communication, that perhaps you would like to comment on in respect to Mr. Erlenborn's bill. In a number of present cases the original reason for establishing section 6 schools no longer exists. However, such arrangements may be terminated only when the Commissioner of Education and the Secretary of the concerned military department jointly determine in consultation with State and local authorities that a local educational agency is able to provide suitable free public education for the children residing on the military installation.

Now, the "catch-22" is that you can't give the school away until they want it, and they don't want it until you meet their requirements. So there is a kind of stand-off that prevents the Commissioner of Education and the Secretaries from getting together, as long as the State and local authorities are not willing to volunteer to take it over.

Your statement today indicates that 6 of the 25 section 6 arrangements are operated by local educational agencies. What would be the explanation for the fact that a local educational agency would come on a military base and operate a section 6 school receiving its money that way, rather than operating the school as a part of the local educational agency.

Mr. MINTER. Mr. Stormer will answer.

Mr. STORMER. One of these situations is in Delaware for the education of children residing on military housing on Federal property. The determination at the outset was whether to service the Dover Air Force base through the local educational agency. Would the school district be willing, with 100-percent Federal funding, to educate those children, rather than the Department of the Air Force operating a separate school system. And that arrangement was created, I believe, in the late fifties and continues until the present day.

A similar situation—

Mr. FORD. But the majority of the existing section 6 schools on military bases are in fact being operated under your direction by the respective departments of the military.

Mr. STORMER. That is correct.

Mr. FORD. So you don't have to reinvent the wheel to have the Air Force operate that school. Presumably they have policies at other bases that they could use. Are there other States that prohibit the use of State aid for the education of these children?

Mr. STORMER. There is one other specific property in the State of Oregon, where the State and local funds may not be expended. This is a situation where the school district services the on-base or on Federal property children. Additionally in the State of Massachusetts, the local education agency has the right to educate children residing on Federal property or it has the right to refuse to educate them. We have the situation there, where the local education agency serves as the unit providing education for the children on Hancorn Air Force Base. But those principally are the only ones where the total educational operation is with the local educational agency.

Mr. FORD. It just seems to me that as far back as I can remember being acquainted with section 6 schools, the amount of money has hovered around \$60 million. Time has changed, dollars have changed, and the number of schools has come down from 99 to 25, and the figure stays right around the same.

It sticks in my mind because of the number of times during my 14 years on this committee that I have pointed to the \$60 million that remained there while we had to go to the floor and fight, the Defense Department seemed to be able to get anything else they wanted while it was in their budget. It always seemed a little silly for the Education Committee to be lobbying to get money for education in the Defense Department instead of the other way around, since they always seem to do so much better than we do. Is it possible to devise a policy that would lead to the extinguishing of these hybrid situations within some reasonable period of time? Is there any reason why we couldn't follow along the lines suggested by this legislation?

Mr. STORMER. It is. It has been the history of the Office, in situations of section 6 arrangements, to negotiate with the local educational agencies and with the State educational agencies and with the military departments that are affected, to terminate these situations as rapidly as such negotiations can achieve termination. The last ones that I am aware of took place in 1973, in terms of terminating the section 6 arrangements.

There are negotiations carried on periodically with the State, local education agency, and military department, but until you get the concurrence of all three, the section 6 arrangement continues to exist.

Mr. FORD. With the pressures that are building up at the State and local level on educational resources, and the attitudes changing toward our military forces, isn't there some danger that State legislators are going to decide that one way to husband their resources for their own schools would be to follow the Delaware example, on the assumption that we would not let those kids go without school, and we would pick it up?

Mr. MINTER. That is a possibility, but I don't think we have seen a trend in that direction, sir. It has not happened in any State that we know of up to this point.



Mr. FORD. Well, as long as we have this program there is a temptation. It is possible that it could be seized upon and you don't have any question that Congress would respond by putting more money into section 6 to take care of the problem. We aren't going to sit still and see kids without school. Local attitudes about whether or not local taxpayers should be maintaining a school system are changing. Impact aid doesn't pay the full cost by any stretch of the imagination. For example, is there any question that if we were to cut the impact in half, as has been suggested by every administration since President Johnson, that States would be tempted to say "If you are not giving us the impact aid, you educate the people on the military bases?"

Mr. MINTER. That is a possibility. At the moment, we don't seem to be facing that kind of a dramatic change, but if we had the kind of a reduction that has been sought for many years, and money for impact, there was a serious threat, and I believe that it is the case of Hawaii, they discussed a few years ago, in 1974, when we had the longest battle over maintaining the program, they actually had legislation, specific legislation being discussed to simply say we are not going to take out of our State funds the resources to maintain the school system for the on-base or on-military property children.

Mr. STORMER. Mr. Chairman, in some situations, the financial burdens imposed upon schools could create at least the idea of adjusting State laws. In most situations it would require change of State law. In other instances it would require changes in State constitutions. So you would have to look at every State's situation to see to what extent they would have to go in order to place themselves legally in a position to force upon us the creation of section 6 arrangements. As Dr. Minter has indicated, we have not seen that trend in recent years. We have seen the trend to the contrary that the local and State educational agencies are willing to assume the responsibility. Under section 10, there have been a number of situations where we have been able to transfer the ownership of federally owned school buildings to the local educational agencies, and they have willingly then maintained those facilities after they received ownership of them.

Mr. FORD. Well, Mrs. Pettis indicated a few moments ago that she had been contacted in anticipation of these hearings by military commanders who indicated that they would prefer the present operational system of reporting to or receiving the money from you than becoming a part of the DOD system. Why would that be the option that they would prefer?

Mr. MINTER. Well, in this case, of course, the budget is an HEW budget.

Mr. FORD. Only they think we are.

Mr. MINTER. Pardon me.

Mr. FORD. They think we are going to have more luck getting the money than they have.

Mr. MINTER. Well, the money then certainly does not add to the military budget. It adds to our Department's budget and not to theirs. That might be a possible reason.

Mr. ALFORD. Mr. Chairman, there are some advantages sometimes in using funds from other Federal agencies even if you are a Fed-

eral agency. They come to you somewhat more uncluttered than they frequently do if they are coming to you from your own hierarchy. There may be some other elements to this, but you don't know any clear-cut reason other than being satisfied.

Mr. FORD. If the on-base school became part of defense budget, the commander would then have to include in his budget any construction or maintenance of the school buildings.

Mr. ALFORD. Right.

Mr. FORD. As it is now, it is a contractual arrangement which provides reimbursement.

Mr. ALFORD. That is right.

Mr. FORD. And it is not part of his budget.

Mr. ALFORD. And we pay a full cost of this. It is a fairly simple kind of arrangement.

Mr. FORD. I thought for a moment there we were about to stumble on some great policy discovery. I see now that it is the honorable profession of self-preservation for the military.

Mr. Erlernborn.

Mr. ERLERNBORN. Thank you, Mr. Chairman. Dr. Minter, so that we might understand the relationship of OE to the section 10, section 6 schools and have it clear for the record, you have a contractual relationship with either the Department of Defense, or with local educational agencies for the operation of the school, but OE does not itself operate any of these schools, does it?

Mr. MINTER. That is true, sir, and as you know in the General Education Provisions Act we are prohibited from operating schools and school programs, determining curricula, and so forth.

Mr. ERLERNBORN. I have raised that because there has been from Mr. Weiss the suggestion that we put you in the business of operating the overseas dependent schools, as well as section 6 schools. I presume he meant to put you in the operational business. But at least for the overseas schools, if that were transferred you would be in the business of operating schools. How do you personally feel? I know you can't state anything for HEW or OE, or the administration, but how do you personally feel about the Office of Education or HEW being in the business of operating schools?

Mr. MINTER. Well, I don't believe that we should be in the business of operating schools, certainly. I don't think that it is our function and I don't think that it is the intent of Congress.

Mr. ERLERNBORN. Well, I am pleased to hear you say that. I think it is quite clear from what is in the law today, and I am pleased that you do agree with that. In your attempt to negotiate the return to local educational agencies the full function of operating these section 6 schools, would it be your intention, or would it be required in your opinion, for you to bring these schools up to health and fire codes, and to comply with the Federal mandate relative to facilities for the handicapped, before you return these schools to a local educational agency?

Mr. MINTER. Yes, sir, it is now our intent to meet the health and safety requirements for all of the schools before they are turned over to local educational agencies.

Mr. ERLERNBORN. How about the facilities for the handicapped?

Mr. MINTER. Under the 504, yes, sir.

Mr. STORMER. Only if alternative means are not available for provision for the handicapped. If it is found that a section 10 facility would not serve any handicapped child or child with special learning disabilities, there won't be the necessity of altering the building per se. Although in many situations it will be necessary to alter the building in order to accomplish 504 requirements.

Mr. ERLBORN. You are saying it is not your intention to perform a useless act?

Mr. STORMER. That is right, sir.

Mr. ERLBORN. Glad to hear that. In exercising your authority over the section 6 schools, how often, Dr. Minter, do you have a member of your staff visit these schools?

Mr. MINTER. I will have to ask Mr. Stormer to answer that, please.

Mr. STORMER. There is usually a program officer visiting the school sites, the section 6 sites on an annual basis, and when I say program officer this is generally a representative serving the Office of Education out of the regional offices.

Frequently, or let me say occasionally, personnel from our headquarters office also visit the section 6 operations. But it is not the procedure that they be visited on an annual basis by personnel from the Washington Office.

Mr. ERLBORN. How many of these section 6 schools are operated by the service itself?

Mr. STORMER. 18 operated by the military.

Mr. ERLBORN. 18. What are the personnel practices in these 18? How do they compare? Are they Civil Service, or are they under the same personnel code as the overseas DOD schools?

Mr. STORMER. It would depend on the individual branch of the service that was operating, and I believe Dr. Cardinale alluded to this earlier, that each operating Department had a different arrangement with the teaching personnel.

Mr. ERLBORN. What, if anything, would section 6 schools lose if they were transferred to the Department of Defense?

Mr. MINTER. We have indicated in our testimony that we believe the schools should be transferred to the local education authority. And we believe that State governments do have the constitutional right, of course, to operate schools, and they do have standards. And it is our feeling that the schools should be as closely allied to the local standards and situations as is possible.

We believe that we through our office also maintain that relationship.

Mr. ERLBORN. I read you as saying you think it is more likely that you would move toward turning the schools over to local educational agencies than the individual services or the Department of Defense might be inclined to do?

Mr. MINTER. That is what I have said, sir.

Mr. ERLBORN. Thank you. Thank you, Mr. Chairman.

Mr. FORD. To follow up on what Mr. Erlenborn was talking about, I was looking at the statement of the Education Association from Puerto Rico. They point out the unique characteristics of the system of some four, five or six schools operated there. It would appear that they are in fact unique, when you look at the purpose of the section 6 school in every other place.

It is not likely that you would ever be able, so long as our military presence there is as great as it is, to transfer that system into an existing school system, primarily because of the language barrier. Is there any ongoing program to study the existing schools and determine whether the Puerto Rican schools ought to become DOD schools?

Mr. STORMER. There have been a series of studies going on in Puerto Rico, as you may know and as Mr. Corrada already knows. We do intend to, and I say "we" being the Office of Education, collaborate with the Navy in an onsite visit in the Puerto Rican schools in the next couple of months.

During the course of the past year, there has been an outside firm employed by the Navy to evaluate the administration and operations of the schools in Puerto Rico. Additionally, the Navy audit agency sent a team to Puerto Rico and spent several months evaluating from their perception the implementation of both section 6 and section 10, and most recently the GAO sent a team into Puerto Rico to examine some of the alleged problems that had been brought before the committee during the June hearings. And as a consequence of that, all of these studies going on, we have agreed to meet with the Navy and meet at the sites of the section 6 operation, to see if there are problems which we mutually can work out. But principally the operation of the four schools that exist in Puerto Rico is the Navy's responsibility.

Mr. FORD. Yes, except that here is the disturbing part about that. You have the Navy running the schools, but Mr. Cardinale's shop is not operating. You contract directly with the Navy, the Army, the Marine Corps, the Air Force, and you don't contract with the Defense Department. The administrative policymaking for educational purposes and the status of the professional staff is established at the department level over there. You bypass the agency which has been dealing on a full-time basis with the ownership and operation of a very large and excellent school system since 1946, to go directly to the Navy. When the Navy's administering the school in Puerto Rico, it need not follow any of the recruiting or other regulations that they have established for teachers and personnel. Isn't that correct?

Mr. STORMER. They follow the Navy requirements, yes, that is correct.

Mr. FORD. This permits a rather strange situation in which the Navy or the Army or whoever can bypass the existing system in the Department of Defense which is given the responsibility for education. Now, what assurances do you get that they meet the minimum standards that the Defense Department has established for the DOD schools? For example, there are very specific requirements as to teacher experience and qualifications. And there is transferability, and a lot of other things, coupled with collective bargaining agreements that have a whole raft of very definite agreements for the protection of the system and for the protection of the professional people in the system.

Is there a parallel to that in a place like the Puerto Rican system? Do you require that the Navy come up to their standards in any way as a condition for contracting with?

Mr. STORMER. The educational offerings in Puerto Rico in terms of comparability by our statute must be comparable to those offered in the District of Columbia. That doesn't wholly answer your question in the sense that we do have, and I am sure the Navy does have, an alliance with Dr. Cardinale's shop in part in terms of educational procedure and policy.

Mr. FORD. Well, all right, is this a hunch or is there a procedure, or a policy? Is there something written down that says you will run by the Department of Defense regulations?

Mr. STORMER. No, Mr. Chairman. Our arrangements are with the Secretaries of the individual departments of the Department.

Mr. FORD. For example, all of the teachers in the DOD system are paid on the basis of a wage scale that we established back in 1965 or 1966. It is an automatic system basing the wage payments for professionals on their counterparts in the 100 largest school districts of the country. You take them all, put them in the computer, and come up with a figure so that the Civil Service Commission doesn't set the wages. There is no comparable application of that system, as I take it, on any organized basis?

Mr. STORMER. Uniformly? No, not uniformly. To use that same example, teachers' salary for the teachers in the Puerto Rico section 6 arrangement would be comparable to those teachers' salaries that are paid in the District of Columbia. In using the illustration before Fort Rucker, Ala., the comparability in terms of salary there would be to five school districts that existed in Alabama.

Mr. FORD. You said that the education must be comparable. There is no language requirement to be a teacher unless you are going to be a teacher of language other than English in the District of Columbia. There presumably is not a problem of culture-shock, but the Education Association indicates without using the word shock that there are some cultural problems to deal with, because you have school systems functioning in and totally surrounded by cultures speaking a different language.

The DOD in responding to this over the years has required a minimum amount of experience. I don't believe, Tony, anybody starts fresh out of college in your system, do they? They have to have at least 1 year teaching experience. I doubt that the District of Columbia could have such a requirement. It wouldn't make sense for that system. Is it possible to take a teacher with no previous experience and shoot him or her down there to that system, or for that matter to Alabama with no experience.

Mr. STORMER. Very possible.

Mr. MINTER. Mr. Chairman, I think we have to agree that this is a unique situation, and operating under the current law as we have, perhaps that we have not been able to address the situation in the way that you suggest.

Mr. FORD. Except that we are providing the resources to create this situation, and to keep it alive. While all this progress is being made in a professional way, the other things we do with Federal money in education are being ignored here.

Mr. MINTER. I am saying though that this is something we can look at specifically now and see in what ways that we can address the concerns that you have expressed this morning.

Mr. FORD. What I am suggesting is for you to recommend to us how we can get out of the section 6 school business and reduce that previous 99, now down to 25, to zero. I can't find in looking at the characteristics of these schools any reasons why the Federal Government should be funding these hybrid operations. Except the extreme case that you have mentioned in which the state prohibits the use of state money for educating these children.

Mr. MINTER. In Delaware.

Mr. FORD. Now, what is the situation at Fort Knox? What is the peculiarity there? Is that a State law?

Mr. STORMER. The State of Kentucky indicates it may provide free public education for the children, and expend State and local moneys, for the children who reside on Fort Knox or Fort Campbell, if those children enroll in a local educational agency. You have had for years these two large bases operating a school system unto themselves.

They are not part of a local educational agency within the State of Kentucky. In fact, there are probably several local educational agencies surrounding their individual borders. So you would have a problem, one, of identifying that local educational agency that was willing and able to assume that responsibility for all the children that reside on, let us say, Fort Knox. Secondly, there is a prohibition, as I understand, within the Kentucky law of utilizing the State and local moneys to provide that education on the Federal property, in buildings located on the Federal property.

So, in essence, those youngsters would have to come off the Federal property and be enrolled in the public schools of that local educational agency. Ultimately that might be a solution, but it would be a costly solution, because you would have to duplicate the capacity of facilities that existed on Fort Knox, some place in that local educational agency that would take on this burden. The other alternative might be that Fort Knox be identified under State law as a local educational agency unto itself. That aspect, to the best of my knowledge, has not been explored in depth in recent years.

The problem with Fort Campbell is somewhat different, because a third of the base is sited in Kentucky and two-thirds is situated in the State of Tennessee. And so you have a more unique problem there in trying to identify what local educational agency can assume this responsibility.

Mr. FORD. We had that called to our attention in 1974 when we had to give in during the impact aid debate on the out-of-State account problem. It is now coming to us again with the administration's proposal for an out-of-county exemption, where we have county lines that cross through military bases. Mr. Erlenborn asked you about the barrier to eliminating these systems with respect to the natural reluctance of a local school agency to take over a sub-standard building, and then assume the responsibility for the repairs and refurbishing of that building.

Anything that would be done to put the building in shape under the present circumstances would have to come under section 10 of Public Law 815, would it not?

Mr. STORMER. That is right.

Mr. MINTER. Yes.

Mr. FORD. Is there anything in the current budget that we have just received, or was there any budget request to get some 815 money for that purpose.

Mr. STORMER. Yes, there is \$10.5 million for section 10 in the 1978 budget and \$13 million has been requested of the total for 815 for section—

Mr. FORD. Well, that is the total.

Mr. STORMER. This is strictly section 10.

Mr. FORD. That is to be shared by everybody in section 10?

Mr. STORMER. Everybody in section 10.

Mr. FORD. Right.

Mr. STORMER. There are several sections. The appropriation for 1978 for Public Law 815 is \$30 million, of which 10.5 is for section 10.

Mr. FORD. All right.

Mr. STORMER. And in 1979 the figure requested is \$33 million, \$13 million of which would be section 10.

Mr. FORD. If we get the \$13 million for you to use in section 10, doesn't it seem logical that this is a time to sit down with local people where the substandard condition of buildings is a major factor in their unwillingness to take over the schools, and use this money for that particular purpose?

Mr. STORMER. Under present law, and more particularly under the present regulations, applications are grouped into four groups, first to take care of major repairs, and secondly to take care of transfers. There is consideration being given at the present time to the correction of life safety problems and problems of meeting the handicapped requirements which might take precedence over the trans-free group as it is presently being established in regulation. But, yes, we can use the \$10 and \$13 million to achieve the upgrading of existing school facilities in terms of eliminating life safety standards, and eliminating where there are 504 violations and in some instances, this will bring a building to the status that it is acceptable to a local educational agency.

Mr. ERLBORN. Would you yield, Mr. Chairman?

Mr. FORD. Yes.

Mr. ERLBORN. I am advised that you have examined these schools, their present condition, and have an internal memorandum or report that estimates the cost of bringing these buildings into conformity with the codes and the provisions for the handicapped, is that true?

Mr. MINTER. Yes, that is true.

Mr. ERLBORN. Could you make that available for this committee, for the record? I think it would be quite pertinent to the questions that have been raised in this hearing.

Mr. MINTER. We expect to have that memorandum ready for the committee within 2 weeks.

Mr. ERLBORN. And we can expect it then?

Mr. MINTER. Yes, sir.

Mr. ERLBORN. Well, Mr. Chairman, I would like to ask unanimous consent that that report be made a part of the record and be furnished by the Office of Education for that purpose.

Mr. FORD. And entered into the record.

Mr. ERLBORN. That is right.

Mr. FORD. I am sure the gentleman would be happy to meet the Congressman's request. Within 2 weeks can we have it up here and put it in the book?

Mr. MINTER. Yes, sir.

[The report referred to follows:]

IN-DEPTH STUDY OF FEDERALLY-OWNED SCHOOL  
FACILITIES PROVIDED UNDER SECTION 10  
OF PUBLIC LAW 81-815

Chapter I. Background

A. Legislative Authority

P.L. 81-815 was enacted in 1950 to provide Federal assistance to LEA's to help them construct urgently needed school facilities in order to house the influx of Federally-connected children which impacted on school districts during and subsequent to World War II and during the Korean and Cold War period. Under P.L. 81-815, "Federally-connected" children are those who reside on Federal property or whose parents work on Federal property or serve in the U.S. uniformed services. Though the original immediate needs for this assistance have been met, there have been continuing needs for similar assistance over the years occasioned, among other things, by the Vietnam War, the relocation of military installations, troop reassignments within and to the continental U.S., and the increase of concentrated on-base housing. Thus, although originally enacted to meet the immediate needs, the legislation has been utilized continually over the last 27 years with some modifications. P.L. 81-874, passed as a companion bill to P.L. 81-815, provides for maintenance and operation assistance to LEA's educating Federally-connected children.

A basic assumption under P.L. 81-815 is that the provision of free public education to Federally-connected children, including the provision of school facilities, is a State and local responsibility.

Section 10 of P.L. 81-815 was adopted to serve two situations where Congress decided that the Commissioner of Education should undertake the responsibility for providing school facilities for those children who reside on Federal property. Those two situations are outlined below:

Section 10(a)(1):

The Commissioner's obligation arises as a result of State law when State law precludes the use of tax revenues of the State or any political subdivision for the free public education of children who reside on Federal property. Our Office of General Counsel has surveyed existing State law to determine the extent of Section 10(a)(1) responsibility.



Delaware appears to be the only State where this situation presently applies.

Section 10(a)(2):

The existence of an obligation under this second situation depends upon the Commissioner's determination that no LEA is able to provide a suitable free public education. The Commissioner is authorized, in fact mandated, to provide the necessary school facilities for children residing on Federal property when (1) the Commissioner has determined after consulting with the appropriate State educational agency, that no LEA is able to provide "suitable" free public education to children who reside on Federal property and (2) these situations are found to exist for any Federal property. In these instances, the Commissioner may (1) pay the entire cost of providing the facilities, or (2) may arrange to share the cost with local or State agencies. The Commissioner may (1) construct facilities, (2) lease existing facilities, (3) make a grant to an LEA for the construction of facilities, or (4) employ other methods of providing the facilities.

Section 10 authority may be used where an LEA is eligible under sections 5 or 14 but where, even with funds under those sections or funds provided for school operation under P.L. 81-874, the LEA is unable to provide a "suitable" education.

Transfers:

Under section 10(b), the Commissioner is authorized to transfer title to school facilities constructed and owned by OE under section 10 to LEA's. The transfer of schools became a basic policy objective of the U.S. Office of Education when section 10(b) authority was granted in the 1966 amendments.

B. Review of Program History

From the program's beginnings in 1950, section 10 entitlements were funded as they were approved. Until 1965, when the major disaster provision was authorized by section 16, section 10 was given funding priority within P.L. 81-815. Full funding of section 10 projects was not restricted, however, until 1968.

Most of the need to initiate projects under section 10 on separate installations occurred prior to 1965.

- Nearly 70 percent of the new initiations occurred between 1951-55, the Korean conflict period.
- Almost 87 percent of the section 10 initiations were begun between 1951-60.
- All new initiations occurred prior to the end of FY 1965.

Since the program began in 1950, school facilities have been provided on 115 Federal installations. Since 1967, when transfers of facilities to LEA ownership were authorized, facilities on more than 40 installations have been transferred, or have been declared excess to OE needs.

Other than Dover Air Force Base, built under section 10(a)(1), all other school facilities were constructed under section 10(a)(2). Several considerations prompted construction of facilities under the issues of suitability:

- The provision of school facilities for desegregated education, primarily for children in the elementary school grades;
- The maintenance of the neighborhood school concept, including reduced transportation costs;
- The inability of school districts to construct school facilities on school sites they do not own;
- The lack of sufficient schoolhousing in areas surrounding the installation to accommodate pupil enrollment increases resulting from increased on-base military housing, whose needs could not be met with other funds;

Beginning in FY 1967, appropriations for P.L. 81-815 fell short of funding all eligible projects under the various sections of the law. Appropriations were allocated in accord with the priorities established in the Act:

- section 16, major disaster assistance, administratively determined to be the first order of priority;
- section 10, construction on Federal installations
- section 9, temporary construction.

This procedure was followed until the Act was amended in 1970 to provide that section 14 - assistance to school districts serving children residing on Indian lands - be given equal priority status with section 10 projects.

Local school districts, eligible for assistance under section 5 of the Act because of military impact, did not receive consideration for funding in appropriations requests for approximately five years (1968-1972). Consequently, through appropriations language beginning about 1972, the Office of Education advocated that funds be set aside for section 5 and 14 applicants. No funds were made available for section 10 in 1973 and 1974. One million dollars was allocated for section 10 emergency repairs in 1975 and 1976. Appropriations language authorized the expenditure of \$5 million for repairs and improvements to school facilities on one specific installation - Eielson Air Force Base, Alaska. Appropriations requests for P.L. 81-815 during these periods ranged from \$10 to \$20 million annually and the backlog of eligible, unfunded applications under all sections grew.

During this period, the Department of Defense increased its program for constructing on-base military housing, often in locations where section 10 school facilities had been provided earlier under the suitability provisions of P.L. 81-815. While there have not been any new initiations under section 10 since 1965, the Office of Education has taken the responsibility for expanding and/or improving school facilities at those locations where they already existed in order to meet the Commissioner's responsibilities to keep facilities up to life-safe standards or where the application clearly met the statutory conditions. Some requests to establish section 10 facilities have been denied on the basis that an LEA was able to provide suitable free public education without further assistance under section 10. In addition, we have been able to transfer several Federally-owned school facilities to local education agency ownership either on an "as is, where is" basis or by upgrading to meet State and local standards. Although no new initiations have been made since 1965, the program cost to take care of existing situations has risen rapidly since 1968. There are several reasons for the dramatic cost increase:

- the age of existing buildings increases and their frequency of major repair needs increases correspondingly;
- major repair costs have risen steadily due to inflation;
- higher educational program standards have been developed, including new and expanded curricular offerings, special programs for disadvantaged or handicapped children;

- due to wartime constraints, a number of earlier facilities were constructed of inferior materials, allowing for initial low cost, but leading to early deterioration;
- there has been a consistent lack of comprehensive planning in connection with military housing appropriations; that is, as the military program was funded from year to year, there was no concerted effort to coordinate school facility needs associated with the expanded housing program;

### C. Priority Ranking

When funds became inadequate to fund all eligible applications under Section 10 of Public Law 81-815, a mechanism for prioritizing, classifying and funding Section 10 applications was published in Regulation. The four classification groups used are:

- Group I: Repairs to existing federally-owned school facilities for children's safety.
- Group II: Upgrading to provide for facility transfer in those situations where a local educational agency has assured the Commissioner that it will apply for and accept ownership of the federally-owned facilities once the agreed upon project is completed.
- Group III: Upgrading and/or new construction to provide facilities for unhoused students.
- Group IV: New construction, remodeling or rehabilitation necessary to permit the implementation of a contemporary education program.

### D. Authority to Initiate Study

On October 8, 1974, former Deputy Secretary of Defense Clements wrote former HEW Secretary Weinberger that the absence of adequate funding levels for P.L. 81-815, particularly for section 10, was impacting adversely on the morale of uniformed service members and was depriving student dependents on Federal installations adequate educational opportunities due to the existence of inadequate and antiquated school facilities.

In his response of December 2, 1974, to former Deputy Secretary Clements, former Secretary Weinberger stated that it the Office of Education, in cooperation with the Department of

Defense, the Office of Facilities Engineering and Property Management (HEW), and appropriate State and local education agency representatives would make an up-to-date analysis of school construction needs on government installations. In his letter, Secretary Weinberger stated that the policy of the Department was that State and local educational agencies should assume the administration of education programs for on-base children. The Secretary added, however, that the study would provide a basis for consideration for a change in Departmental policy for this issue.

On March 20, 1975, the Commissioner of Education directed initiation of the in-depth study suggested by former Secretary Weinberger.

The study is comprised of three phases of analysis. The first phase is a cost analysis of construction needs on Federal installations where there are existing section 10 facilities. The first phase is complete and the results are enclosed in the report. The second phase is a legal analysis to determine the possible extent of Departmental legal obligation under the first precondition of section 10 in the States included in this report: "[...] no tax revenues of the State or any political subdivision thereof may be expended for the free public education of [children residing on Federal property]". The second phase also has been completed and the results have been incorporated into this report. The third phase consists of an analysis on a project-by-project basis to determine whether any local educational agency is able to provide suitable free public education for the children residing on the Federal property involved. The analysis will be conducted in stages in anticipation of the availability of funds.

#### E. Scope of the Study

At the outset of this in-depth study of school facilities on government installations, the Commissioner of Education had under his cognizance 180 separate school facilities (school buildings) on Federal properties (see TAB A). These facilities were located on 78 different government installations in 27 States and the Commonwealth of Puerto Rico.

The in-depth study was conducted by a survey team comprised of one or more representatives of (1) the Division of School Assistance in Federally Affected Areas (DSAFA) in the Office of Education, (2) the Office of Facilities Engineering and Property Management (OFPEM) in the Department of HEW, (3) the local educational agency or the Federal agency operating

each of the school facilities, (4) the government installation involved, (5) the State education agency, in some instances, and (6) other personnel in various related administrative capacities, either Federal, State or local.

The purpose of the survey was fourfold:

- a. To identify and describe major repairs needed to bring existing Federally-owned school facilities into conformity with existing Federal and State building codes, including life safety and handicapped access requirements, and those required to bring about better energy conservation which was not a factor when most were built, as well as those repairs necessitated by simple wear and tear attributable to use.
- b. To identify construction work needed to obtain the transfer of existing facilities from Federal to local educational agency ownership in those instances where such transfer is possible and where the responsible local educational agency has agreed in advance to apply for and accept transfer of ownership once the agreed upon work is completed.
- c. To determine the backlog of new school construction needs to accommodate student enrollment increases brought about by continuous construction of additional on-post military family housing units over the past several years.
- d. To identify and describe such new construction, remodeling and/or rehabilitation of existing Federally-owned school facilities as may be necessary to implement a contemporary educational program.

School Facilities Visited and Evaluated and for which Construction Costs are Included in this Report.

During the course of the study, 130 existing Federally-owned school facilities were visited for which construction cost needs are included in this report. The Acting Chief, School Construction Branch, DSAFA, was the team leader of the various survey teams which visited and evaluated ninety-eight (98) of the one-hundred eighty (180) school facilities under the cognizance of the Commissioner as of March 20, 1975. Regional Program Officers evaluated twenty-five (25) additional school facilities. Seven (7) school facilities were neither visited nor evaluated by any representative of DSAFA although they are expected to be continued in use for the foreseeable future. However, they were visited and evaluated from an engineering viewpoint by representatives of the Office of Facilities Engineering and Property Management, DHEW. In these seven

instances, the scope of the work needed had been determined previously (i.e., Edwards Air Force Base and Mather Air Force Base, California, as well as Plattsburgh Air Force Base, New York), or a school construction project recently had been completed and it was known that no further educational needs had developed at these installations (i.e., Governor's Island Coast Guard Base, New York; and Garrison Dam and Reservoir, North Dakota).

Federally-Owned School Facilities for which Construction Costs are not included in this Report.

Either prior to the beginning of the in-depth study, or during the intervening period since it was authorized on March 20, 1975, 42 Federally-owned school buildings located on 21 different government installations in 14 States and the Commonwealth of Puerto Rico either have been: (a) transferred to local educational agency ownership under the provisions of subsection 10(b) of P.L. 81-815; (b) declared excess to needs of the Office of Education and turned over to the General Services Administration for disposal in accordance with that agency's procedures; (c) placed in the transfer process for local educational agency ownership; (d) determined to be declarable as excess to the needs of the Office of Education; or (e) discontinued due to base closure. These forty-two (42) school buildings are identified by a single asterisk in TAB A and were not considered in this in-depth study. (In the case of school facilities located on Elmendorf Air Force Base, Alaska; Loring Air Force Base, Maine; and Ramey Air Force Base, Puerto Rico; the figures shown in parentheses indicate the number of school facilities on those installations which were under the cognizance of the Commissioner when the study began, and which remain under his cognizance pending formal disposal by the General Services Administration. Construction needs for the remaining school facilities on those installations have been included in this report.)

Projects already are funded and under construction to meet previously identified needs at Eielson Air Force Base, Alaska. Work is also in progress to repair the only school facility at Kodiak Coast Guard Base, Alaska. Once these projects are completed, the five school buildings on those installations will conform to applicable Federal and State codes. It is then expected that those facilities will be transferred to the State of Alaska, thereby terminating further Office of Education responsibility for them. In addition, the Bureau of Indian Affairs, Department of the Interior, recently awarded a contract for the construction of a new elementary school on the Colorado River Indian Reservation, Poston, Arizona, under the provisions

of P.L. 93-638. Once that project is completed, the single school building now under the Commissioner's cognizance at that location will be declared excess to the needs of the Office of Education. The six school facilities discussed above are identified by a double asterisk in TAB A and construction costs are not included in this report.

With respect to the facility at Fort Devens, Massachusetts, all codes and educational needs are being met. Therefore, no construction costs for this facility are included in this report. This school facility is identified by a triple asterisk in TAB A.

Activities at Fort Allen, Puerto Rico gradually are being absorbed into Roosevelt Roads Naval Station, Puerto Rico. Fort Allen will be closed relatively soon or greatly reduced in manpower strength. Information provided to the Office of Education by the Department of the Navy, the Federal agency currently responsible for operating all Federally-owned schools in Puerto Rico, indicates that there will not be a need for a school on Fort Allen after the 1978-79 school year. Existing facilities at that installation are considered adequate until that time. The single school facility involved is indicated by a quadruple asterisk in TAB A.

#### Total School Facilities Considered

The total number of Federally-owned school facilities considered by the in-depth study, and for which construction costs are either included or excluded in this report, is as follows:

a. Facilities visited and evaluated by a survey team, including a DSAFA Representative, and for which construction cost needs are included	123
b. Facilities visited and evaluated by a DHEW Engineer, but not visited by a DSAFA Representative, and for which construction cost needs are included	7
c. Facilities for which construction cost needs are excluded.	50
	<hr/>
Total School Facilities	180

#### F. Study Methodology

Actual site visits by DHEW personnel, and evaluations for which construction cost estimates are included in this report, involved 130 separate school facilities located on 55 government installations.



### Memorandum for the Record

The DSAFA Representative who participated in the site visits assumed the responsibility for preparing a Memorandum for the Record summarizing the findings and recommendations of the study team regarding both educational and facility needs established with respect to school facilities at the specific installation involved. The memorandum then was transmitted to the appropriate survey team members for their concurrence in the educational and/or engineering recommendations. Some memoranda were more comprehensive and detailed than others, reflecting the magnitude of the problems the survey team found, the number of school facilities involved, and other pertinent factors. Copies of the Memoranda for the Record are enclosed in the Appendix Volumes I through VI, to this report.

### Engineering Reports

In conjunction with each site visit, an Engineering Report was prepared by a representative of the Office of Facilities Engineering and Property Management, DHEW, who was sometimes accompanied by other engineers, or who sometimes acted alone, depending on the scope of the problem at the installation involved. Copies of these Engineering Reports are also enclosed in the Appendix. Some Engineering Reports are more comprehensive and explanatory than others. They do not always follow the same format, although the majority are relatively similar. Engineering Reports are submitted for eight installations for which there is no accompanying Memorandum for the Record, that document not being deemed necessary because of previous educational analyses that had been made.

### Project Description, Request for Cost Estimates, and Responses

Following the receipt of concurrences with the Memorandum for the Record, or on the basis of the Engineering Report when no Memorandum was prepared, DSAFA prepared, in accordance with past procedures, a Project Description and Request for Cost Estimate for each construction project for which a need had been developed. The project Description and Request for Cost Estimate then was submitted to the Director, Office of Architectural and Engineering Services, Office of Facilities Construction and Property Management, DHEW, who formally was requested to prepare and submit an estimate of the cost to construct or otherwise provide the facilities described. A total of 74 Project Description and Request for Cost Estimates

was prepared. The response to 71 of these requests, plus two estimates (i.e., Garrison Dam and Reservoir, North Dakota and Governor's Island Coast Guard Base, New York) for which no official request was made, constitute the findings of the study. Copies of responses for most projects are included in the Appendix. These responses cover the construction cost needs for all of the school facilities visited and evaluated and for which needs are included in this report. Three cost estimates have not been included in this report: one (Fort Richardson, Alaska) represents a project which is already approved and funded; one represents a government installation (McGuire Air Force Base, New Jersey) wherein the operating local educational agency, North Hanover Township Board of Education, subsequently has requested transfer of ownership of the on-base schools on an "as is, where is" basis, thereby relieving the Office of Education from further construction responsibility; and one (Craig Air Force Base, Alabama) represents construction cost needs for a school facility located on a military installation which recently has been deactivated. In addition, detailed responses were not provided by ROFEC for several facilities. In these cases, only total construction cost estimates were communicated to DSAFA. Detailed cost breakdowns have been requested and will be provided to the Congress as an addendum to the Appendix by March 1, 1978.

## Chapter II. Findings & Recommendations

### A. Findings

The findings of the in-depth study document a total cost estimate of \$198,231,641 (\$200 million) in FY 1976 dollars. This estimate includes all costs to upgrade or construct school facilities in order to meet the following conditions:

- a. Adherence to existing Federal and State building codes, including life, safety, and handicapped access requirements.
- b. Efficiency in energy conservation.
- c. Full implementation of a contemporary educational program as defined by current State standards and practice.
- d. Level of quality to obtain the transfer of existing facilities when the responsible LEA has agreed to apply for and accept transfer when such work is completed.

For the purposes of this estimate, it is assumed that the responsible LEA is unable to provide a suitable free public education for the children concerned. A determination to this effect, of course, will be required prior to the initiation of any extensive remodeling or new construction. As indicated earlier, such determinations will be made as funds become available. In this manner, suitability determinations are timely and reflect the current level of LEA ability. To the extent that current applications are found to be ineligible for funding on the basis of suitability determinations, the estimated costs will decrease accordingly.

The estimated costs, by project, are presented in tabular form on the following pages. The information is arranged by State and includes in addition to the cost estimate, the Application Project Number, location, type of construction activity proposed, date of cost estimate, and priority category in which the application currently falls. That portion of each application which relates to repairs for the safety of children will be funded as a Group I priority. The total figure for all such costs is currently estimated at \$10.6 million. The in-depth study did not attempt to isolate costs specifically and the costs therefore are included under the total per project application costs. Estimates for construction costs for replacement facilities where upgrading is not sufficient to meet life safety standards total approximately \$60 million.

## Summary of Findings in Tabular Form

State	Application Project Number	Location	Estimated Project Cost	Type of Construction Activity Proposed	Priority Group	Date of Estimate
Ala.	AL 77-C-FED-2A27	Fort McClellan	\$ 1,243,700	Repair and improvement of one existing school facility	III	May 2, 1977
	AL 77-C-FED-3A27	Fort Rucker	671,000	Repair and improvement of one existing school facility	IV	April 12, 1977
	AL 77-C-FED-4A27	Maxwell Air Force Base	1,091,600	Repair and improvement of one existing school facility	III	March 31, 1977
Alaska	AK 77-C-FED-6B27	Adak Naval Station	13,759,700	New elementary school and repair and improvement of one existing school facility	II	May 10, 1977
	AK 77-C-FED-3A27	Elmendorf Air Force Base	2,227,700	Repair and remodeling of four existing school facilities	II	March 16, 1977
	AK 77-C-FED-11A27	Fort Greely	1,902,340	Repair and improvement of one existing school facility	II	February 25, 1977
	AK 77-C-FED-5A27	Fort Hainwright	1,068,685	Repair and improvement of three existing school facilities	II	December 1, 1976
	AK 77-C-FED-13A27	Mt. Edgecumbe	702,200	Repair and improvement of one existing school facility	II	May 6, 1977

State	Application Project Number	Location	Estimated Project Cost	Type of Construction Activity Proposed	Priority Group	Date of Estimate
Ariz.	AZ 77-C-FED-10A27	Fort Huachuca	\$ 832,400	Repair and improvement of three existing school facilities	III	April 22, 1977
	AZ 77-C-FED-1B27	Williams Air Force Base	2,381,700	Repair and improvement of one existing school facility	III	April 29, 1977
Calif.	CA 77-C-FED-3A27	Edwards Air Force Base	1,079,000	Repair and improvement of two existing school facilities	II	August 11, 1977
	CA 77-C-FED-9A27	Marine Island Naval Shipyard	54,600	Repair and improvement of one existing school facility	IV	July 26, 1977
	CA 77-C-FED-3A27	Hather Air Force Base	365,000	Repair and improvement of one existing school facility	II	June 15, 1977
	CA 77-C-FED-12A27	Parker Dam	60,000	Repair and improvement of one existing school facility	II	August 11, 1977
	CA 77-C-FED-4A27	Sierra Orland Depot	191,900	Repair and improvement of one existing school facility	IV	February 8, 1977
	CA 77-C-FED-1A27	Trevis Air Force Base	229,000	Repair and improvement of one existing school facility	IV	May 26, 1977
	CA 77-C-FED-14A27	Yosemite National Park	335,600	Repair and improvement of two existing school facilities	IV	March 4, 1977
Del.	DE 77-C-FED-1A27	Dover Air Force Base	5,992,000	New Junior-Senior High School and repair and improvement of two existing school facilities	III	July 29, 1977

State	Application Project Number	Location	Estimated Project Cost	Type of Construction Activity Proposed	Priority Group	Date of Estimate
Ca.	GA 77-C-FED-1A27	Fort Benning	\$ 4,512,000	New Middle School	III	June 1, 1977
	GA 77-C-FED-1B27	Fort Benning	3,690,700	Repair and improvement of five existing school facilities	IV	July 11, 1977
	GA 76-C-FED-3A26	Fort Stewart	2,930,500	New Elementary School	III	April 7, 1977
	GA 76-C-FED-3B26	Fort Stewart	416,400	Repair and improvement of one existing school facility	IV	April 21, 1977
	GA 77-C-FED-2A27	Robins Air Force Base	1,268,100	Repair and improvement of two existing school facilities	III	May 2, 1977
Kans.	KA 76-C-FED-1A26	Fort Riley	6,559,000	New Junior High School	III	February 4, 1977
	KA 76-C-FED-1B26	Fort Riley	4,933,000	New Elementary School	III	February 4, 1977
	KA 76-C-FED-1C26	Fort Riley	2,358,000	New Elementary School	III	February 4, 1977
	KA 76-C-FED-1D26	Fort Riley	2,791,000	Repair and improvement of five existing school facilities	IV	February 4, 1977
Ky.	KY 76-C-FED-1N26	Fort Campbell	5,526,600	New Senior High School	III	March 22, 1977
	KY 76-C-FED-1C26	Fort Campbell	1,863,160	New Elementary School	III	March 21, 1977
	KY 76-C-FED-1D26	Fort Campbell	6,900,000	Repair and improvement of six existing school facilities	IV	April 25, 1977
	KY 77-C-FED-2A27	Fort Knox	13,264,000	Repair and improvement of ten existing school facilities	III	May 24, 1977

State	Application Project Number	Location	Estimated Project Cost	Type of Construction Activity Proposed	Priority Group	Date of Estimate
La.	LA 77-C-FED-3A27	England Air Force Base	\$ 60,000	Repair and improvement of one existing school facility	IV	June 1, 1977
Me.	ME 77-C-FED-1A27	Loring Air Force Base	403,000	Repair and improvement of one existing school facility	IV	June 24, 1977
Mo.	MO 77-C-FED-1A27	Andrews Air Force Base	1,312,500	Repair and improvement of one existing school facility	IV	July 29, 1977
Mass.	MA 77-C-FED-5A27	L. G. Hanscom Field	5,750,000	New Middle School and repair and improvement of one existing school facility	III	
Mo.	MO 77-C-FED-1A27	Fort Leonard Wood	5,861,100	New Junior High School	III	June 15, 1977
	MO 77-C-FED-1B27	Fort Leonard Wood	5,037,000	Repair and improvement of seven existing school facilities	IV	June 25, 1977
	MO 77-C-FED-2A27	Whitman Air Force Base	1,742,000	Repair and improvement of one existing school facility	III	June 24, 1977
N.H.	NH 77-C-FED-1A27	Pease Air Force Base	695,000	Repair and improvement of two existing school facilities	IV	June 20, 1977
N.J.	NJ 77-C-FED-1A27	Fort Dix	271,700	Repair and improvement of one existing school facility	IV	May 3, 1977

State	Application Project Number	Location	Estimated Project Cost	Type of Construction Activity Proposed	Priority Group	Date of Estimate
N.H.	NH 77-C-FED-2A27	White Sands Missile Proving Grounds	\$ 789,271	Repair and improvement of one existing school facility	IV	March 28, 1977
N.Y.	NY 77-C-FED-2A27	Governor's Island Coast Guard Base	10,000	Repair and improvement of one existing school facility	IV	
	NY 77-C-FED-7A27	Pittsborough Air Force Base	3,030,000	Repair and improvement of two existing school facilities	II	June 20, 1977
	NY 77-C-FED-1A27	U.S. Military Academy, West Point	4,836,000	New Middle School and repair and improvement of one existing school facility	III	June 20, 1977
N.C.	NC 77-C-FED-2A27	Camp Lejeune Marine Corps Base	6,746,500	New Senior High School	III	April 25, 1977
	NC 77-C-FED-2B27	Camp Lejeune Marine Corps Base	3,523,000	New Middle School	III	April 28, 1977
	NC 77-C-FED-2C27	Camp Lejeune Marine Corps Base	2,200,000	New Elementary School	III	May 4, 1977
	NC 77-C-FED-2D27	Camp Lejeune Marine Corps Base	5,332,000	Repair and improvement of five existing school facilities	IV	April 29, 1977
	NC 76-C-FED-1A26	Fort Bragg	1,918,000	New Elementary School	III	January 17, 1977
	NC 76-C-FED-1B26	Fort Bragg	6,297,810	New Middle School	III	January 12, 1977
	NC 76-C-FED-1C26	Fort Bragg	2,265,360	New Elementary School	III	January 17, 1977
	NC 76-C-FED-1D26	Fort Bragg	6,997,500	Repair and improvement of six existing school facilities	III	January 14, 1977



State	Application Project Number	Location	Estimated Project Cost	Type of Construction Activity Proposed	Priority Group	Date of Estimate
N. D.	ND 77-C-FED-1A27	Garrison Dam and Reservoir	\$ 1,200	Repair and improvement of one existing school facility	IV	May 4, 1977
S. C.	SC 77-C-FED-3A27	Beaufort Marine Corps Air Station	1,202,000	Repair and improvement of two existing school facilities	IV	February 1, 1977
	SC 76-C-FED-4A26	Fort Jackson	1,694,000	New Elementary School	III	March 1, 1977
	SC 76-C-FED-4B26	Fort Jackson	343,400	Repair and improvement of two existing school facilities	IV	January 14, 1977
	SC 76-C-FED-5A26	Myrtle Beach Air Force Base	2,140,800	New Middle School	III	January 28, 1977
	SC 76-C-FED-5B26	Myrtle Beach Air Force Base	1,192,500	Repair and improvement of one existing school facility	IV	July 13, 1977
Texas	TX 77-C-FED-3A27	Fort Hood	1,175,500	Repair and improvement of one existing school facility	II	April 28, 1977
	TX 77-C-FED-2A27	Fort Sam Houston	1,863,000	Repair and improvement of one existing school facility	III	April 28, 1977
	TX 77-C-FED-2B27	Fort Sam Houston	2,370,200	Repair and improvement of one existing school facility	III	May 10, 1977
	TX 77-C-FED-4A27	Lackland Air Force Base	4,018,235	Re-air and improvement of one existing school facility	III	May 10, 1977
	TX 76-C-FED-1A26	Randolph Air Force Base	1,175,666	Repair and improvement of one existing school facility	III	May 10, 1977
	TX 76-C-FED-1B26	Randolph Air Force Base	1,838,014	Repair and improvement of one existing school facility	III	May 10, 1977

State	Application Project Number	Location	Estimated Project Cost	Type of Construction Activity Proposed	Priority Group	Date of Estimate
Va.	VA 77-C-FED-2B27	Fort Belvoir	\$ 2,858,000	Repair and improvement of three existing school facilities	II	May 27, 1977
	VA 77-C-FED-7A27	Fort Monroe	360,000	Repair and improvement of one existing school facility	IV	May 26, 1977
	VA 77-C-FED-6A27	Langley Air Force Base	1,041,000	Repair and improvement of one existing school facility	III	May 26, 1977
	VA 77-C-FED-1A27	Quantico Marine Corps Base	2,023,000	New Elementary School	III	July 29, 1977
	VA 77-C-FED-1B27	Quantico Marine Corps Base	1,954,000	Repair and improvement of three existing school facilities	IV	May 26, 1977
Wash.	WA 77-C-FED-5A27	Fort Lewis/McChord Air Force Base	3,162,000	Repair and improvement of seven existing school facilities	II	March 4, 1977
P. K.	PR 77-C-FED-2A27	Fort Buchanan	9,557,000	New Junior-Senior High School, repair and improvement of two existing school facilities, and new central administrative unit	III	May 2, 1977
	PR 77-C-FED-1A27	Ramsey Air Force Base	113,000	Repair and improvement of one existing school facility	IV	March 7, 1977
	PR 77-C-FED-3A27	Roosevelt Roads Naval Air Station	2,067,000	Repair and improvement of two existing school facilities	IV	April 13, 1977
		Total	\$198,231,641			

While not applicable to many of the existing section 10 schools, some of the conditions discovered, such as those at Fort Bragg, North Carolina and at Fort Buchanan, Puerto Rico, represent serious health and life safety problems. Generally, most of the older school facilities visited do not meet the requirements of Section 504 of the Rehabilitation Act of 1973, P.L. 93-112, as amended, nor the requirements of the Life Safety Code (NFPA Code 101) which officially has been adopted by DHEW. Costs to provide the appropriate improvements are included in the cost estimates developed by the study.

The in-depth study disclosed many instances where existing school facilities are simply inadequate to house the total numbers of pupils enrolled. Large numbers of children are required to be housed in makeshift facilities, such as those that have been abandoned from the use they originally served. Some of the pupil membership increases have resulted from Department of Defense programs to construct additional on-post military family housing units at an accelerated pace over the past several years, or from a change in the basic mission the installation serves. At times, this additional home construction has occurred at government installations where the Commissioner of Education perpetuated the use of existing school buildings or originally had initiated section 10 facilities (e.g., Fort Campbell, Kentucky; Fort Riley, Kansas; Fort Bragg, North Carolina). Many of the school facilities constructed on government installations in the earlier years of the P.L. 81-815 program were built under a more restrictive definition of minimum school facilities than prevails today. (The law was amended in 1967 to provide a broader definition of minimum school facilities.) Consequently, most of those schools lack space for instruction in specialized learning areas (e.g., art, music, kindergarten, special education, vocational education, etc.). They also were found to lack adequate space for storage or for administrative use. Facilities for use as instructional media centers (libraries) were found often to be meager, and in some cases, non-existent.

On the other hand, several of the section 10 facilities illustrate exemplary school construction activities.

- a. The Primary School at Fort Rucker, Alabama was completed in 1973. Its construction involved extensive collaboration between the Division of School Assistance in Federally Affected Areas, the Office of Facilities Engineering and Property Management, DHEW, the Alabama State Education Agency, local military and school officials, the project architect, an educational consultant, classroom

teachers, and community citizens. Educational specifications were developed and followed during the project's construction. We believe this is an appropriate school plant planning approach.

- b. An addition to the existing Fort Devens Elementary School also was completed in 1973. Its construction also involved a close working relationship among the various Federal, State, and local agencies which had an interest in the project. In this instance the new construction represented a "wrap around" design wherein the original school, constructed in 1952, was completely incorporated into the new and larger facility created by the new construction project.

#### B. Recommendations

1. Due to the types of needs reflected in the in-depth study, the Commissioner has determined that certain aspects of the study warrant further attention.

A number of construction needs established in the report reflect the serious nature of life safety conditions in many section 10 school facilities. The safety of children being educated in buildings under the Commissioner's cognizance is a first priority. Most of the construction needed to bring existing facilities up to life safety standards requires only repairs or upgrading activities. Construction activities can be effected to meet life safety standards and to accomplish the section 504 handicapped access standards under the first priority category: repairs to facilities for the safety of children.

Certain section 10 facilities, however, cannot be made life safe (ex., old wooden buildings) and, therefore, construction of replacement facilities is required. However, under the present level of funding the current priority system precludes the Commissioner from targeting funds toward these major renovation or new construction efforts.

The Commissioner recommends considering a modification in the current regulations to fund new construction and major renovation to meet life safety and handicapped access standards immediately after funding for "emergency" repairs.

2. Reflected in the program history is the fact that criteria to be used for suitability determinations have never been articulated in regulation. Without established criteria, applicants cannot be sure about their eligibility status until funds finally become available and suitability standards then are imposed. The Commissioner recommends that suitability criteria be developed and published as regulation. He further recommends that the following general principles be used in developing those criteria:

- Determination of responsibility for the construction of children residing on Federal property;
- A suitability determination first should be made of the LEA in which the installation is located (or the SEA where it functions as the LEA). The Commissioner may look to a nearby LEA in the event immediate LEA's suitability is determined to be less than the established standard.

Since the statute speaks to "able to provide", the second factor which contributes to the suitability criteria is a judgment of the LEA's or SEA's fiscal ability to provide a suitable free public education.

- Local and State sources should document reasonable lack of financial resources to provide facilities for children residing on the Federal property in question before Federal funding under section 10 is triggered. Any State law limitations on an LEA's ability should be recognized;
- Operational indicators are currently being discussed and could include a percentage of bonded indebtedness, the present level of debt service, ... as well as some allowance for the Commissioner's discretion.

The third aspect of suitability criteria concerns an administrative definition of "suitable free public education". In this regard, suitability should be measured against the following standards.

- The primary standard should be the established State standard for minimal educational requirements.
- If there is no established State standard, the standard should be that which is established by the appropriate educational accrediting agency for that State.

## TAB A

Status of Ownership of School Facilities Located  
on Government Installations, by State, as of  
March 20, 1975

<u>State</u>	<u>Government Installation</u>	<u>No. OF--Owned School Buildings</u>
Alabama	Craig Air Force Base	1*
	Fort McClellan	1
	Fort Rucker	2
	Maxwell Air Force Base	1
Alaska	Adak Naval Station	1
	Army Arctic Center, Fort Greely	1
	Eielson Air Force Base	4**
	Elmendorf Air Force Base	5*(1)
	Fort Richardson	5*
	Fort Wainwright	4
	Kodiak Coast Guard Base	1**
	Mt. Edgecumbe (U.S. Public Health Service)	1
Arizona	Fort Huachuca	4
	Navajo Indian Reservation, Ganado	1*
	Colorado River Indian Reservation, Poston	1**
	Williams Air Force Base	1

<u>State</u>	<u>Government Installation</u>	<u>No. OE-Owned School Buildings</u>
California	Camp Pendleton Marine Corps Base	1*
	Edwards Air Force Base	2
	Fort Irwin	1*
	Naval Weapons Training Center, China Lake	5*
	Mare Island Naval Shipyard	1
	Mather Air Force Base	1
	Parker Dam	1
	Sierra Ordnance Depot	1
	Travis Air Force Base	1
Yosemite National Park	2	
Delaware	Dover Air Force Base	2
Florida	Eglin Air Force Base	2*
	MacDill Air Force Base	1*
	Patrick Air Force Base	1*
Georgia	Fort Benning	7
	Fort Stewart	1
	Robins Air Force	2
Kansas	Fort Riley	5
Kentucky	Fort Campbell	6
	Fort Knox	10

<u>State</u>	<u>Government Installation</u>	<u>No. OE-Owned School Buildings</u>
Louisiana	England Air Force Base	1
Maine	Loring Air Force Base	2*(1)
Maryland	Andrews Air Force Base	1
Massachusetts	L.G. Hanscom Field	1
	Fort Devens	1***
	Otis Air Force Base	4*
	Westover Air Force Base	3*
Michigan	Selfridge Air National Guard Base	1*
Missouri	Fort Leonard Wood	7
	Whiteman Air Force Base	1
New Hampshire	Pease Air Force Base	2
New Jersey	Fort Dix	1
	McGuire Air Force Base	4*
New Mexico	White Sands Missile Proving Ground	1
New York	Governor's Island Coast Guard Base	1
	Plattsburgh Air Force Base	2
	U.S. Military Academy, West Point	2



<u>State</u>	<u>Government Installation</u>	<u>No. OE-Owned School Buildings</u>
North Carolina	Camp Lejeune Marine Corps Base	7
	Fort Bragg	7
North Dakota	Garrison Dam and Reservoir	1
South Carolina	Beaufort Marine Corps Air Station	2
	Fort Jackson	2
	Myrtle Beach Air Force Base	1
	Parris Island Marine Corps Recruit Depot	1*
South Dakota	Lake Francis Case	1*
Texas	Fort Hood	1
	Fort Sam Houston	2
	Lackland Air Force Base	1
	Randolph Air Force Base	2
Utah	Dugway Proving Ground	2*
Virginia	Fort Belvoir	3
	Fort Myer	1*
	Fort Monroe	1
	Langley Air Force Base	1
	Quantico Marine Corps Base	4

<u>State</u>	<u>Government Installation</u>	<u>No. OE-Owned School Buildings</u>
Washington	Fairchild Air Force Base	2*
	Fort Lewis	5
	McChord Air Force Base	2
Puerto Rico	Fort Allen	1****
	Fort Buchanan	2
	Ramey Air Force Base	4*(3)
	Roosevelt Roads Naval Station	<u>2</u>
Total		180

\*Federally-owned school facilities which either have been:

- a. Transferred to local education agency ownership,
- b. Declared excess to the needs of the Office of Education,
- c. In process of being transferred to local education agency ownership
- d. Determined to be declarable as excess to the needs of the Office of Education,
- e. Discontinued by reason of closure of a military installation.

\*\*Federally-owned school facilities where projects are under way which, when completed, will permit the discontinuance of Federal ownership.

\*\*\*Federally-owned school where no construction cost needs exist.

\*\*\*\*Federally-owned school not considered to be necessary beyond the 1978-79 school year.

Mr. FORD. While we are on that same subject, could you submit anything else that would give us an indication of what the Office of Education is doing or has done to answer the questions that have been raised here about what our policy is going to be for each and every school.

As it stands now, I suppose you are held in limbo waiting to see what the new Office of Education proposal is likely to be, just as Dr. Cardinale was. And in considering legislation at this time, I suppose we are held in limbo the same way. But one of the compelling arguments for an overall Federal policy comes to me from seeing different Federal agencies trying to do the same thing.

When you come together, it is only by accident, instead of by any grand design that is centralized anyplace in the Federal Government. If you had any studies about how to deal with phenomena of OE's involvement in the section 6 schools, it would be very helpful for us to try to understand the relative value of spinning off schools to Defense. Six of these are now run by the Department of Defense, aren't they?

Mr. MINTER. Yes, 6. We will submit whatever materials that we have.

Mr. FORD. Thank you very much. Mr. Corrada.

Mr. CORRADA. Yes. Thank you, Mr. Chairman.

As you know, the Antilles consolidated school system in Puerto Rico had very serious problems in terms of where to put about 700 middle school children, because the post commander rightly decided that the schoolrooms where they were located were totally unsuitable. They were closed down, or were to be closed down.

Then the possible interim solution was found to be some portable schools, and as you know in the Labor-HEW appropriations, an amount close to \$360,000 was appropriated for these purposes. Can you tell us what the status of that is?

Mr. STORMER. Yes, Mr. Corrada. We did not feel at ease with respect to the \$360,000 which was set aside until such time as we got a continuing resolution that in effect turns out to be the appropriation for the year. We have asked our regional program officer to supply us a report as to the number and kinds of temporary school facilities that would be necessary to house the 600 to 700 youngsters who were formerly in the middle school.

We have asked the engineers to give us an estimate as to how far the \$360,000 will spread in order to provide relocatable or portable school facilities. We are convinced it may not take care of the total situation. We have asked them to evaluate in terms of three locations, either putting the relocatables on the existing elementary, the existing junior-senior high school, or on the proposed site for the new senior high school that exists at Fort Buchanan, and once we have that report we would be in a position then to ask for the acquisition of the relocatables that could be accommodated within the amount of money which has been set aside.

There is a question still in our minds resulting from informal conversations with the General Accounting Office as to what the ultimate decision will be with respect to the eligibility criterion pertaining to certain numbers of children.

And this may have a bearing upon the total number of facilities which would be provided or could be provided under that \$360,000.

Mr. CORRADA. As you know, the solution of the portables is a temporary, interim solution, and basically it has been felt that there is a need for a new junior-senior high school facility there, at which time then the students who would be in the portables, the middle school students, could use the old high school that is now being used when the high school students are transferred to another facility.

But seeing the figures that you are talking about here with respect to the funds available for fiscal year 1978 and fiscal year 1979 for section 10, it would appear to me that very little consideration, if any, has been given to the solution of these problems. Do you know what is being considered at this time with respect to the permanent solution to the problem?

Mr. STORMER. I believe we alluded to the permanent solution in part by saying that there is under consideration at the present time the alteration of the existing priority system, which would, in essence, lead more toward meeting the emergency repair situation as well as the safety requirements that are necessary at existing school facilities and existing locations.

In changing regulations it would also encompass those youngsters who were in unsatisfactory or in unsafe life safety conditions in temporary types of situations.

So there is consideration being given to an aspect which will, as its ultimate goal, service this Fort Buchanan situation. We are, as you are well aware, in a number of the base buildings as a result of the former buildings which the base commander razed—those were unsafe buildings in terms of life safety code and that is principally the reason he razed the facilities which had formerly been used as the middle school—and so with the proposed alterations, this will lead toward meeting this problem.

Mr. CORRADA. Thank you. You will be, in the near future, assessing the entire situation with respect to the future of section 6 and section 10; and, of course, the general statement was made that the general inclination is to transfer this to the local school systems whenever this is feasible.

As you know, because of statements previously made here, Puerto Rico provides a public school system where Spanish is the language or the vehicle for instruction. In the case of Puerto Rico, I don't think it would be possible to enter into any satisfactory arrangements at this time whereby the local public school system could take care of the educational needs of most of these children who don't even know Spanish. Have you given consideration to that peculiar situation of Puerto Rican schools?

Mr. STORMER. Not formally. We have had informal conversations as to what the ultimate might be with respect to the sections 6 and 10 arrangements. As we understand the situation, even presently in the Antilles Consolidated School System there is a bilingual education program being offered for the children enrolled there, because some of the present children are more oriented in the Spanish Puerto Rican language than in English.

Ultimately, the only thing that can be done would be the absorption by the local educational agency, which would be the Commonwealth; and the provision of either English or bilingual educational opportunities within that section, what would have been a formerly section 6 arrangement—whether that can be accomplished in the long haul is unknown.

Mr. CORRADA. In the long run—and we don't know exactly how long that means—I am sure that we could. But one of the problems that we have is that Puerto Rico isn't even included, our children are not even counted under the title VII program of bilingual education to begin with. Second, we have restrictions under title I of the law that hopefully this year ESEA or my colleagues here will be looking into, because of these limitations and the fact that title I for Puerto Ricans is related to per capita expense of students.

There is no question that the kind of transfer that you are talking about would provide substandard, I would say, education for those who are currently studying at the Antilles Consolidated System, and this situation is of considerable distress to Federal employees who go to Puerto Rico and work there, send their children to the school, as well as military personnel stationed there.

I would only hope that since this, in terms of the overall, entire growth of the Nation, would seem to be a small problem, there might be just a little priority or attention given to it.

Mr. MINTER. Mr. Corrada, we are looking at the title I situation now. I think you know something of that, certainly in the reauthor-

ization, to see what kinds of exceptions can be made for Puerto Rico as a distinct entity and somewhat unique.

And certainly under the present section 6 the questions that you have raised we will be looking at to see what we can do under this law. But both laws are being examined independently for whatever help we can give to relieve the situation that you have described.

Mr. CORRADA. Mr. Chairman, in our times, I wonder when, from the standpoint of Congress, we will look at the unique situation of Puerto Rico, that the uniqueness is that we don't spend as much, even though we spend one-third of our budget, over \$23 million of our own State budget, one-third of the entire budget, for primary and secondary education, and when we tie up or relate the title I funds to Puerto Rico on the basis of the local limitations in terms of a per capita expenditure for students and then relate that situation to the title I formula, that we are just keeping the conditions that make it unique; and, by "unique," I am referring to substandard.

Mr. FORD. I appreciate the gentleman's concern, and he has been very forceful in making that point. I think probably we can coalesce when we get to the Title I formula and see what we can put together between parts of the country to deal with some of the unique characteristics of the present formula and apparent inequities.

The statement makes it clear that the Section 6 schools do not receive the same per-pupil allocation. The allocation formula for impact generally has become exceedingly complex.

Counsel now points out to me that we are now at the point where we have 32 calculations to determine who gets the money and 32 calculations to determine how much.

How do you determine how much money you give to each of the Section 6 schools per pupil? What establishes a per-pupil expenditure? The variation on the chart runs from \$954 at Fort McClellan to 2,400 in Massachusetts.

Mr. STORMER. It is dependent, Mr. Chairman, on No. 1, what grade structure schooling is being offered on that particular base. In some instances, we have schools which are operating K to 6, some are 1 to 6, some K to 12, some 1 to 8, some K to 8 and some K to 12. And so, dependent on the educational organization that exists on that particular base, the figure will rise and fall.

Additionally, the per-pupil expenditure is principally on the basis of comparison with five comparable school districts—or "school organizations" maybe is a better term—within the individual State. Two of those would be the local educational agency immediately adjacent to the base and the capital city and any other three that the school system would select.

And principally it is trying to keep it as comparable in Alabama with other expenditures for, say, K to 6 in Alabama as comparable in Kentucky as expenditures may be for K to 12 in Kentucky; and, in each instance, their individual applications are reviewed in those terms and approved or altered.

Mr. FORD. You disregard the national average for the State average?

Mr. STORMER. That is correct: we are taking 100 percent of the educational costs for those children on those particular section 6

installations. And I say "100 percent;" for example, in Kentucky, Fort Campbell, this would be a K to 12 operation. If I remember correctly, in Fort Rucker or Fort Jackson it would be a K to 6 or K to 8 operation. And the high school children would have been assisted and educated in the local educational agency.

Section 6 schools in a particular State should be similar to schools in five comparable districts within the State. To the maximum extent practicable, the total payment for a project is limited to an amount per pupil that does not exceed the per pupil cost of free public education expended in comparable communities in the State. However, in a particular situation it may be necessary to provide a higher per pupil cost. For example, if comparable district libraries were substandard or teacher qualifications below professional standards in comparison to minimum State requirements, a section 6 per pupil cost adequate to achieve the standards could be approved. Since actual per pupil cost data of comparable districts are not usually available for some time after a current year, latest available data are increased the same as State average per pupil costs are expected to increase in the current year. Every effort is made to fund sufficiently to provide quality education for children attending section 6 schools.

Thus, under section 6, the entire per pupil cost for the current year is provided for each child.

Under section 3, the rate of payment per child is based on fiscal data of the second preceding fiscal year and is intended to be the amount expended from local revenues. This amount is determined on the basis of the average amount per pupil expended from local revenues by comparable school districts in the same State. However, every school district is entitled to the minimum rate of payment per pupil of one-half the State average per pupil cost or one-half the national average per pupil cost, whichever is greater. Both such costs are based on fiscal data of the second preceding fiscal year. This rate of payment per pupil applies to an "A" child whose value is 100 percent. The rate is reduced for other children according to their value. For example, the value of a "B" military child is 50 percent. Thus, the rate of payment determined for a school district is multiplied by 50 percent for paying a "B" military child. The difference between our payment per child under section 3, and the entire per pupil cost necessary to educate the child, must come from State and local revenues. A notable exception to this statement is the low-rent public housing child. The entire per pupil cost for basic education must come from State and local revenues. Our payment for a low-rent housing child may be used only for special programs for the disadvantaged.

Mr. FORB. Thank you very much. We are going to have to move along. But I wish you would follow up on this question of the determination of the per-pupil expenditure and how it differs from what you do with the rest of the impact aid money.

I would like to thank you very much for your cooperation. And, I would like to make the observation that you proved that those of us who have been trying to keep impact aid have been right about this being one of the best-operated programs we have.

I was just looking at the figures, and it indicates that the number of people you have in your shop over there has dropped since 1966 from 106 to approximately 50. You have administered twice as much money as you administered in 1966, while we have consistently made the program more and more complex.

If the President and the people over in the Bureau of the Budget with their sharp pencils were looking for an example of a success story in efficient administration, this is it. When you measure the cost of the administration against the amount of dollars served and the amount that actually ends up in the educational product, this shop stands out head and shoulders above anything that is being done at the State or Federal level.

I would challenge anybody to show the dollar ratio for administrative costs that you people are able to accomplish it with.

We understand that you are operating with reductions in staff and reductions in professional personnel that make it particularly difficult to be responsive to the variety of things we are throwing at you and, for that reason, we especially appreciate your cooperation. Thank you very much.

Mr. MINTER. Thank you, Mr. Chairman.

Mr. FORD. We are going to try to accommodate all of the other witnesses who have been so patient this morning by calling you together as a panel to testify so that the questioning will be directed at the members of the panel all at one time.

G. L. Stillman, president, European Congress of American Parents, Teachers, and Students Association; Ms. Betty Gross, legislative chairperson, Antilles Consolidated Education Association, accompanied by Mr. Linn Wallace, past president, Antilles Consolidated Education Association; Ernest Lehmann, president, Overseas Federation of Teachers; and Carl Moore, Executive Director, Overseas Education Association.

Without objection, the prepared testimony of the members of the panel will be inserted in full at this time in the record.

[The prepared statements of the panel members follow:]

TESTIMONY ON H.R. 9892, PREPARED BY THE EUROPEAN CONGRESS OF AMERICAN PARENTS, TEACHERS, AND STUDENTS

Mr. Chairman, Members of Congress, Ladies and Gentlemen. It is indeed a privilege for me to appear before this committee on behalf of the 30,000 members of the European Congress of American Parents, Teachers, and Students.

House Report 9892, cited as the "Defense Dependents' Education Act of 1978", addresses many of the problems that have prevailed within our overseas dependent schools for many years. The majority of these problems results from the fact that ours is a temporary school system, and thus not eligible for several of the more important programs that fall under the auspices of the Department of Health, Education, and Welfare, and the Department of Agriculture. Through the establishment of a permanent, state level school system, as provided for by this Bill, we will acquire eligibility for these programs.

Perhaps the most pertinent example of what I refer to, is what we like to call the school "Hot Lunch" program. In our European overseas schools, only approximately 46 percent of the schools have a hot lunch program. Of these, 43 percent have what we call a junk food or short order menu. One-half pint of milk will cost the child anywhere from 10 to 35 cents, depending on the supplier. Organizations providing these lunches vary from the Army/Air Force and Navy Exchange System, to Dependent Youth Activities, and Parent, Teacher groups. Total meal prices range from a low of 30 cents to a

high of \$1.35. While we are very grateful for what we have, our children deserve better. We believe this Bill will help us achieve this end.

Ladies and Gentlemen, for many years a large number of our students have been attending schools in classrooms that are less than substandard. Warehouses, trailers, and many other inadequate facilities have been and still are being used. We have seen an increase in school construction in the last few years and would very much like to see this progress continue, until we have facilities designed as classrooms for all of our students. We believe Section 6 of this Bill titled, "School Construction, Operation, and Maintenance", and particularly paragraph (b), which establishes a separate budget request for school construction, will permit this progress to continue. However, as there are three Military Departments having jurisdiction over some part of the total school facilities, we believe that the final construction request should be developed through the Office of the Director of Dependents' Education, in cooperation with the Military Departments, rather than through the Military Departments. Specifically, priorities should be established by the people running the system.

Section 4 of the Bill, addresses tuition-paying students. We are particularly pleased with paragraph (b) (2), which states that funds received from tuition-paying students shall be available to the Defense Dependents' Education System to assist in defraying the cost of enrollment of the children in the system. While tuition funds are made available to our school system, under current policies the originally budgeted funds are reduced by the amount of tuition funds received. Ladies and Gentlemen, such a policy does not take into account the additional staffing requirements, special educational material, and logistical support needed for these students. We believe that these tuition paying students should be permitted to attend the dependent schools where space permits, but funds received must offset the expenses associated with these students. This Bill provides for such procedures and has our support.

In 1976 and again in 1977 during our annual convention, our membership passed resolutions calling for equal benefits for local-hire teachers. These sometimes called tourist-teachers fulfill a vital role in our schools, and should receive the same compensation as those teachers hired stateside. In reviewing Section 12 of this Bill, I was unable to determine whether or not equal compensation was provided. Reference is made to a number of United States Codes which I did not have available. We hope the Bill does address this problem, and if it does not, we recommend that it should. We recognize the justice of a probation period that permits the system to evaluate the quality of the local-hire teacher, however, once quality has been established equal compensation should be awarded. That is what equality is all about.

The "Defense Dependents' Education Act of 1978", establishes local School Advisory Committees and an Advisory Council of Dependents' Education. I would like to make several comments to this aspect of the Bill. In my discussions with parents during the past two years, I have found the most prevailing concern to be a feeling of being unable to influence the system. When the local administration is not responsive to the desires and needs of the parents and the students then parents doubt their own ability to bring about change. Perhaps the centralized nature of our system inhibits local community influence. However, there are many policies and curriculum decisions made locally. Such policies and, in particular, local curriculum decision-making, should fall under the authority of the School Advisory Committee. Therefore, we would like to recommend that the word curriculum be included in the advisory authority of the local School Advisory Committee.

The Commander of each of our local military communities must be concerned with the overall operation of the local schools. The quality of education afforded dependent children impacts on the morale of the families for whom the community commander has a great amount of responsibility. Therefore, we believe that the community commander, or his designated representative, should be the chairman of the School Advisory Committee and provide the administrative support essential to make the committee functional.

The school advisory council system should be expanded to include an advisory council at each major level of decision-making. Council organization should parallel the school administrative organization. If there are school districts and regions a council should be established at each of these levels. Problems that cannot be resolved at local level may well have a solution at district level, and so on.



My last comment on Section 14 and 15 that addresses advisory councils pertains to our own organizations' participation in the operation of such councils. During the 1975-76 school year, the local units of the European Congress of American Parents, Teachers, and Students provided more than \$800,000 to assist our schools in varied ways such as, educational supplement material, band instruments, recording equipment, and many other special projects. Based on the minimum wage at that time, if we had been required to pay our volunteers, their wages would have exceeded two and one-half million dollars worth of classroom help, administrative assistance, and countless other services performed for our schools. These figures do not include contributions from a substantial number of other organizations involving parents that help our schools. For these many years of service and dedicated support to our schools, we deserve to have a voice in the operation of the schools. This Bill should provide for representation of established parent, teacher, and student organizations at each level of advisory council.

Section 16, requires that a comprehensive study of the Defense Dependents' Educational System be completed within one year after the enactment of the Bill. We know that there is an ongoing study on the reorganization of our current school system. We would recommend that any actual reorganization be delayed until such time as the comprehensive study, directed by this Act is completed.

Ladies and Gentlemen, if I were asked whether our overseas schools have a school board, I would have to reply yes, the Congress of the United States. It is through Congress that we obtain funds and staffing authority, and the basic policies that permit our children to receive a public education. This Bill provides the basic tools required to enhance the quality of education our students receive. The foundation has already been established for a fine school system. This Bill will clear the way for the structure to be completed.

Our sincere thanks to Congressman Erlenborn for introducing this Bill, and my personal thanks to you Mister Chairman and the members of your committee for allowing our organization to be represented before you today.

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**STATEMENT OF BETTY GROSS (LEGISLATIVE CHAIRPERSON) AND LINN WALLACE  
(PAST PRESIDENT) OF THE ANTILLES CONSOLIDATED EDUCATION ASSOCIATION**

**THE POSITION OF ANTILLES CONSOLIDATED EDUCATION ASSOCIATION, ON H.R. 9892  
(95TH CONGRESS)**

The Antilles Consolidated Education Association (ACEA) is exclusive representative of all teachers employed by the Antilles Consolidated School System (ACSS). The ACSS consists of seven schools located at four geographical locations in Puerto Rico. ACSS provides English-language elementary and secondary education for dependents of federal employees under Section 6 of Public Law 81-874 (20 U.S.C. 241).

The Association welcomes this opportunity to support passage of H.R. 9892 with the inclusion of certain amendments necessary to maintain quality English-language instruction for dependents in Puerto Rico and, as needed, in other U.S.-flag areas outside the continental United States.

The bill warrants support for the following reasons:

1. Consolidation of the schools funded by HEW under Section 6 of Public Law 81-874 (such as our school system in Puerto Rico) with the schools operated in overseas areas by the Department of Defense Dependent School System seems both practical and overdue, as the two systems exist to answer the same need: provision of quality education for federal dependent children where such education is not otherwise available on a tuition-free basis.

2. Passage of the bill should result in a more consistent educational program for federal dependents, and more efficient administration of that program wherever such schools are established.

3. H.R. 9892 provides formal structures not available under current law—the advisory committees and the Advisory Council—through which parties legitimately concerned with the schools—students, parents, teachers, and administrators—can participate in the formulation of educational programs and policy. We commend Mr. Erlenborn for proposing this farsighted and long-needed reform.

However, because of the unique situation in Puerto Rico, passage of the bill as written could be devastating to the educational welfare of some 3,350 chil-

dren of federal employees currently enrolled in the federal dependent schools on the island.

Consider the ways in which Puerto Rico is unique among dependent school locations:

1. The ACSS in Puerto Rico is currently the only Section 6 school system located outside the continental United States. Puerto Rico is not defined as an overseas area under current law, but it is a de facto overseas area in its impact on federal employees and their dependents. The island is located 1,600 miles across the ocean from New York City, at the end of a long supply line. Federal employees and dependents assigned from the U.S. to Puerto Rico or from the island to the States must cope with serious cultural-adjustment problems.

2. English is a second-language in Puerto Rico. The vernacular is Spanish, and Spanish is the language of instruction in all public schools on the island. Whereas continental Section 6 schools exist because the federal government impacts an area beyond the ability of the local district to absorb the accompanying children, the dependent schools in Puerto Rico serve also a more fundamental and permanent function: they provide the only public English-language instruction available on the island.

3. The public schools in Puerto Rico are so overcrowded and under-financed that there is virtually no likelihood they will be in a position to educate federal dependents within the foreseeable future. Per-pupil expenditures in Puerto Rico are \$400 compared, for example, with \$2000 per student in the Public Schools of the District of Columbia. Authorities in Puerto Rico state that one-quarter of the students of high-school age do not attend school, and the public school system lacks classroom space to accommodate them if they did wish to attend.

4. As far as we have been able to determine, there is a larger presence of non-military federal agencies in Puerto Rico than in any geographical area in the world outside the fifty states, and these agencies transfer sizeable numbers of English-speaking families to and from the island. The result is that 62 percent of the children attending the Fort Buchanan schools in Puerto Rico (the largest complex of schools in the ACSS) are dependents of civilian agencies.

As the result of the unique situation described above, it is clear that the dependent schools in Puerto Rico need separate consideration in drafting this legislation. Under the bill as proposed, Section 6 schools would be operated under the personnel and pay practices established in the Defense Department Overseas Teachers Pay and Personnel Practices Act (20 U.S.C. 901-905). However, the bill also proposes to amend this latter statute to allow the Director of Dependents Education to vary the rates of compensation for teachers in Section 6 schools (including the schools in Puerto Rico) to reflect salaries paid by schools in the local area (See page 16, lines 22-25, page 17, lines 1-3 of H.R. 9892). In the case of Puerto Rico, this provision contradicts the requirement in Section 6(a) of P.L. 874 that the schools in Puerto Rico provide education comparable to that provided in the Public Schools of the District of Columbia. In order to accomplish this purpose, ACSS educators have been paid at rates equal to salaries in the D.C. public schools, which average about \$15,000 annually. Teachers in the public schools of Puerto Rico, however, earn an average salary of around \$6,000. Such a drastic lowering of salaries would make it virtually impossible to provide education comparable to the District because it would make it impossible for ACSS to obtain a quality teaching staff. We strongly urge the inclusion of specific language in the proposed amendments that would clearly fix salaries in Puerto Rico at rates equal to the prevailing salaries in the District of Columbia schools. This would not only ensure high-quality instruction as mandated by law, but it would end the current wasteful drain on administrative and teacher energies, as well as federal funds, resulting from the current need to negotiate, grieve, and arbitrate salary matters.

Student eligibility is the other major problem presented by the uniqueness of the situation in Puerto Rico. Under Sections 6(a) and 6(b) of Public Law 81-874, eligibility in the continental United States is limited to the children of employees living or working on the federal property where the schools are located. Since most schools are located on military bases, eligibility has been confined in practice to the dependents of active duty personnel and of some civilian employees of the military. The lack of public English-language instruction in Puerto Rico coupled with a large influx of English-speaking employees of non-military federal agencies has made it necessary to extend

eligibility in Puerto Rico to federal dependents whose parents neither live nor work on military installations where the schools are located. This is accomplished by Section 6(c) of Public Law 81-874, but the language used is so vague and ambiguous that the schools in Puerto Rico are in constant turmoil over who is eligible and who is not.

H.R. 9892 transfers authority to the Secretary of Defense for most arrangements under Section 6(c), but leaves intact the vague language on student eligibility (page 11, lines 8-13). Our Association urges the addition of stronger and more specific language assuring quality English-language instruction in federal dependent schools for children of all federal employees subject to transfer to the continental United States or other English-speaking areas. This is the standard currently prescribed by the Commissioner of Education for eligibility in Puerto Rico, and we think it should be written into law.

Finally, we would like to make a few suggestions regarding the advisory committees and the Advisory Council proposed by H.R. 9892. These bodies are welcomed, for they should inject a strong dose of democratic process and local accountability into the operation of dependent schools. We recommend however, that the advisory committee electorate be more specifically defined to include those with a legitimate interest in the operation of the schools. Instead of allowing anyone "residing in the area" to vote, we suggest that the electorate be defined as parents of children attending the school(s) and professionals employed by the school(s). We also recommend that all members of the electorate be made eligible for election to an advisory committee (See page 19, line 8-14).

The respective jurisdictions of the school principals and the local military commanders should be delineated in greater detail so that the advisory committees clearly understand the responsibilities assigned to each position. We recommend assigning logistical support matters to the local military commander and all educational matters, including curriculum and personnel practices, to the principal or superintendent of the schools. (See Section 14, pages 18-19).

As to the Advisory Council, our only suggestion is that a permanent seat on the Council be granted to a representative of the National Foundation of the Arts and the Humanities (page 20, lines 8-15).

In closing, the Antilles Consolidated Education Association fully supports and endorses the concept of a separate Department of Education as proposed by the National Education Association and President Carter. Upon the establishment of this Department, we would support consolidation of all federally-operated schools under its administration. Until that time, however, we feel that passage of H.R. 9892 with the inclusion of the amendments suggested herein, will significantly improve the operation of federal dependent schools.

**PROPOSED AMENDMENTS TO H.R. 9892 (95TH CONGRESS), SUBMITTED FOR CONSIDERATION BY ANTILLES CONSOLIDATED EDUCATION ASSOCIATION, FEBRUARY 1, 1978**

1. Line 21, page 3: Insert "professional" between "transfer" and "employees."

2. Page 11, after line 13, add the following new section:

(C) By striking out all language after "United States," and adding, in lieu thereof, "in a grade, position and/or classification subject by policy and practice to transfer or reassignment to areas where English is the language of instruction in the schools normally attended by children of federal employees. In any case where education is being provided under an arrangement made under this subsection it shall be presumed that no local educational agency is able to provide suitable free public education for the children of eligible parents employed by the United States until the Secretary of Defense determines after consultation with the appropriate state educational agency, that a local educational agency is able to do so."

3. Page 16, lines 20 to 21; change to read—by striking out "in his military department" and adding "in an overseas area"

4. Page 16, lines 22-25 and Page 17, lines 1-3: Add the following new sentences "With respect to teachers and teaching positions in the continental United States, Alaska, Hawaii, the Director may vary the basic compensation to reflect the prevailing rates for similar positions in the local area of a comparable level of duties and responsibilities. With respect to teachers and teaching positions in Puerto Rico, Wake Island, Guam, American Samoa, or the Virgin Islands, the Director shall fix the basic compensation at the rates

equal to the prevailing rates of basic compensation for similar positions in the public schools in the District of Columbia of a comparable level of duties and responsibilities."

5. Page 18, lines 15-17: Change to read "The Director shall provide for the establishment of an advisory committee for each group of schools under the jurisdiction of a local superintendent. In the case of schools not organized under the jurisdiction of a local superintendent, the director shall provide for the establishment of an advisory committee for each school."

6. Page 18, Lines 18-19: Change after "advise the" to "principal/superintendent of such schools(s) with respect to the operation of such school(s)."

7. Page 18, Line 20: Change to read "the areas of curriculum, personnel and budget matters"

8. Page 18, Line 24: Change to specify: "with respect to logistical problems"

9. Page 19, Lines 1-7: Delete.

10. Page 19, Line 10: Strike "residing in the area". Add: "who are parents of children attending the school(s) or professional employees employed by the school(s)".

11. Page 19, Line 11: Add before The Secretary of Defense "Subject to the provisions of this sub-section, the Secretary of Defense."

12. Page 19, Line 14: Add "Members of the electorate shall qualify for election to an advisory committee."

13. Page 20, Line 15: Add "3 (D) the National Foundation of the Arts and the Humanities."

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**ALTERNATIVE AMENDMENTS TO H.R. 9892 REDEFINING PUERTO RICO AS "AN OVERSEAS AREA"—SUBMITTED FOR CONSIDERATION BY THE ANTILLES CONSOLIDATED EDUCATION ASSOCIATION**

Proposed amendments number 2 and 4 suggest revision of Section 6 of Public Law 81-874 on eligibility and Public Law 86-91 on teachers' salaries for schools in Puerto Rico.

An alternative approach that might provide an equally satisfactory solution to the special needs of the schools for federal dependents in Puerto Rico would be to remove these schools from the Section 9 format and redefine "overseas area" in H.R. 9802 to include Puerto Rico.

This could be done by a few simple amendments to the final section on definitions in H.R. 9892:

Page 25—Insert after line 5 the following additional definition of "Sponsor":  
(C) an employee of the United States in Puerto Rico occupying a grade, position and/or classification subject by policy and practice to transfer or reassignment to areas where English is the language of instruction in the schools normally attended by children of federal employees.

Page 25—Strike all the language after "the several states \* \* \*" line 9 and add, in lieu thereof, "and the District of Columbia."

Note: These amendments would have to be accompanied by amendments striking all reference to Puerto Rico contained in Section 6 of Public Law 81-874. Additionally, the definition of "overseas area" contained in Public Law 86-91 would have to be changed to be consistent with the above redefinition.

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**TESTIMONY OF THE OVERSEAS FEDERATION OF TEACHERS, AMERICAN FEDERATION OF TEACHERS, AFL-CIO, BEFORE THE HOUSE SUBCOMMITTEE ON LABOR STANDARDS REGARDING THE DEFENSE DEPENDENTS EDUCATION ACT OF 1978, PRESENTED BY ERNEST J. LEHMANN, PRESIDENT, OVERSEAS FEDERATION OF TEACHERS**

Mr. Chairman and Members of the Subcommittee. I want to thank you for the opportunity to present the views of the Overseas Federation of Teachers on your Bill, H.R. 9892, to establish a unified program for the education of minor dependents of military and civilian personnel overseas and on certain military bases in the United States. Our members have a great concern for the quality of education the dependents receive in the schools administered by the Department of Defense.

The school system created by this legislation would have a substantial size. It would enroll almost 200,000 students in approximately 350 schools in 28 nations around the world. The work force would be about 12,000 individuals. The larger part of this system, the Department of Defense Dependents Schools,

has been in existence for over 30 years and enrolls 150,000 students in 27 countries around the world. Most of the teachers we represent have taught in these schools for many of these years.

This legislation at first glance has many appealing qualities. It will unify a number of different school systems which are performing the same functions, educating the dependents of military and civilian personnel.

It will also establish a statutory base for their existence. Presently these schools must rely upon the annual Department of Defense appropriation bill. Further, it would require an annual report to the Congress regarding the activities of the system, giving the Congress a regular oversight function which it presently does not enjoy.

As written, we believe the bill lacks specificity. Understanding that the management of the program requires a reasonable amount of flexibility we still are concerned about the vagueness of the statutory direction. The OFT believes a set of goals should be incorporated in the statute. We recommend the Director of Dependent's Education, as part of the higher duties in Section 3c, be required to assure that the ten goals listed below are met.

1. Mastery of the basic skills of communication and reasoning essential to live a full and productive life.

2. Ability to sustain lifetime learning in order to adapt to the new demands, opportunities and values of a changing world.

3. Ability to maintain one's mental, physical and emotional health.

4. Understanding of human relations—respect for an ability to relate to other people in our own and other nations—including those of different sex, origins, cultures, and aspirations.

5. Competence in the processes of developing values—particularly in the formation of spiritual, ethical, religious, and moral values which are essential to individual dignity and a humane civilization.

6. Knowledge of the humanities, social sciences and natural sciences at a level required to participate in an evermore complex world.

7. Occupational competence necessary to secure employment commensurate with ability and aspiration and to perform work in a manner that is gratifying to the individual and to those served.

8. Knowledge and appreciation of our culture and capacity for creativity, recreation and self-renewal.

9. Understanding of the processes of effective citizenship in order to participate in and contribute to the government of our society.

10. Knowledge of the environment and the relationship between one's own acts and the quality of the environment.

We believe these goals would foster an educational program which would be equal to or superior to the best systems in the United States. The children of the military deserve this.

Section 4, the authority to enroll students on a space available basis should be more clearly spelled-out. Presently, approximately 2,800 space available students are enrolled in the European Region of the Department of Defense schools. The funds generated by the tuition from these students, approximately \$5.6 million, is not applied to these students' education but to offsetting the costs of space required students. This \$5.6 million supplants funds appropriated by Congress and creates an immediate financial shortage. Further, no staffing, supplies, maintenance or texts are provided for these students. This means 110 teaching positions are unfilled and because of this, many teachers have one (1) to five (5) more students in their classrooms. The result of this is that the Department of Defense Schools is accepting money for services it does not provide. This Bill should be written to eliminate this practice.

Making the Dependents Schools eligible for school lunches has considerable merit. This is a problem of concern to the parents, students, teachers, and administrators.

Section 10(b) and 12 should be changed so that the teachers are paid on a uniform, easily administered system. Currently, salary data is obtained from 205 school jurisdictions of 100,000 or more population. This is compiled and a new salary scale is issued. Usually, statistics from all 205 school districts are not obtained in a timely manner and the resultant salary increase is inaccurate and delayed. To make this aspect of employment easier to administer the OFT recommends that the salary schedule for the Washington D.C. teachers be applied. The Bill authorizes the director to set the rates of compensation and then to vary them. We believe this authority is much too broad and could easily be abused. We foresee enormous morale problems developing

because one teacher in the same school system is earning substantially less than another.

We must also point out that the teachers currently covered by the Defense Department Pay and Personnel Policies Act are dissatisfied by the manner in which this Act is applied.

We have compiled a listing of the more serious problem areas. The listing is by no means comprehensive. It does point out, we believe, that if the current policies are adopted system-wide, we will be legislating problems instead of solutions.

1. *Overseas Local hires.*—Under the current Act these local hires do not receive the same benefits regarding quarters allowance and transportation agreements as teachers hired in the United States. This problem has received considerable attention by the Congress and is currently being addressed by the House Subcommittee on Compensation and Employee Benefits.

2. *Length of the School year.*—Currently the 190-day-school-year overseas is ten days longer than the average in the United States. In "A Study of the State Legal Standards for the Provision of Public Education" by the Lawyers Committee for Civil Rights Under the Law, it was determined that an average minimum school year was 180 days.

3. *Class size.*—Too frequently, class sizes well over 30 students are established. This Bill should require staffing which would correct this.

4. *Pupil-Teacher ratio.*—Though acceptable ratios vary from 150 students for high-school English teachers to 600 for counselors we can provide examples where these ratios are exceeded substantially. The specialists in the Ramstein-Kaiserslautern complex in Germany are required to deal with twice as many students as is considered educationally sound; one qualified, experienced counselor for over 2,000 elementary students instead of one to 600 as the Department of Defense Program Guidance establishes.

5. *Education for the Handicapped.*—This program, in existence for at least two years has been a paper program. Little or no resources, supplies or training has been made available to the individual teacher or student. Even though the programs directly impact on every teacher in the Overseas schools. In Europe, this means 5,500 teachers, training is just now being provided this summer for only 50 teachers.

We have not discussed sabbatical leave, there is none, nor level of funding, it is too low, admission requirements, attendance requirement curriculum, extracurricular activities, guidance and counseling programs, preparation time for all teachers, duty-free lunch periods for teachers, graduation requirements, in-service training, promotion requirements, safety and health requirements, and many other topics. These topics impact both on the educational program and the personnel policies currently being applied.

Definite standards on all of the above must be set to insure a high quality educational program.

Section 14 establishes advisory committees for each school. The establishment of these committees has merit. They are currently in existence in most overseas areas. We see two areas of concern in the present arrangement. The first is that these committees need not be involved in employment and discharge of personnel. This would best be left to competent managers. The second is that teacher unions should be clearly represented on these committees.

Under Section 15. We recommend that the military departments be represented on this Council as well as teacher unions. The Committee should examine the value of an appointed, non-partisan school board. Under the current Bill, this Director has too much authority.

The Bill could establish a superior school system. One could be used as a model for the states as well as many countries around the world. It could enhance our image abroad, it could enroll children of the host countries on a regular, no-fee basis. It could provide for an international clearing house for educational research and planning. The opportunities for excellence are available, but so far little action, little motion has taken place to develop them. For over thirty years we have ignored a chance to develop an outstanding school system and introduce and involve children from around the world to an outstanding educational experience. We have had an opportunity to make an impact on the youth of the world and unfortunately have not done so. This Bill also does not encourage this opportunity.

Because of what we have stated above, because this Bill would continue and encourage the oppressive personnel policies currently in effect and because this Bill would not enhance or improve the educational program now being offered, we oppose it in its present form.

# Overseas Education Association, Inc.

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## STATEMENT

of

the

OVERSEAS EDUCATION ASSOCIATION

on

H.R. 9892

Presented

by

CARL D. MOORE

EXECUTIVE DIRECTOR

AND

GENERAL COUNSEL

February 1, 1978



For Professionals with Dual Goals-Quality Education and Teacher Rights

O. E. A. is a unified state affiliate of the National Education Association representing American educators overseas

Mr. Chairman and Members of the Subcommittee, I am Carl D. Moore, Executive Director and General Counsel for the Overseas Education Association, a state affiliate of the National Education Association. The OEA holds national exclusive recognition with the Department of Defense Dependents Schools and represents approximately 6,500 of the 7,500 teachers in overseas dependents schools around the world. With me this morning are Ms. Lynne Holland, President of the Overseas Education Association, and Mr. James Green, Government Relations Specialist from the National Education Association.

Let me thank you on behalf of the Association for this opportunity to appear before the Subcommittee to testify with regard to H.R. 9892. Let me state from the outset that the Association is not opposed to the idea of having all Department of Defense schools, whether in the United States or outside the United States, under the administrative control of one central office. Generally speaking, this should lead to a better coordinated, better funded educational program for the children of military personnel. We do have some concerns about certain provisions of this legislation as it affects both the overseas educational program and the "section 6" schools. My remarks this morning, of necessity, will relate primarily to the overseas program. Through the National Education Association, we have contacted the Association leaders in most of the "section 6" schools and are presently communicating with them regarding this legislation and its impact on their local situation. We, therefore, expect to be able to provide you with further information on these schools in the coming weeks. It is, therefore, respectfully requested that the record remain open for a few more



weeks after the close of this hearing for this purpose.

Now if I may address some of the specific reservations which the Association has regarding H.R. 9892. Section 14 of the proposed legislation provides for the establishment of a School Advisory Committee at each school location in order to "advise the principal of the school with respect to the school, particularly in the areas of personnel and budget matters, and shall have authority to make recommendations with respect to the employment and discharge of personnel, and, except as provided in paragraph (2), shall advise the local military commander with respect to problems concerning dependents' education within the jurisdiction of the commander." (emphasis added). Another subparagraph of this section provides for the election of the members of this committee "by individuals of voting age residing in the area to be served by the advisory committee." The intention of this provision appears to be to encourage participation of parents in the activities of the school program. As a professional association for teachers, we recognize the indispensable role which all parents play in the education of their children. However, advisory committees made up of interested parents and command representatives already exist at most military installations. Legislation which, in effect, requires that a "PTA" be formed at each school will not mean that uninterested parents will become involved in the educational process. Interested parents who are already involved do not require a legislative mandate to participate in the educational program for their children.

The second basis for our objection to these committees is that they may infringe upon rights accorded to the Association as the exclusive representative for the teachers. If the Subcommittee Members decide to retain this provision, it is recommended that language be incorporated which would make it clear that this legislative mandate does not interfere with the provisions of Executive Order 11491, as amended.

The Association applauds the Subcommittee's recognition of the need for a recertification program as set out in section (5). However, since the Association and DODDS have already initiated negotiations on the creation of a recertification program and since both parties have acknowledged the need and desirability of such a program, it is strongly urged that this legislative requirement is unnecessary. Creating a recertification program for an entity which has in the past recognized 50 different certification programs will be extremely difficult. It will be important to insure that none of the current teachers are disadvantaged nor subjected to a discriminatory program. Therefore, the negotiation process between the Office of Dependents Schools and the Association with regard to recertification will be paramount.

If the Subcommittee sees fit to include reference to a recertification program in the legislation, it should also include provision for a proper education/training program in conjunction with the recertification program. One of the primary concerns which we and the Office

of Dependents Schools have regarding such a program is the difficulty which American teachers stationed overseas have in gaining access to appropriate, advanced degree programs for their specialty areas. Without substantial inservice education and sabbatical leave programs, a recertification program would be ineffectual and inappropriate. Unlike their counterparts in the United States, overseas teachers cannot gain access to appropriate post-graduate courses by traveling across town or a few hours from their home. Overseas teachers must literally travel half-way around the world in order to continue their studies. We must, therefore, urge that any recertification program authorized by this Subcommittee be accompanied by authorization for a proper sabbatical program.

The Association also urges that this Subcommittee take the opportunity to provide for needed adjustments and improvements with regard to certain policies in the overseas dependents schools system.

Provision should be made in this legislation to establish a school year not to exceed the average school year of school districts included in the salary survey under 20 USC 902 (a)(2).

The above cited statute establishes the salary for overseas teachers on a basis equal to the average salaries for teachers in the largest school districts in the United States. Until school year 1976-77, the Department of Defense required a school year of 185 to 187 working days. This conforms to exactly what is used by the overwhelming majority

of large school districts in the United States (see attached charts). Last school year and this school year, the Department of Defense decided unilaterally that teachers should work more than 187 days each year. In short, the teachers in this system are now being required to work more than the average number of working days per school year in return for an average salary. Stated another way, these teachers are being required to donate 3 to 5 salary free days to the Department of Defense. The Association has tried through every means available to persuade the Department of Defense to return to its previous policy which was clearly in closer harmony with the intent of the salary survey legislation. It is beginning to appear that the only place from which the teachers can expect just treatment on this issue is from the Congress. We, therefore, urge that H.R. 9892 include a provision to correct this injustice.

Provision should be made in this legislation to provide for additional intermediate pay lanes for BA+15 and BA+30.

Teachers in U. S. public school systems have traditionally been given pay increases based upon the number of years they have been teaching and upon the amount of post-graduate work which they have completed. Therefore, when a teacher acquires a Master of Arts degree, he or she can expect an increase in salary over what he or she was receiving with a Bachelor of Arts degree. For overseas teachers, four such pay lanes exist: Bachelors; Masters; Masters plus 30; and Doctorate. These pay lanes are derived by using the same salary survey as referred to

above. It has for many years appeared strange to teachers in the overseas system that there were no intermediate pay lanes between the Bachelors degree and the Masters degree. It is common knowledge among teachers that almost every school district in the United States has not only one, but frequently, two, three, or more intermediate pay lanes between the Bachelors degree and the Masters degree. Officials with the Department of Defense who are responsible for establishing salary schedules for the overseas teachers maintain that a majority of the school districts included in the survey do not have an intermediate pay lane between the Bachelors and the Masters pay lanes. Research by the National Education Association in 1976 clearly demonstrated that intermediate pay lanes between the Bachelors and the Masters begin at BA+3 and run consecutively through BA+45. Due to this extremely wide variety of intermediate pay lanes between the Bachelors degree and the Masters degree, it is true that a majority of the school districts in the survey do not have any one of the particular intermediate pay lanes. For example, one of the most common intermediate pay lanes, BA+30, exists in less than 40 percent of the school districts included in the survey. Therefore, the Department of Defense reasons that no intermediate pay lane is justified between the Bachelors and the Masters. The Department chooses to ignore the fact that almost every school district in the survey has at least one intermediate pay lane between the Bachelors and the Masters and that 67 percent of the school districts in the survey have a BA+30 or some other intermediate pay lane less rigorous (BA+25, BA+20, BA+18, BA+15, etc.).

During contract negotiations during 1976 with the Department of Defense, the Association attempted to negotiate the additional intermediate pay lanes between the Bachelors and the Masters using the above rationale. The Office of Dependents Schools declared the proposal to be non-negotiable. The decision as to the negotiability of this proposal is due from the Federal Labor Relations Council in the coming weeks. If the Council finds the proposal to be non-negotiable, then only the Congress of the United States can rectify this unfortunate interpretation by the Department of Defense.

Provision should be made in this legislation to set an entrance age requirement of 6 years (as of September 1) for first grade students and of 5 years (as of September 1) for kindergarten students.

Some States do not provide kindergarten programs. However, according to a recent study by the Lawyers' Committee for Civil Rights Under Law, all States provide that a child must reach a minimum age of 6 years before entering first grade. There is a range of cut-off dates between September 1 and January 1. States which provide kindergarten programs utilize a similar age restriction based upon 5 years of age. The study indicated that there "is a greater tendency for states to grant exceptions for children entering first grade than for those entering kindergarten." This type of rule recognizes the tremendous difference in maturity which is generally present among children of these young years.

The Department of Defense admits children who attain the age of 5 by December 31 into kindergarten and children who attain the age of 6 by December 31 into the first grade. This places the Department among a minority of States which allow the youngest children into kindergarten and the first grade. This is unfair to the teacher, to the educational system, and, most important of all, to the children in the classroom. A nursery program may be necessary and desirable. If so, then funds should be made available for such a program and it should run separately from the kindergarten classes. If the funds are not available, then the kindergarten program and the first grade classes should not be made to suffer the intrusion of younger, less mature children. When this is allowed to occur, the entire educational program suffers. This negative effect in the kindergarten and first grade reverberates throughout the system. Imperical data have proven the worth of a kindergarten program, yet these young people are being robbed in order to provide a "pre-school" or nursery program for their juniors in age and maturity.

Therefore, the Association urges that the above provision be instituted in order to put the DODDS system more in line with the majority of State laws and regulations.

Provision should be made in this legislation to allow overtime pay for teachers who are required to work on weekends and holidays.

Currently there is a group of approximately 60 P.L. 86-91 educators

in Europe assigned to positions in a dormitory. These teachers work varying schedules depending on whether they are assigned to a 5, 6, or 7 day dorm operation and depending on the number of students, counselors, paraprofessionals, etc., located at the dormitory. However, their positions require unique working conditions such as a tour of duty during what for other teachers would be off-duty hours; working on weekends and holidays; and either working or being on call during the night when students may need assistance (e.g., due to illness). At present, DODDS does not recognize dormitory personnel for pay purposes to include premium pay, differential pay and/or overtime pay. In other words, teachers in Bahrain receive premium pay because they work on Sunday due to the Moslem calendar. Dormitory personnel in Bahrain receive no additional pay for also working on Sunday. Likewise, dormitory personnel frequently work on federal holidays without additional compensation. DODDS has taken the position that any 40 hours in a work week or any 80 hours in a pay period may be assigned without regard to weekends or holidays.

Additional time beyond assigned tour of duty goes unremunerated. These hours are usually during the sleeping time when many things can happen to youngsters (for ten dormitories in 1976-77 the median number of students was 81). There may also be necessary follow-up the next morning with parents, school, medical, or law enforcement officials. This is all time beyond the 40 hour tour of duty for which the counsellor may not receive additional compensation.



Provision should be made in this legislation to amend Public Law 94-142, Education of Handicapped Children, so that the Department of Defense Dependents Schools shall be considered to be a State, and the Office of Dependents Schools be considered a State education agency thereof.

The National Education Association is on record as regarding P.L. 94-142 as a good law, if it is properly implemented. As it presently stands, P.L. 94-142 does not officially apply to overseas schools. However, the Office of Dependents Schools has decided to implement the spirit and intent of P.L. 94-142. Thus far, the implementation has amounted to placing additional burdens on the classroom teacher without providing additional support and assistance either in the form of teacher training, teacher aides, or reduced pupil-teacher ratios. Without proper and adequate funding, implementation of the provisions of P.L. 94-142 will severely damage the quality of the overseas educational program.

Provision should be made in this legislation to amend 20 USC 904(a) in order to remove the limit of 75 days accumulation of teacher leave and to increase the number of cumulative days of leave per year from 10 to 13.

There is no distinction in this system between annual and sick leave. Presently overseas teachers receive 10 days of "teacher leave" per year. They may not accumulate more than 75 days of teacher leave.

Management has discretionary control over how much of this "teacher leave" may be used for purposes other than sick leave. Therefore, it is not at all unusual for teachers who have been in the system for ten or more years to lose leave days unless they use them for illness. We have earlier provided the Subcommittee with a statement from a Civilian Personnel Office advising the teacher that he must use 12 days of leave or lose it. We should note that even the CPO erroneously lists this leave as "annual leave" rather than "sick leave". This ceiling on leave accumulation encourages teachers to call in sick rather than lose the days and Personnel Officers actively encourage this abuse of sick leave. No professional enjoys being placed in such a predicament. Even worse, there have been instances of teachers with 15 or 20 years service who have become ill for a prolonged period. After 75 days they must be carried in a leave without pay status. But for this unusual ceiling on sick leave, they would have had sufficient sick leave to carry them through. This policy must obviously be revised.

In closing let me note that the National Education Association has gone on record favoring the centralization of all federal teaching programs under one agency within the proposed Department of Education. The Overseas Education Association is still examining this particular proposal and its potential impact on DODDS and other federal teachers. H.R. 9892 can be an important step for Department of Defense teachers. After a thorough examination, if the OEA decides to support the move to total consolidation of all federal teachers under the Department then this legislation can be seen as an important first step in that consolidation process.

STATUS OF THE AMERICAN PUBLIC SCHOOL TEACHER 1975-76 09/09/76

TABLE 27.

17. HOW MANY DAYS ARE SCHEDULED FOR YOUR REGULAR SCHOOL YEAR IN 1975-76 (EXCLUDE SUMMER SCHOOLS)

TEACHING DAYS

	TOTAL SAMPLE		HIGHEST DEGREE			GEOGRAPHICAL REGION				SIZE OF SCHOOL SYSTEM		
	1	2	3	4	5	6	7	8	9	10	11	
			BACHELOR JR LESS	MASTER OR HIGHER	NORTH- EAST	SOUTH- EAST	MIDDLE	WEST	LARGE	MEDIUM	SMALL	
LESS THAN 176 DAYS.....	118 9.2	72 9.1	46 9.4	4 1.4	4 20.5	24 6.4	31 9.4	17 5.6	67 10.8	34 9.5		
176 - 177.....	129 10.1	82 10.3	47 9.6	5 1.7	23 8.0	46 12.3	55 15.7	26 8.6	62 10.0	41 11.4		
178 - 179.....	53 4.1	35 4.4	18 3.7	3 1.0	5 1.7	20 5.3	25 7.6	17 5.6	21 3.4	15 4.2		
180 - 181.....	720 56.2	469 59.1	250 51.2	165 56.7	176 61.1	214 57.2	165 50.2	169 52.8	352 56.8	199 55.4		
182 - 183.....	71 5.5	42 5.3	29 5.9	42 14.4	5 1.7	15 4.0	9 2.7	15 5.0	37 6.0	19 5.3		
184 DAYS OR MORE.....	191 14.9	93 11.7	78 20.1	72 24.7	20 6.9	55 14.7	44 13.4	59 19.5	81 13.1	51 14.2		
TOTAL .....	1,282 103.5	793 99.9	488 99.9	291 99.9	288 99.9	374 99.9	329 100.0	343 100.1	620 100.1	359 100.0		
MEAN .....	180	180	191	182	179	180	180	181	180	180		
MEDIAN .....	180	180	183	180	180	180	180	180	180	180		
LOW .....	158	158	160	160	165	158	160	160	165	158		
HIGH .....	230	205	230	210	230	209	205	209	230	235		
STD.DEV.....	4.4	3.8	5.2	3.8	4.9	4.2	4.5	4.9	4.4	3.9		
NO RESP(O).....	92	65	27	13	18	28	33	29	44	19		

STATUS OF THE AMERICAN PUBLIC SCHOOL TEACHER 1975-76 09/09/76

TABLE 28.

17. HOW MANY DAYS ARE SCHEDULED FOR YOUR REGULAR SCHOOL YEAR IN 1975-76?  
(EXCLUDE SUMMER SCHOOL.)

OTHER DAYS OF CONTRACT (E.G., IN-SERVICE, ORIENTATION)

	HIGHEST DEGREE			G E O G R A P H I C A L R E G I O N				S I Z E O F S C H O O L S Y S T E M		
	TOTAL SAMPLE	BACHELOR OR LESS	MASTER OR HIGHER	NORTH- EAST	SOUTH- WEST	MIDDLE	WEST	LARGE	MEDIUM	SMALL
	1	2	3	4	5	6	7	8	9	10
NONE.....	389 28.3	239 27.9	149 28.9	112 36.8	60 19.6	105 26.1	112 30.9	112 33.7	188 28.3	89 23.5
1 - 2.....	152 11.1	93 10.8	59 11.5	59 19.4	9 2.9	39 9.7	45 12.4	33 9.9	66 9.9	53 14.0
3 - 4.....	253 18.4	152 17.7	101 19.6	63 20.7	15 4.9	107 26.6	68 18.8	47 14.2	121 18.2	85 22.5
5 - 6.....	207 15.1	122 14.2	85 16.5	52 17.1	42 13.7	75 18.7	38 10.5	31 9.3	105 15.8	71 18.8
7 - 8.....	67 4.9	49 5.7	18 3.5	12 3.9	13 4.2	25 6.2	17 4.7	22 6.6	27 4.1	18 4.8
9 - 10.....	189 13.8	123 14.3	66 12.8	4 1.3	82 26.8	34 8.5	69 19.1	52 15.7	96 14.5	41 10.8
11 DAYS OR MORE.....	117 8.5	80 9.3	37 7.2	2 .7	05 27.8	17 4.2	13 3.6	35 10.5	61 9.2	21 5.6
TOTAL	1,374 103.1	858 99.9	515 100.0	304 99.9	306 99.9	402 100.0	362 100.0	332 99.9	664 100.0	378 100.0
MEAN	5	5	4	2	9	4	4	5	5	4
MEDIAN	4	4	3	2	10	4	3	3	4	4
LOW	0	0	0	0	0	0	0	0	0	0
HIGH	36	36	30	20	30	29	36	25	30	36
STD.DEV.	5.2	5.4	4.9	2.7	6.9	3.8	4.8	5.4	5.3	4.8

**A STUDY OF STATE LEGAL STANDARDS  
FOR THE PROVISION OF PUBLIC EDUCATION**

Prepared for  
**THE NATIONAL INSTITUTE OF EDUCATION**

By  
**THE LAWYERS' COMMITTEE FOR  
CIVIL RIGHTS UNDER LAW**

**October 1974**

New ed. will be out in another 6  
months. If there is any questions  
please call Daniel Schember or  
James Klimaski. Tele. 628-6700

**5/18/77 CT**

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## ADMISSION REQUIREMENTS

In most states admission requirements are dealt with by statute rather than by regulation. Most states require that a child reach the age of five by a certain date before he may attend kindergarten classes. Both Kansas and Minnesota require that a child have his fifth birthday by September 1; in several states he may be admitted if he will be five by January 1. Connecticut and Michigan permit their local boards discretion in granting exceptions to this minimum age requirement. California and Alabama allow exceptions based on criteria formulated by the state education agency.

Although some states do not provide for kindergarten programs, all provide that a child must reach a minimum age of 6 years before entering first grade. The range is similar to the different dates for kindergarten: From September 1, at the earliest, to January 1. Some states allow pupils previously enrolled in another state to transfer regardless of age. Delaware admits students less than 6 years old who indicate their maturity upon examination. As with the kindergarten programs, several states allow their local boards to grant exceptions to the minimum age requirements; others permit their state education agency to promulgate guidelines for granting exceptions. Discretion to admit younger pupils is recognized in Missouri; however only those who have reached the eligible age are counted for state aid purposes. What these various alternatives illustrate is a greater tendency for states to grant exceptions for children entering first grade than for those entering kindergarten.

A further prerequisite to admission in some states is that the child undergo a medical examination or immunization against contagious diseases. New York and Alaska let their local boards determine whether to institute this requirement.

The difference between an admission and an attendance requirement should be noted. An attendance statute usually places the responsibility on the parent or guardian; that is, the parent must cause his child to attend school if he is between 7 and 16. By contrast, the responsibility for carrying out the admission statute is with the state, or in some cases, delegated to the local board. Thus, the schools must, with certain well-specified exceptions, admit 5 year old students to kindergarten and 6 year olds to first grade. Where the age for compulsory attendance is greater than for admission, a parent could not send his child to school and suffer no legal consequences. But the common admission statute vests no such discretion to the state agency, local board or school; a child who reaches the minimum age must be admitted if his parent decides to send him.

Descriptions of Headings for Charts on Admission Requirements

**Statute or Regulation** - All admission requirements specified on this chart are covered by statutes (S) and/or regulations (R).

Kindergarten -

- 1) Age - A child must reach a certain minimum age before he can enroll in a first grade class.
- 2) By What Date - A child must meet the minimum age requirement by a certain date within the school year.
- 3) Exceptions - The district board may make exceptions to the age requirements based on state or local criteria specified in a footnote.

First Grade -

- 1) Age - A child must reach a certain minimum age before he can enroll in a kindergarten class.
- 2) By What Date - A child must meet the minimum age requirements by a certain date within the school year.
- 3) Exceptions - The district board may make exceptions to the age requirement based on state or local criteria as specified in a footnote.

**Medical Examination and/or Immunization** - The state either requires (M) or grants the district board the discretion to require (D) that a child be examined and/or immunized before he can enroll in school.

Admissions Requirements - footnotes

- a) exceptions allowed for transfers from another state and mid-year entrance.
- b) Alaska - transfer from other state allowed upon local board approval.
- c) local board may establish an early admissions policy.
- d) Delaware - upon examination which indicates maturity.
- e) exceptions based on criteria established by the state department of education.
- f) Illinois - subject to rules and regulations of the state department of public instruction.
- g) date determined by local school board.
- h) exception allowed for any pupil who has completed kindergarten.
- i) Louisiana - entrance at mid-year allowed if age requirement met.
- j) Missouri - local board discretion; however, only pupils who have reached eligible age are counted for state aid.
- k) New Mexico - local board may admit pupil whose birthday falls between September 1 and January 1.
- l) Ohio - statute says only that schools are free to all residents 5 to 21.
- m) Oregon - statute says only that schools are open to all residents 6 to 21.
- n) Washington - at beginning of school year.

## ADMISSION REQUIREMENTS

STATES	STATUTE	REGULATION	KINDERGARTEN			FIRST GRADE			MEDICAL EXAMINATION IMMUNIZATION
			Age	By What Date	Exceptions	Age	By What Date	Exceptions	
ALABAMA	S					5	Oct 1	Yes (a)	
ALASKA	S		5	Nov 2	Yes	5	Nov 2	Yes(b)	D
ARIZONA		R				5	Jan 1	Yes	
ARKANSAS	S		5	Oct 1		5	Oct 1		M
CALIFORNIA	S		5	Jan 1	Yes(e)	5	Jan 1	Yes(a)	
COLORADO	S		5			5	Sept 1		M
CONNECTICUT	S		5	Jan 1	Yes(c)	5	Jan 1	Yes(c)	
DELAWARE		R	5	Jan 1	Yes	5	Jan 1	Yes(d)	
FLORIDA	S		5	Jan 1		5	Jan 1		M
GEORGIA	S								
HAWAII	S		5	Dec 31	Yes	5	Dec 31	Yes(e)	
IDAHO	S					5	Oct 15		
ILLINOIS	S		(f)			5	Dec 1		
INDIANA	S		5	(g)		5	(g)		M
IOWA	S		5	(g)		5	(g)		
KANSAS	S		5	Sept 1		5	Sept 1	Yes(h)	M
KENTUCKY	S					5			M
LOUISIANA	S					5	Jan 1	Yes(i)	M
MAINE	S					5	Oct 15		
MARYLAND	S	R	5	Dec 31		5	Dec 31		M
MASSACHUSETTS		R				5	Dec 31		
MICHIGAN	S		5	Dec 31	Yes(c)	5	Dec 1	Yes(c)	
MINNESOTA	S		5	Sept 1	Yes	5	Sept 1	Yes(c)	M
MISSISSIPPI	S		5	(g)		5	(g)		
MISSOURI	S		5	Oct 1	Yes	5	Oct 1	Yes(j)	M
MONTANA	S					5	(g)		
NEBRASKA	S					5	Oct 15	Yes(h)	M
NEVADA	S					5	Sept 30		M
NEW HAMPSHIRE	S					5	Sept 12	Yes	
NEW JERSEY	S		5	Oct 1	Yes	5			M
NEW MEXICO	S					5	Sept 1	Yes(k)	
NEW YORK	S		5	(g)		5	(g)		
NORTH CAROLINA	S		5	Oct 15		5	Oct 1	Yes(a)	M
NORTH DAKOTA	S					5	Oct 30		
OHIO	S(l)								
OKLAHOMA	S	R	5	Nov 1	Yes	5	Nov 1		M
OREGON	S(m)					5			
PENNSYLVANIA	S					5	Feb 1	Yes	
RHODE ISLAND	S		5	Dec 31		5	Dec 31		
SOUTH CAROLINA	S					5	Nov 1		M
SOUTH DAKOTA	S		5	Nov 1		5	Nov 1		
TENNESSEE	S	R	5	Oct 31		5	Sept 30	Yes(a)	M
TEXAS	S					5	Sept 1		M
UTAH	S		5	(g)		5	(g)		D
VERMONT	S								
VIRGINIA	S		5	Sept 30		5	Sept 30	Yes	M
WASHINGTON	S		4-6			5	(n)		
WEST VIRGINIA	S					5	Nov 1		
WISCONSIN	S					5	Dec 1		
WYOMING	S		5	Sept 15		5	Sept 15		



**CIVILIAN EMPLOYEES EARNINGS AND LEAVE STATEMENT**

DA FORM 4836 (TEST) 1 AUG 76		ANNUAL PRIOR YR BAL		OTHER (USED) HOURS		CURRENT PAY PERIOD		YEAR TO DATE	
L	E	A	V	E	CD	CD	BOND BAL	HEALTH INSURANCE	HEALTH INSURANCE
0	532	ACRD YTD	CD	0	CD	CD	SAV. ALLOT. 1	14.80	259.96
80	ACRD YTD	CD	SAV. ALLOT. 2	FEDERAL TAX			REG. LIFE INS.	102.92	1846.11
USED THIS PP	USED THIS PP	CD	OPT LIFE INS.	STATE TAX			CURRENT RETIRE		
USED YTD	USED YTD	CD	HAZ/ED	CITY/LOCAL TAX			FICA		
612	COMP. HRS. BAL.		CD HRS.	CHARITY			OTHER		
12	WOP-CURR.		CD HRS.	UNION DUES			OTHER		
08/09/62	SERVICE COMP. DATE		CD HRS.	TAXABLE EARNINGS			OTHER	647.40	11358.05
00	HRLY RATE		CD HRS.	NONTAXABLE EARNINGS			OTHER	173.04	3749.76
20	ANNUAL RATE		CD HRS.	NET PAY			OTHER	657.40	10151.77
13 01	STATUS			PAY PERIOD ENDING DATE					
06474	13855								
23	1								

FLSA CODE	E	CUM. RET. \$	5530.80	U.S. TAX	2	ADJ.	0
MAR. STAT.	1	STATE TAX	2	STATE TAX	EX	ADJ.	0
STATE CODE	EX	CURRENT CITY NAME		ORGAN/ACTIVITY			
CURRENT CITY NAME		ORGAN/ACTIVITY		000000000			

M I S C E L L A N E O U S	DIST. CODE

**JOHN C ROUSSOS**  
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Mr. FORD. If we can start down at the end. First identify yourselves for the court reporter in order from the chairman's left to the right. You may proceed to add to or amplify the material that has been put in the record and then, after all of the members of the panel have had an opportunity to comment, we will have questions.

Before you start I would like to recognize Mr. Corrada, who, I believe, wants to make a comment.

Mr. CORRADA. Thank you, Mr. Chairman. I would like to welcome Ms. Betty Gross, legislative chairperson of the Antilles Consolidated Education Association, and Mr. Linn Wallace, past president of the association, who testified last year on the critical situation in Puerto Rico section 6 schools.

I wish to assure you that I will do everything within my power as a member of this committee to redress the situation they have had to endure for many years. I think it is time we look at the legislative and administrative modifications to insure that section 6 doesn't continue to be everybody's stepchild and that we address ourselves to this problem in a manner that is more responsive to the needs of these children and parents. Thank you, Mr. Chairman.

Mr. FORD. Thank you, Mr. Corrada.

You may proceed.

Mr. MOORE. My name is Carl Moore; I am executive director and general counsel for the Overseas Education Association. We are a State affiliate of the National Education Association.

**STATEMENT OF G. L. STILLMAN, PRESIDENT, EUROPEAN CONGRESS OF AMERICAN PARENTS, TEACHERS, AND STUDENTS ASSOCIATION; BETTY GROSS, LEGISLATIVE CHAIRPERSON, ANTILLES CONSOLIDATED EDUCATION ASSOCIATION, ACCOMPANIED BY LINN WALLACE, PAST PRESIDENT; ERNEST LEHMANN, PRESIDENT, OVERSEAS FEDERATION OF TEACHERS; AND CARL MOORE, EXECUTIVE DIRECTOR, OVERSEAS EDUCATION ASSOCIATION, A PANEL**

Mr. STILLMAN. I am Geoffrey Stillman, president of the European Congress of American Parents, Teachers and Students Association.

Mr. LEHMANN. I am Ernest Lehmann, president of American Overseas Federation of Teachers, affiliated with AFT and AFL-CIO.

Ms. GROSS. I am Betty Gross, legislative chairperson of the Antilles Consolidated Education Association, an affiliate of National Education Association.

Mr. WALLACE. Linn Wallace, past president of the Antilles Consolidated Education Association, OEA, NEA.

Mr. FORD. You may proceed.

Mr. MOORE. Let me first of all comment that we are in the process of gathering opinions and information from teachers who are in the other section 6 schools which we hope to be providing to this committee in the coming few weeks.

We are pleased that the committee saw fit to invite representatives from the Antilles to testify, primarily because, as we see it, there are three systems that are being put together under this legislation, not two.

Those three systems are the overseas system, the section 6 systems in the United States and the section 6 systems in Antilles, because they are sufficiently different to be treated as different systems under this legislation.

I would also note that the representatives here are members of the local association of the OEA and NEA. Some of our concerns I will cite very briefly.

We object to the legislative framework that would create the local advisory committees. Very briefly, our objection is that, for the overseas system at least, these advisory committees already exist and they are accomplishing, we believe, what this committee intends that they accomplish. Our concern is that, by putting them into the legislation and particularly the language that has been used in this legislation, a different animal from what this committee wants to create may be created, and an animal which none of us are interested in creating may be created.

So we think that the better course is to leave any reference out at all and allow Dr. Cardinale's efforts, which have already begun to encourage local advisory committees, to continue because we think his office is moving in the right direction there.

We also urge that the reference to a recertification program be omitted from the legislation. Our concern here is that we are already in the process of negotiating with Dr. Cardinale's office a recertification program. Both parties—the Overseas Education Association and Dr. Cardinale's office—agree that some form of recertification program is necessary for the system. We feel that putting any reference into this legislation will not advance the goal of all of the parties and may, in fact, cloud the negotiations that are currently going on.

Again, we feel that the purpose that the committee is interested in is certainly worthwhile and we are in favor of it; we simply don't think that it is necessary to legislate it at this time.

With regard to the council that is going to be created under this legislation, we feel only that there needs to be some clarification as to the membership on that council. It is our understanding that the professional employee representatives are to be from an organization such as the Overseas Education Association but we are not sure that it is completely clear from the legislation. If this is the intent, it needs to be clarified.

Finally, we think there is another very important piece of legislation which should be incorporated into this law, and that is Public Law 94-142, Education of Handicapped Children. Dr. Cardinale's office has already made the commitment to put into effect the spirit and intent of that law.

Our concern is what we already see happening in the field, and that is that there is no money, no facilities being provided to assist teachers in putting this law into effect. As a result, the teachers are carrying a burden at the moment but they are not receiving any assistance.

So, as the school lunch program is incorporated into this program, and the other pieces of legislation, we think the Department of Defense Dependent Schools System should be made a State education system under interpretation of Public Law 94-142. I thank you for your time and interest.

Mr. FORD. Mr. Stillman.

Mr. STILLMAN. Sir, rather than going through my complete statement, I thought maybe I would paraphrase certain parts to show our key points of interest.

I think the thing that we like most about the bill is the fact that it does establish a permanent system where we have lived with a temporary system for some 32 years. And the establishment of this system does provide us with certain of the things that we had not had in the past, and I want to address one specifically, the hot lunch program.

European PTSA has been concerned for many years with the hot lunch program. Only about 46 percent of our schools have a lunch program of any type, and 43 percent of the 46 percent have what we call a junk food program.

We need the legislation not only to provide us a means to get into the system for the school lunch programs but we need the capability or the requirement placed upon the system to develop these programs for all of our schools.

We do believe that in that part of the bill which addresses the construction, operation, and maintenance of schools—specifically section 6 of the bill—that acknowledging the fact that we have three military departments, each of which has control over some of our facilities in the European theater, that the school system itself—in other words, the Director of the system through his channels—should establish the priority for any construction that is made.

By bringing them out through military channels, we perhaps could find some competition among the services, and we do think that the school system is best qualified to determine the priorities for construction of schools.

Section 4 of the bill addresses the tuition-paying students. Under the current system, our schools receive the moneys for the tuition-paying students, but those moneys are built in, in theory, to the initial budget request; so, in effect—and I will just use some figures—if \$200 million were approved, it means we get, in fact, part of that \$200 million, the bill suggests to us that tuition moneys should be made available to offset and defray the expenses of those tuition-paying students. We agree very much with this procedure because there are staffing requirements for these students, there are special education requirements for these students, so those funds that are received from tuition-paying students should, in fact, be supplementing the total funds being received by the schools and not be made part of it.

Several times during our annual conventions, we have passed resolutions addressing the problem of equal benefits—let me use that term—for locally hired teachers. I studied this bill very closely to see if it specifically addressed this problem and, however, because it made reference to the numbers of U.S. codes that I did not have available, I was not really able to determine if this subject was addressed.

But I would like to state that we are very concerned that after some period of testing of locally hired teachers, and determining that they have qualities or qualifications that we expect of the rest of our teachers, that they should be provided those benefits that stateside hired teachers are provided.

As I say, I am not able to determine whether that is really part of this bill or not; but if it is not, we would certainly like to see that made part of this bill.

On the school advisory committees, I would like to make just a couple of quick comments. We would like to see the word "curriculum" entered into that part of the wording for the local school advisory committee for the following reasons:

In my many discussions with parents, probably the one thing that they feel that they have the least amount of influence on is a development of curriculum at the local level. Now curriculum is basically outlined by the centralized structure within which our schools operate. But there are many local curriculum decisions made. There are many policy decisions made. They are specifically local in nature. And we would like to see that advisory committee have some advisory capacity over those areas.

I am concerned that there is no verbiage in the local advisory committees permitting the community commander to play an active role within the committees. Within Europe we rely a great deal upon the community commander to support our schools. He is concerned with the welfare and morale of his soldiers, and the schools are a very, very large part of the basic morale of the married soldiers in Europe.

We feel he is a key figure, and just as we made the director of the system in the Department of Defense council for these schools, the chairman, of the higher council, we would like to see the local community commander be the convening authority of this council. We don't want him to have the final say but we do want him to be the convening authority.

We also believe that the councils that are established should parallel the system of authority of the various hierarchies of the school system. Specifically we currently have districts, we currently have a region, the European region. We have a school council or advisory committee at each of these levels.

Many of the local problems that really aren't solvable locally can be solved at the next-highest level without coming clear up to the top of the system, and I don't believe that the verbiage of the bill prohibits application of such advisory council at perhaps district or regional level. We think that they should be established and maintained.

One last major item that I am concerned with for our own organization: The European PTSA and the other parent groups that have affiliated with our schools in Europe provided during the 1975-76 school year more than \$800,000 in actual funds for special programs for our schools. If we tried to equate the number of volunteer hours spent in our schools to basic wage at that time, more than \$2½ million additional of voluntary service were provided.

While I don't take the wording of this bill to exclude representation by parent-teacher organizations on the various levels of the advisory committees, I think, based upon the long service that we have provided to our school system in Europe that we should not be excluded.

If we can use such terminology to direct certain representatives to be on the councils, I think we should include established parent-

teacher organizations on the councils, both at the local level and at the highest level. Thank you.

Mr. FORD. Thank you very much, Mr. Lehmann.

Mr. LEHMAN. Thank you very much for the invitation, Mr. Chairman. Let me say that the Overseas Federation of Teachers agrees with the concept that is embodied in the bill. And Mr. Erlenborn is to be commended for his interest in this matter. The number of concerns that we have about the bill is that we believe it requires more direction.

Before we go into concerns, I would like to say that a bill of this nature would give the school system prestige that it deserves, also permanence, and also it would establish a direct responsibility to Congress which now and then we are concerned about. However, I think it needs more direction, and it needs more specific goals, and we have introduced those in our testimony.

Section 4 should be addressed very carefully. That is space available students. Right now the Department of Defense is supplanting funds with the funds that they gather by the space available students. Now, Dr. Cardinale testified that 4,000 students are enrolled, which comes out he claimed to be about \$14 million. Those 4,000 students are not staffed. We have no staff for these students; we have no facilities for these students; we have no texts for these students, no materials, et cetera. That means that in some schools the average teacher has five more students in the classroom, without any additional assistance. It also means that these people who are paying for an education really aren't getting it. The teachers are getting short-changed, the students who are paying for it are getting shortchanged, and the students that the schools are designed for are getting short-changed.

This should be definitely corrected. We talked about establishing a no-fee basis for host nation students. Now, we do encourage host nation students to attend. I was surprised at Dr. Cardinale's testimony, because two of the priorities of the DOD are directed toward that, one is multiethnic studies and the other is an intercultural organization.

Yet, he seemed to be reluctant to take the next step forward and say let these students come in on an active basis, in a small percent, not to overwhelm the schools. Now, this would have a profound affect, I think, on many, many things.

First of all, it could impact on our relations with the host nation governments. If you look back, we have had schools in these countries for 30 years. Now, if some of the leaders of these countries attended our schools, which could well have happened, they would have a much better understanding of democracy, much better understanding of our Government, much better understanding of our culture and our ideas.

Right now we are ghettoizing these schools because of this idea. I can call three countries to mind where I have either worked or I have traveled extensively—Libya, Greece, and Spain. Current leaders of these countries could very well have been students in the schools that we maintained there, if we had authorized that, or if we had encouraged it.

Our premise is that education is a major underpinning of democracy. And we have been remiss in authorizing these people to witness

education in the classrooms. I am certainly proud of the schools that we have, and I think we should be proud enough to show them off this way.

Another that I think the committee should address is the overseas hires. Right now we have had a discriminatory policy that with respect to the benefits these people do not receive, and I know it is being addressed in another committee, but I think that that should be focused in here also. The length of the school year is another area. Currently, our school year is longer than almost every school in the United States, I think.

We view this as a punitive act by the directors of the school system for winning the backpay suit, and we are in the process of taking action to correct this. I think it is something you should look into also.

Congressman Simon spoke of Panama. Their school year is 180 days. Ours was extended to 180 days about 3 years ago. Class size is too high in many schools. We have that from the Director of the European region, in minutes of Council meetings that are held in Europe.

There are a number of—there are too many classrooms with over 30 students in a class. We spent a lot of time on handicapped in Dr. Cardinale's testimony. The mainstream concept is very, very current overseas, but I can say personally that there has been little or no training for teachers, active training for teachers, there. There have been few supplies, and mainstreaming could best be described by a single word, "dumping."

Teachers are threatened by a tremendous amount of anxiety which are recorded in the minutes of our meetings overseas. Something really has to be done about that. We have in a great respect a very fine school system. I would say we have it in spite of what our managers are doing to us.

I think this should be encouraged. I think if we encourage through this bill a superior school system, encourage volunteer services, it can serve as a model for the host nation, it can enhance our image abroad. It never would hurt us to have more public relations, good public relations.

Also, including the host nations will encourage students to understand on a person-to-person basis, across national lines. I have seen it in a number of cases personally where a student came in and said rather a few expletive deletives about some host nation, either about the host nation culture, or about some of the nationalities that they encountered.

Within about a year that changed, and by the end of the time they realized that it was really a lot of fun being there and they learned quite a bit.

I would like to see a lot of these things included, and I think with these things included we would have an outstanding school system.

Thank you, Mr. Chairman.

Mr. Ford. Ms. Betty Gross.

Ms. Gross. Thank you, Mr. Chairman.

I feel compelled this morning to call to your attention as the representative of the teachers of the Antilles Consolidated School Sys-

tem in Puerto Rico, the unique situation in which the section 6 schools there exist and the potential impact of certain aspects of H.R. 9892 on those schools, because of that uniqueness.

We are different from all other section 6 schools in several ways. We are the only section 6 school which cannot be turned over to a local school district instructing in English. Now, there is no such school district in Puerto Rico. The language in the local schools is Spanish.

The other section 6 schools and all of the Department of Defense schools exist overwhelmingly to serve dependent children of the Armed Forces. But the section 6 school in Puerto Rico is the only system anywhere in the world serving Federal dependent children in which a majority of the student population are dependents of civilian agencies.

The language of the local community in Puerto Rico and the makeup of the student population in section 6 schools there create a uniqueness which we request that you consider.

For many years problems have existed in our school system. Teacher compensation is one of those problems. Section 6-A of Public Law 81-874 charges us with providing free public education comparable to free public education provided for the children in the District of Columbia. But the law does not spell out clear-cut language on salaries. Traditionally we have been paid on the Washington, D.C. teacher's salary scale, but raises for the District teachers don't come automatically to us.

We have been forced to carry many pay raises to grievance and arbitration. These long hours spent in negotiating salary, and arduous effort to enforce those negotiations in arbitration procedures represent wasteful uses of both taxpayers' dollars and the energies of teachers and administrators.

A clear-cut provision on salary in the law could abolish this waste. Besides salary concerns, a long existing problem has been that of student eligibility.

Who is eligible to attend Federal dependent schools in Puerto Rico? Fluctuating eligibility policy has created unrest and insecurity among the civilian Federal employees who are currently eligible to send their children to these schools. These people know they cannot allow their children to attend the local schools, so they become greatly concerned that a change in eligibility policy would disallow their dependents.

If this occurs, the Federal civilian agencies in Puerto Rico would have great difficulty in recruiting employees to maintain their programs on the island. This lack of security in eligibility for many of our 3,400 children has been a recurring sore spot in our schools throughout the years.

I have outlined a few of the outstanding problems we have encountered while sitting out there 1,500 miles from the mainland.

H.R. 9892 proposes to place us along with other section 6 schools under the Department of Defense dependent system. DOD's and all other section 6 schools, except ours, have a common eligibility to determine it. They educate dependents of military duty personnel. We would be the only Federal dependent school system with our heavy civilian population still to remain with vague eligibility determina-



tions subject to interpretation by the Department and the Secretary of Defense.

We urge the inclusion of an amendment to insure the eligibility of dependent children of Federal employees subject to transfer to and from the continent United States and overseas. This should set the eligibility question at rest.

H.R. 9892 proposes provisions for teacher compensation. Section 6 teachers would not be covered by the DODs' teachers pay act, Public Law 96-91, but they would be covered by the provision that the Director may vary the rates of basic compensation to reflect that of the rates in the local area.

This seems reasonable for section 6 schools in the States. However, with the Director given the power to vary our salary to local rates, our salary could drop from \$15,000 to \$6,000, since \$6,000 is the average salary paid to local school educators in Puerto Rico.

It would become impossible to recruit and keep high quality teachers using this pay scale. Educational programs would suffer, and educational comparability to Washington, D.C. would fall far short.

The Defense Dependents Overseas Teachers have their own salary law; section 6 schools within the States are tied to the adequate funding structures which traditionally have existed throughout the United States. Only Federal teachers in Puerto Rico would suffer any grievous salary loss under this bill.

The needs are clear: Legislation to define student eligibility and teacher pay. This bill should improve the Federal dependent education system throughout the world. It could, at the same time, solve depressing eligibility and compensation problems which have been long-standing in the schools of Puerto Rico and protect their unique function.

Thank you.

Mr. FORD. Do you want to make a statement?

Mr. WALLACE. No; Mr. Chairman.

Mr. FORD. You give us a lot to think about.

Ms. GROSS. I want to compliment you, first of all, for a really comprehensive and concise statement, one of the best I have heard here in a long, long time. What did you mean when you said that your transfer to DOD would cause this drastic pay decrease? Is it because the District of Columbia stayed above the hundred large school average, or is there some other reason why you think it would be unfair?

Ms. GROSS. The bill provides that local area can be used by the Director to determine the salary. If Puerto Rico is our local area, and the average salary of the local Puerto Rican educator is \$6,000, then that apparently could be used to be the basis for our salary scale, not what we commonly consider our local area to be now, which is Washington, D.C.

Mr. FORD. The Defense Department's effort is covered by a very complex salary law that would not permit that. We would not, I think, try to accomplish it inadvertently. If it were that kind of a conflict here, it would have to be deleted from this bill.

My own view is that the existing salary bill is as good as we are going to get from this Congress or any other Congress, even though

it needs tuning up from time to time. It would be better if we stayed with it.

The only difference I could see in the pay scales that would occur if you went under the DOD pay scale, is that instead of being linked to the average of the 100 largest school districts, you would be linked only to the District of Columbia. As long as the District of Columbia leads the 100 average, it would be advantageous, but in the event that it switched the other way, it would be to your detriment.

I do not know what the comparison would be with the District of Columbia. Would you have any idea?

Mr. LEHMANN. Yes; I can tell you.

With the same step, it is about \$2,000 different, \$2,000 more.

Mr. FORD. The District of Columbia is?

Mr. LEHMANN. Over half the school districts have 100,000 or more population.

Ms. GROSS. Mr. Chairman?

Mr. FORD. Yes?

Ms. GROSS. If I could comment on that. At the same time the DOD's teachers receive a housing allowance, which is tax free, which we do not receive, they receive medical benefits, post exchange and commissary privileges which we do not receive, that while their base salary might be lower than our salary, the benefits which they receive are also added to that salary and would probably make them comparable to the Washington, D.C. teacher's salary scale.

Mr. FORD. I see. Well, I think you are very ably pointing out a deficiency in lumping this particular section 6 package in with the rest of the section 6 schools.

Counsel advises me that Mr. Erlenborn has in mind the fact that you won't be paying housing in the rest of the section 6 schools for fairly obvious reasons, and you won't necessarily link them to the other benefits that DOD teachers have elsewhere.

But that same reasoning won't apply to Puerto Rico. If you transplanted the situation to the District of Columbia, where you have the Federal Government maintaining a parallel school system because of cultural differences between the dependents of Federal employees who come here and the majority of the students in the District system, there would be a serious problem. Everybody in the country would rise up and say, "What are you doing, you are reversing history beyond the Civil War. Yet we sit in Puerto Rico and we continuously do this.

I remember when I helped participate in a record passage of a bill that built the high school that is at Ramey Air Force Base. There was great anxiety over the issue of dependents on that base going to school with Spanish-speaking students.

When the Department of Defense or a Federal Government agency sends a family somewhere, I think there is a legitimate right to expect to have a parallel system there for them, because they are in no sense residents of that part of the country any more than they are when they go to a foreign country.

But if, as you are describing, the practice has now grown so that English-speaking people who are not connected with the Government are using the system, we are in effect subsidizing a separate system, aren't we?

What percentage of students, would you say, are not Federal Government employee dependents?

Ms. GROSS. As far as I know, we have few who are not Federal.

Mr. FORD. They are not?

Ms. GROSS. Yes; most of our children are a combination of military—

Mr. FORD. Oh, Defense Department, but they are Federal Government?

Ms. GROSS. Yes; they are children of Federal dependents, they are Federal dependents who are sponsored by civilian agencies, Federal civilian agencies, such as Federal Aviation Administration, U.S. Customs, et cetera.

Mr. FORD. Does the school system also accept the children of English-speaking parents who are there working for an oil company or automobile company or something else?

Ms. GROSS. I do not believe that is the policy. Mr. Wallace would like to speak.

Mr. WALLACE. Mr. Chairman, in the school you spoke of earlier, Ramey, where the Air Force discontinued its services, they take in 105, I believe, tuition-paying students. That is 105 students of 3,200 students.

The reason, the justification for that, was to create a semiefficient operation. In our smallest system the costs zoomed in one closing base to almost \$8,000 a student. By taking in 105 tuition-paying students at Ramey, it dropped the overall cost to about \$3,000, which is just a few hundred over the systemwide costs. The other schools have no significant numbers of non-Federal dependent children. There are three tuition-paying students in the rest of the entire school system besides Ramey.

Mr. FORD. I might mention to you that point raised by both Mr. Moore and Mr. Lehmann, with respect to the local hires is coming toward some solution in the Post Office and Civil Service Committee on which I also serve.

I would like to believe that our efforts over a period of years have had some effect in trying to deter the local hire practice. I know, Mr. Stillman, that in your statement you used the expression "tourist teacher." Now, we did that once a number of years ago in a report, and it caused quite a furor.

You were using it in a kind sense, because you were making a plea in effect for the legislation that they are now asking us for. I might observe that you are likely to come in contact with some really fine people who were "tourist teachers," who have now shown that they have the qualifications and so on.

We discovered that the administration of the DOD system had permitted a combination patronage system to develop. It was possible to bypass the system and get to the more desirable places and become plugged into the system. There are three tuition-paying students in the rest of the entire school system besides Ramey. The result being that transfer opportunities for people who patriotically served in Iceland, waiting for that transfer to the more desirable place, would sit there indefinitely.

So this committee for more than a dozen years has been pressuring the administration of the system to do away with that.

Back in the sixties, as a matter of fact, it was frequently alleged that one of the original problems that the National Education Association and American Federation of Teachers was having with teachers was the fact that this available percentage of patronizing was always there for use by a local administrator. It was thought, at least by some people who were officers of those two organizations, that it was sometimes used to reward and punish in a way that got in the way of meaningful collective bargaining.

And that brings me to another question.

Ms. GROSS, do you have a collective-bargaining agreement with the Navy?

Ms. GROSS. Yes, we do.

Mr. FORD. Now, what kind of a set of rules is there by which you operate? Do you come under the executive order?

Ms. GROSS. Yes, we do, 11-491.

Mr. FORD. Is your collective bargaining agreement with the section 6 system comparable to the Overseas Education Association's agreement?

Ms. GROSS. I really cannot comment.

Mr. FORD. I don't mean comparable in dollars and specifications, but is it comparable in its dimensions? Does it cover the same subjects, for example?

Ms. GROSS. I believe we have a similar accommodation.

Mr. FORD. So you negotiate for everything that they negotiate for, or approximately the same?

Ms. GROSS. Approximately the same thing, yes.

Mr. FORD. I am kind of interested, who do you negotiate with in the Navy and at what level? How is this done?

Ms. GROSS. We negotiate with representatives of the Navy. The contract, the negotiated agreement, must be signed after it's been reviewed in the Florida Legal Department of the Navy to make sure that it meets the qualifications.

Mr. FORD. Does the Navy have a school officer there, or a person that—

Ms. GROSS. We have, the school board is the admiral of the Navy installation. It is a one-man school board. We have an advisory council made up of the military and a few civilians.

Mr. FORD. Well, what is the capacity of this one-man school board, when he is not being a school board?

Ms. GROSS. He is responsible for—

Mr. FORD. What is his rank?

Ms. GROSS. He is a rear admiral.

Mr. FORD. He is a rear admiral?

Ms. GROSS. Yes; he is responsible for all of the Caribbean.

Mr. FORD. And he serves as a chairman of the board?

Ms. GROSS. He is the school board. We have a one-man school board.

Mr. FORD. Well, that is an improvement, because what we found usually to be the pattern with the Navy around the world is that they take the newest lieutenant J.G. who arrives aboard, and give him five jobs starting with supply officer and entertainment officer and you name it, and then they say, "In your spare time you are also going to be the school's officer."

That is one of the explanations we found for the variation in the way the Navy, the Army, and the Air Force operated their schools. You would never bump into anybody much below a colonel with that kind of a job with the other officers. He was some place with access to the brass.

Now, this guy is being harassed by everybody on the base and in his spare time he tries to find out where the school is. Does the rear admiral have time to spend dealing with you fully on school problems, or does his advisory committee sort of really run things, put it together and run it by him?

Ms. GROSS. They only make recommendations to the admiral. He is a very busy man.

Mr. FORD. How is the advisory committee made up and selected?

Ms. GROSS. They are apparently appointed and the representation is about 9 or 10 military to 3 Federal civilian agency representatives.

Mr. FORD. They are appointed by the Chairman of the Board to advise him?

Ms. GROSS. Yes.

Mr. FORD. Does it work?

Ms. GROSS. Not extremely well.

Mr. FORD. Do you have a PTA?

Ms. GROSS. We have recently organized Parent's Organization for Quality Education. I believe they submitted testimony to you today.

Mr. FORD. Oh, yes, we do have that.

Ms. GROSS. They are organized only for Fort Buchanan, for three of seven locations. They drew your attention to these problems in the June hearings on impact aid. We are very pleased that they endorse our unique situation and call attention to eligibility and salary.

Mr. FORD. I have had presented to me now by Mr. Corrada's office a position paper of Parents Organization for Quality Education, Antilles Consolidated School System, Fort Buchanan, Puerto Rico.

Without objections, we will insert that in full at this point in the record. You described them as being concerned with a particular part of the problem of running a school concentrating on facilities.

Primarily, they do not function in the broader sense, the way Mr. Stillman's organization does in Europe.

Ms. GROSS. It is becoming a difficult question of how you function as a primarily civilian organized Federal sponsored system, when the military is in control of the system itself. The parents of this organization would like to advise in curriculum and budget, and so forth.

They have a great deal of difficulty, I believe, in having a strong input into the system. Fort Buchanan is a 2-hour drive from those front row military installations where an admiral is in charge and he is a very busy man and not always on the island, so I do not know how the communications are between the parents and the school board.

Mr. FORD. The Congress literally had to force the Defense Department into the present situation of hosting Nation culture and language courses.

When we discovered in 1965 that not only were we not trying to take advantage of an opportunity to have cultural interchanging

and experiences, but as a matter of fact those opportunities were not even offered as an option.

In 1965 we had a naval captain describe to us his complete satisfaction with the lack of such a program at the elementary school in Yokohama. It did not make a great impression on Mrs. Mink, who is a first generation Japanese-American that the deficiency was more than made up by the Japanese servants they had around the house and that their children, were in fact becoming more efficient in the Japanese language than the captain and his wife.

Mrs. Mink was not at all satisfied that she wanted those DOD dependents to come back here and be the resident experts for other children. They would be going to school with either the language or the culture that they had encountered through the yardman and the upstairs maid.

Now, that has been turned around for sometime. What do we do in this situation, particularly considering the dynamics of what is happening in the rest of this country right now? Where, for example, our largest, overwhelmingly largest, expenditures to deal with the bilingual problems is in Spanish, what do we do to take advantage of American kids being in Puerto Rico, so that they will be helpful in explaining the Spanish culture and language when they come back? Do we capitalize on that in any organized way in that school down there?

Ms. Gross. From third grade onward, our children are given a class in Spanish, and depending, of course, on how long the children remain in that system, since it is a system whereby many military and many civilian children transfer to the continent United States within 2 to 3 years, depending on how long they stay there they acquire different degrees of bilingual education.

If they continue on for a few years, they can become completely bilingual. I do not know what the system is able to take advantage of when they return to the States.

Mr. Ford. Well, almost everyone recognizes that our great difficulty as a nation of many races and cultures is trying to deal with anyone who is not English speaking and white, and for the most part of a single religion. We do a very poor job of equipping the young people in our school system to cope with the role of being an "American" in a complicated world that is getting very small.

We see the Defense Department doing things that encourages us to believe that they finally recognize a resource potential. Anyone living in this area has to be cognizant of this potential. My own children went to school here. I recall once talking to my daughter's high school class, and I asked how many of them had spent part of their time in school outside of the United States.

More than half of the children raised their hands. It was the kind of neighborhood we were living in. They were all for the most part military or State Department dependents. But then when I asked them how many thought that they had learned to speak the language in the country where they were going to school well enough to get along if they had to go out on the economy and do such things as find an apartment, ask for a job, and so on, I found that there were only three or four of them who raised their hands.

On further examination the fact was established that those who did raise their hands were probably talking about going to school in Germany with a native German mother who had taught them to speak German, not our school system. That is stimulating, and it is one of the things that re-enforces my concern about our inability to deal with this.

Perhaps you are not the one we ought to be asking about this, but as this whole unique system down there has been described to me, it is leading me to the suspicion that we may not be taking advantage of a really great opportunity to utilize the temporary location of American students in a part of America where English is not the primary language.

Do any of you have anything you would like to add before we close the hearing?

Mr. ALFORD. No, sir.

Mr. MINTER. No, sir.

Mr. FORD. Dr. Cardinale, do you have any rebuttal?

Dr. CARDINALE. No, sir, I would like to have—

Mr. FORD. John Burton, I might say is kind of puzzled to see management and labor on the same side supporting his bill. He is surprised.

Dr. CARDINALE. In response to the Chairman's question, I said that I think it would be well if we meet, this group, because I think they have a lot of misconceptions as to how things are operated. I think it would be—

Mr. FORD. That would be very helpful if we can be the instrument to bring you together to talk to each other.

I want to thank you very much for your participation in the hearing and for the preparation you made for it, particularly for your patience with us this morning, since we got started late and did take more time with the early witnesses than we had expected.

The committee will stand in recess to the call of the Chair.

[Whereupon at 1:10 p.m. the meeting was adjourned.]

[Material submitted for inclusion in the record follows:]

POSITION PAPER OF PARENTS ORGANIZATION FOR QUALITY EDUCATION,  
ANTILLES CONSOLIDATED SCHOOL SYSTEM, FORT BUCHANAN, PUERTO  
RICO 00934

We represent the Parents Organization for Quality Education at Buchanan Schools. The three Ft. Buchanan Schools along with schools located at Roosevelt Roads Naval Station, Ft. Allen, and Ramey Field comprise the Antilles Consolidated School System (ACSS) in Puerto Rico. ACSS is created and funded by PL 81-874 Section 6 and PL 81-815. These funds are allocated by the Office of Education in the Department of Health, Education, and Welfare (HEW), and are administered locally by the Commander Naval Forces Caribbean, Roosevelt Roads Naval Station.

The ACSS fills a definite educational need for federal dependents in Puerto Rico. A good school system makes it possible for us to happily live and work in Puerto Rico. It also prepares our children for transfer at the same grade level into another school system at the family's next assignment. ACSS has long enjoyed the reputation of offering a varied and challenging curriculum tempered with electives and extracurricular activities that have provided a quality education for our children. ACSS has been in a position to recruit and retain highly qualified teachers, thus ensuring continued excellence of academic programs.

As the Honorable Mr. Erlenborn noted in his introduction of H. R. 9892, we know only too well how in the recent past both HEW Office of Education and the Naval administrators have shirked their responsibilities for our children's education. In recent years the ACSS has faced several problems. Two of these problems: the need for a new physical plant for the Antilles Middle School on Ft. Buchanan and the systemwide lack of communication were fully discussed before the Members of the Subcommittee



on Elementary, Secondary, and Vocational Education on 23 June 1977.

The following example amply illustrates our problem. During the summer of 1977 the Army planned to raze the condemned barracks that had housed the Middle School for several years. The planned new school has not been funded or constructed. For the school year 1977-78 grades 5-8 at Ft. Buchanan are dispersed and scattered about Ft. Buchanan in vacant Army buildings. Although these classes have classroom book sets, there are no library facilities to research a paper and to reinforce library skills developed at the elementary level. Fortunately, this demoralizing situation is only for the present school year. Through the diligent work of concerned parents, the Parent Organization for Quality Education, and Resident Commissioner Baltasar Corrada del Rio \$360,000. for portable classrooms was appropriated and approved in the 1978 HEW budget. Plans are for these portable buildings to be installed and ready to operate at the opening of school year 1978-79.

In discussing the problems we have experienced with ACSS, we want to note that since implementation of Chief of Naval Education and Training (CNET) Management Survey of ACSS, the June 1977 hearings before this committee, and the regular publication of a Parents Organization newsletter we are beginning to see improvement in communication at the local level. Many of the CNET recommendations aimed at improving communication, curriculum and system organization have been initiated by the Commander Naval Forces Caribbean. We are gratified to witness this improvement and only regret that the improved communication so far is only visible at the local level.

The proposed transfer of Section 6 schools from HEW Office of Education to a "defense dependents' education system" as described in H.R. 9892 will not completely meet the needs of ACSS, particularly of civilian federal dependents who are now in Puerto Rico or who will be transferred to the island. ACSS in Puerto Rico has been and is in a unique situation. ACSS is not a stateside school system. H.R. 9892 specifically defines in the geographic sense the Commonwealth of Puerto Rico as part of the United States. Although Puerto Rico cannot be considered an overseas area, neither can it be considered a part of the continental United States. Problems of language, geographic isolation, and unique political status create a situation that requires special consideration.

The "defense dependents' education system", as proposed apparently could adequately meet the needs of overseas schools. However, if ACSS is to be included in H.R. 9892 care must be taken to clarify definitions and provide for the specific needs of federal employees in Puerto Rico. We request that the following items be clarified or that such provisions be incorporated into H.R. 9892.

Definition of Sponsor. The ACSS at Ft. Buchanan provides dependent education for 52 federal agencies in the metropolitan San Juan area. In H.R. 9892 page 25, lines 1-3, the term "sponsor" should be clarified and expanded to specifically include dependents of non-DOD federal employees who are eligible to enroll their children in ACSS under 20 U.S.C. 241.

Comparability. At present ACSS is "to provide free public education in accordance with the curriculum, and related standards prescribed by the

Superintendent and Board of Education of the city of Washington, District of Columbia. Such action as may be necessary will be taken to ensure that the education provided under the plan, will be comparable to the maximum practicable to the free education which is provided the children residing in the District of Columbia." We urge that the above statement or one with identical intent be included in H. R. 9892 to provide a minimum standard of comparison. We also urge that provision be made so that comparative data and standards are rapidly disseminated to local administrators and principals so that current information is immediately available, through channels, at the local level.

If Ft. Buchanan should close? Approximately 60% of the Buchanan school enrollment is composed of civilian dependents. The Commonwealth of Puerto Rico public school system does not provide English language instruction. Even if such instruction were available, the system is already over-crowded and could not accept and educate an influx of 1,100 additional students. Therefore, in the event that Ft. Buchanan closes some provision needs to be included to ensure continued operation of the ACSS at the same educational level for the civilian dependents currently enrolled under 20 U.S.C. 241.

We have briefly outlined some of our concerns with the hope that H.R. 9892 can be amended to fully meet the educational needs of the federal dependents enrolled at ACSS. The Parents Organization for Quality Education would like to endorse the efforts of the Antilles Consolidated Education Association to ensure the high educational standards at ACSS and their own contract agreements. We feel it is of the utmost importance that the system be in a position to recruit and

retain the best qualified teachers available, using modern facilities, equipment, and commensurate pay as incentives.

We appreciate this opportunity to express our needs and concerns for our children's education. We hope this committee will favorably consider and act on these suggestions so that education at Antilles Consolidated School System can be strengthened and improved.

Congress of the United States  
House of Representatives  
Committee on Education and Labor  
Subcommittee on Labor Standards  
B-345A Rayburn House Office Building  
Washington, D.C. 20515

24 February 1978

MAR 1 1978

Dear Gentlemen,

I sincerely appreciate the opportunity afforded me on 1 Feb. 1978, to appear before your Committee on Education and Labor, Subcommittee on Labor Standards, to provide comments from the European Congress of American Parents, Teachers, and Students on H.R. 9892.

Since that date we have had the opportunity to review H.R. 9892 in greater detail, as well as review the comments submitted by the Department of Defense, the Bureau of Elementary and Secondary Education, U.S. Office of Education, HEW, and the two Professional Teachers' Organizations associated with our overseas schools. While all of the comments I submitted to your committee are valid, I would like to amplify those comments and address several of the statements made by other agencies/organizations that appeared before the Committee.

H.R. 9892 creates a permanent school system for students in our overseas schools. The "temporary" status of our 30 year old school system has, in effect, deprived our students of participation in some of the major educational programs sponsored and financed by the Department of Health, Education, and Welfare. The Bill provided for the overseas schools to be classified as a "state level" system for purposes of the National School Lunch Act and the Child Nutrition Act of 1966. The Bill should also provide a state level system for other Federally financed programs such as educational programs for the handicapped.

Section 2, of the Bill, also directs that the Secretary of Defence "should provide a preschool program to individuals eligible to receive a free public education under subsection (a) who are of preschool age if a preschool program is not available for such individuals". The Department of Defense in its statement before the Committee stated, "The Department recommends that the provision for authorizing a preschool program be delayed pending the results of the study of the entire dependents education system, as required by Section 16 of H.R. 9892". While we do not object to a study of how best to implement a preschool program, we do believe it most desirable to have such a program. Preschools that currently exist within the overseas military

communities are normally sponsored by a local community organization on a non-profit basis. The success of these programs rises and falls with the amount of local interest, availability of funds, and the number of volunteer parents who can be found. Unlike a stateside community, there are few, if indeed any, off-post professional preschools (english speaking) to which we may send our children. In this way, we in the overseas area face a problem different than a stateside parent. It is not a matter whether we can afford the cost of preschool, it is a matter of availability of this particular program. H.R. 9892 appropriately provides for this needed program.

In my comments before your Committee I emphasized that funds received from tuition-paying students should be returned to the system to defray the expenses associated with tuition-paying students. In addition, authority must exist to increase staffing. I would like to re-emphasize this point. There are approximately 3000 tuition-paying students currently enrolled in our European overseas schools. At a standard ratio of 1 teacher per 25 students, 120 additional teachers should be available to offset the tuition-paying student enrollment. Current policies do not provide the authority to hire these teachers. This creates a heavier student load for our teachers than should exist. I would recommend that H.R. 9892 establish a policy regarding this matter.


The School Advisory Committee as outlined in H.R. 9892 is a concept we support. However, the Department of Defense, and the overseas schools professional teacher organizations question, perhaps for different reasons than we, the advisability of the School Advisory Committee's authority to make recommendations with respect to the employment and discharge of personnel. We believe that to leave this provision in the Bill would create false expectations in the members of the committee regarding the scope of their authority. The employment of and discharge of personnel is closely controlled both by DOD policy and union contractual agreement. Local committees could have little impact on these policies. The School Advisory Committee should have the authority to influence local school policy and curriculum, in other words, those policies that are at the discretion of the local school administration. We have a centralized system, however the schools must be responsive to the desires of the local community.

The Department of Defense disagreed with the establishment of the Advisory Council on Dependents' Education as outlined in the Bill. We support the organization of this council.

A centralized system can lead to too much control being placed in the hands of a few individuals. Creating a council having representation from those served by the school system properly balances the authority.

The European Congress of American Parents, Teachers, and Students will support the passage of H.R. 9892. We sincerely hope that this bill will receive the attention of Congress this year.

Sincerely,

  
Geoffrey L. Stillman  
President  
ECAPTS

STATEMENT PRESENTED BY  
DR. HAYWOOD DAVIS, SUPERINTENDENT  
FORT BRAGG (NORTH CAROLINA) SCHOOLS  
ON BEHALF OF  
SECTION 6 SCHOOL ADMINISTRATORS  
TO  
SUBCOMMITTEE ON LABOR STANDARDS  
COMMITTEE ON EDUCATION AND LABOR  
REGARDING  
HOUSE RESOLUTION 9892

MR. CHAIRMAN, I APPRECIATE THE OPPORTUNITY TO PRESENT THE VIEWS OF THE ADMINISTRATORS OF DEPENDENTS (SECTION 6) SCHOOLS LOCATED IN THE UNITED STATES REGARDING HOUSE RESOLUTION 9892, "DEFENSE DEPENDENTS' EDUCATION ACT OF 1978."

WE SUPPORT AND ENDORSE THOSE PROVISIONS OF HR 9892 THAT RELATE TO THE DEPARTMENT OF DEFENSE OVERSEAS DEPENDENTS SCHOOLS. STUDENTS ATTENDING THOSE SCHOOLS SHOULD BE INSURED THE SAME HIGH QUALITY EDUCATION AND RELATED BENEFITS THAT THEY WOULD RECEIVE IF ATTENDING SCHOOLS IN THE UNITED STATES, INCLUDING ELIGIBILITY FOR SUBSIDIZED SCHOOL LUNCHES. WE ALSO SHARE THE CONCERN EXPRESSED OVER THE LACK OF A STATUTORY BASE FOR THE EXISTENCE OF THE DOD OVERSEAS DEPENDENTS SCHOOLS. THOSE SCHOOLS HAVE BEEN IN EXISTENCE FOR SOME THIRTY-ONE YEARS AT THE SUFFERANCE OF EACH YEAR'S APPROPRIATION BILL, AND THEY ARE DESERVING OF A GREATER DEGREE OF PERMANENCY.

WE BELIEVE, HOWEVER, THAT THE PROPOSED LEGISLATION CAN HAVE A DELETERIOUS EFFECT ON THE QUALITY OF EDUCATION OFFERED CHILDREN WHO ATTEND DEPENDENTS (SECTION 6) SCHOOLS IN THE UNITED STATES. THE PURPOSES OF THIS PIECE OF LEGISLATION, AS IT RELATES TO DEPENDENTS SCHOOLS IN THE UNITED STATES, THOUGH LAUDATORY IN INTENT, ARE REDUNDANT IN THAT THESE SCHOOLS ALREADY HAVE A STATUTORY BASE AND STUDENTS WHO ATTEND THEM ARE CURRENTLY ELIGIBLE TO PARTICIPATE IN FEDERAL LUNCH PROGRAMS UNDER THE PROVISIONS OF THE NATIONAL SCHOOL LUNCH ACT. ALSO, LEGISLATION ALREADY EXISTS, AND HAS FOR 27 YEARS, WHICH INSURES THAT THOSE STUDENTS ELIGIBLE TO RECEIVE A FREE PUBLIC EDUCATION UNDER SUB-SECTION (a) OF THIS BILL RECEIVE AN EDUCATION OF HIGH QUALITY. IN ADDITION, PL 94-142 ALREADY MANDATES THAT THOSE EXCEPTIONAL STUDENTS MENTIONED IN SECTION 2 OF THE PROPOSED LEGISLATION BE PROVIDED FOR IN SPECIAL PROGRAMS. FURTHERMORE, VIRTUALLY ALL FIFTY STATES HAVE ENACTED LEGISLATION WHICH REQUIRES THAT THESE AND OTHER CATEGORIES OF EXCEPTIONAL STUDENTS BE PROVIDED FOR IN PUBLIC SCHOOLS. THUS, EXISTING COMPARABILITY REQUIREMENTS MANDATE THAT DEPENDENTS (SECTION 6) SCHOOLS MAKE SIMILAR PROVISIONS FOR EXCEPTIONAL CHILDREN.

THE PROPOSED LEGISLATION WOULD, IN CREATING A TUITION-PAYING ARRANGEMENT FOR OFF-POST STUDENTS, DISCRIMINATE AGAINST CHILDREN OF PARENTS WHO, BECAUSE OF THE SPONSOR'S RANK (PAY-SCHEDULE), COULD NOT AFFORD TO PAY TO SEND THEIR CHILDREN TO WHAT THEY MIGHT CONSIDER



TO BE A MORE DESIRABLE SCHOOL SITUATION IN A DEPENDENTS (SECTION 6) SCHOOL.

THE OVERSEAS DEPENDENTS SCHOOLS CURRENTLY ENROLL APPROXIMATELY 150,000 STUDENTS, A NUMBER SO LARGE THAT IT EQUATES TO THE 10TH LARGEST SCHOOL DISTRICT IN THE NATION. STILL, IT IS PROPOSED THAT THIS SYSTEM BE FURTHER ENLARGED THROUGH CONSOLIDATION WITH THE APPROXIMATELY 30,000 STUDENTS ENROLLED IN DEPENDENTS (SECTION 6) SCHOOLS IN THE UNITED STATES. THERE IS A POINT BEYOND WHICH LARGENESS BECOMES DETRIMENTAL, RATHER THAN ADVANTAGEOUS, TO A SCHOOL SYSTEM'S OPERATION AND, HENCE, TO THE EDUCATION OF THE CHILDREN.

THE DEPENDENTS (SECTION 6) SCHOOLS IN THE UNITED STATES CAME INTO EXISTENCE PRIMARILY AS A RESULT OF SEGREGATED SCHOOLS LOCATED AROUND MILITARY INSTALLATIONS. THEY INCREASED IN NUMBER TO APPROXIMATELY 100 BEFORE THEY BEGAN TO DECLINE. TODAY, THERE ARE SOME 25 SCHOOLS LOCATED ON MILITARY INSTALLATIONS AROUND THE COUNTRY, OF WHICH 19 ARE OPERATED BY ONE OF THE MILITARY SERVICES UNDER AN AGREEMENT WITH THE U. S. COMMISSIONER OF EDUCATION, AS AUTHORIZED BY SECTION 6 OF PUBLIC LAW 81-874. IN ITS INFINITE WISDOM, THE CONGRESS, THROUGH THE LANGUAGE OF PUBLIC LAW 81-874, PROHIBITS THE OFFICE OF EDUCATION FROM BECOMING INVOLVED IN THE ADMINISTRATION OF THE DEPENDENTS (SECTION 6) SCHOOLS. IT ONLY AUTHORIZES THE COMMISSIONER TO MAKE ARRANGEMENTS FOR THE FREE PUBLIC EDUCATION OF CHILDREN RESIDING ON FEDERAL PROPERTY. WE FEEL THAT FUNDING OF THE OPERATION

OF THESE SCHOOLS BY THE UNITED STATES OFFICE OF EDUCATION HAS BEEN ADEQUATE AND FAIRLY ADMINISTERED THROUGH THE YEARS, WITH ADMINISTRATION OF THE SCHOOLS LEFT IN THE HANDS OF PROFESSIONAL EDUCATORS SELECTED BY THE LOCAL SCHOOL BOARDS. IT IS THE EXPRESSED INTENT OF THE U. S. COMMISSIONER OF EDUCATION TO TURN OVER THE OPERATION OF THESE SCHOOLS TO THE RESPECTIVE STATES AS SOON AS THEY ARE ABLE TO PROVIDE A SUITABLE FREE PUBLIC EDUCATION FOR THE CHILDREN ATTENDING THEM. TO CONSOLIDATE THESE SCHOOLS WITH THE OVERSEAS DEPENDENTS SCHOOLS COULD CREATE A FEDERAL SYSTEM OF EDUCATION WITHIN THE UNITED STATES AND DETER THE TURNOVER OF THESE SCHOOLS TO THE STATES IN WHICH THEY ARE LOCATED.

PUBLIC EDUCATION IS A FUNCTION AND RESPONSIBILITY OF STATE GOVERNMENT. THE TENTH AMENDMENT TO THE UNITED STATES CONSTITUTION RESERVES TO THE STATES, OR TO THE PEOPLE, THOSE POWERS NOT DELEGATED TO THE UNITED STATES. THE FEDERAL CONSTITUTION MAKES NO MENTION OF EDUCATION; THEREFORE, THE ORGANIZATION AND OPERATION OF THE PUBLIC SCHOOLS IS LEFT TO THE STATES AND THEIR POLITICAL SUBDIVISIONS. THE RECOGNITION OF STATE RESPONSIBILITY FOR EDUCATION IS REFLECTED IN THE CONSTITUTIONS OF THE VARIOUS STATES. THE PEOPLE HAVE A RIGHT TO THE PRIVILEGE OF EDUCATION, AND IT IS THE DUTY OF THE STATE TO GUARD AND MAINTAIN THAT RIGHT. THUS, EDUCATION IS RECOGNIZED AS THE FOUNDATION FOR A VIABLE DEMOCRATIC SOCIETY, AND A SERVICE THAT THE STATE IS OBLIGATED TO PROMOTE AND PROTECT FOR ITS CITIZENS--

BUT AN OBLIGATION TO BE MET PRIMARILY AT THE LOCAL LEVEL. AT THE LOCAL LEVEL, A SCHOOL BOARD IS RESPONSIBLE FOR THE GENERAL CONTROL AND SUPERVISION OF ALL MATTERS PERTAINING TO THE LOCAL PUBLIC SCHOOLS.

IT IS THIS LOSS OF LOCAL CONTROL THAT WE SO STRONGLY OBJECT TO IN HR 9892. LOCAL CONTROL OF PUBLIC EDUCATION IS A BASIC TENET OF OUR GREAT SYSTEM OF GOVERNMENT. EXISTING LAW PROVIDES FOR THE U. S. COMMISSIONER OF EDUCATION TO MAKE ARRANGEMENTS TO PROVIDE FOR THE FREE PUBLIC EDUCATION OF CHILDREN RESIDING ON MILITARY INSTALLATIONS. AUTHORITY TO ESTABLISH PERSONNEL POLICIES, HIRE AND ASSIGN PERSONNEL, TO PREPARE A SCHOOL BUDGET, AND TO PROMULGATE ALL RULES AND REGULATIONS NECESSARY TO GOVERN ENROLLMENT OF STUDENTS RESTS WITH THE LOCAL SCHOOL BOARD. THE PROPOSED LEGISLATION WOULD CENTRALIZE THE OPERATION OF THESE SCHOOLS AND TRANSFER ALL OF THIS AUTHORITY TO THE OFFICE OF A DIRECTOR OF DEPENDENTS' EDUCATION IN THE DEPARTMENT OF DEFENSE. WE BELIEVE THAT THIS ACTION WOULD:

(1) REMOVE LOCAL CONTROL OF DEPENDENTS SCHOOLS, WHICH IS IN DIRECT OPPOSITION TO THE BASIC TENETS OF OUR AMERICAN SYSTEM OF PUBLIC EDUCATION

(2) PLACE THE RESPONSIBILITY OF SELECTING AND PLACEMENT OF STAFF MEMBERS IN THE HANDS OF A PERSON, OR PERSONS, WHO, BECAUSE OF HIS/HER REMOVAL FROM THE SITUATION, LACKS ESSENTIAL UNDERSTANDING OF LOCAL PERSONNEL NEEDS

(3) CREATE A MORALE PROBLEM AMONG STAFF MEMBERS WHO PERCEIVE AN ABSENCE OF JOB STABILITY UNDER THE PROPOSED LEGISLATION

(4) CREATE ANOTHER LINK IN THE BUREAUCRATIC CHAIN OF NATIONAL GOVERNMENT

(5) ESTABLISH POSITIONS OF QUESTIONABLE VALUE IN REGIONAL OR AREA OFFICES.

WE, THE ADMINISTRATORS OF THE DEPENDENTS (SECTION 6) SCHOOLS, ARE OF THE OPINION THAT A VIABLE SYSTEM OF PUBLIC EDUCATION FOR ALL MILITARY DEPENDENT CHILDREN IN THE UNITED STATES CURRENTLY EXISTS THROUGH THE PROVISIONS OF PUBLIC LAW 81-874 AND THE PUBLIC SCHOOLS OF THE VARIOUS STATES. IN THOSE GEOGRAPHICAL AREAS WHERE THE STATES, FOR WHATEVER REASON, HAVE NOT PROVIDED FOR THE EDUCATIONAL NEEDS OF MILITARY DEPENDENT CHILDREN, THE U. S. OFFICE OF EDUCATION HAS MADE SATISFACTORY ARRANGEMENTS FOR THEIR EDUCATION--MOST OFTEN THROUGH FUNDING OF A DEPENDENTS (SECTION 6) SCHOOL OPERATION.

TODAY, THESE DEPENDENTS (SECTION 6) SCHOOLS ENJOY A REPUTATION FOR BEING AMONG THE BETTER SCHOOL SYSTEMS IN THEIR RESPECTIVE STATES. THIS REPUTATION HAS BEEN EARNED THROUGH YEARS OF HARD WORK AND THE EFFORTS OF MANY DEDICATED EMPLOYEES. WE ARE CONCERNED THAT THE INITIATIVE AND MORALE OF THESE EMPLOYEES WILL BE DESTROYED IF THE ABILITY TO MAKE LOCAL DECISIONS REGARDING EDUCATIONAL PROGRAMS IS LOST. THERE EXISTS AMONG OUR TEACHERS, MUCH CONCERN OVER THE POSSIBILITY THAT THE DEPENDENTS (SECTION 6) SCHOOLS WILL BE OVER-

WHELMED BY THE MAMMOTH SIZE OF THE OVERSEAS DEPENDENTS SCHOOLS IF HR 9892 IS ENACTED.

FUNDING OF THE DEPENDENTS (SECTION 6) SCHOOLS IS BASED ON COMPARABLE EDUCATIONAL COSTS IN THE STATE IN WHICH THE DEPENDENTS (SECTION 6) SCHOOLS ARE LOCATED. THIS ARRANGEMENT HAS ENABLED THE DEPENDENTS (SECTION 6) SCHOOLS TO PROVIDE A COMPARABLE EDUCATION, AT A COST COMPARABLE TO THAT OF EDUCATION IN THE LOCAL COMMUNITY, FOR THE SMALL PERCENTAGE OF MILITARY DEPENDENTS RESIDING ON FEDERAL PROPERTY.

ALTHOUGH THE UNITED STATES OFFICE OF EDUCATION HAS PROVIDED ADEQUATE FUNDS FOR OPERATION OF THE DEPENDENTS (SECTION 6) SCHOOLS, THE LEVEL OF SUPPORT FOR CONSTRUCTION OF NEW FACILITIES, UNDER PUBLIC LAW 81-815, HAS BEEN INADEQUATE. THERE IS, HOWEVER, NO ASSURANCE THAT PLACING THE SCHOOLS UNDER DOD WILL CHANGE THAT SITUATION. INSTEAD, WE COULD FIND OURSELVES IN THE UNCOMFORTABLE POSITION OF COMPETING WITH OUR NATIONAL DEFENSE STRUCTURE FOR FUNDS WITH WHICH TO EDUCATE OUR CHILDREN. WE DO NOT FEEL THAT IT IS IN OUR NATIONAL INTEREST FOR US TO ALLOW OURSELVES TO GET INTO THE POSITION OF HAVING TO CHOOSE BETWEEN MISSILES FOR NATIONAL SECURITY AND SCHOOLS FOR OUR CHILDREN.

FURTHER, IT IS OUR BELIEF THAT THE PUBLIC SCHOOLS BELONG TO THE PEOPLE--AND THE PEOPLE SHOULD CONTROL THEM. CONTROL OF THE PUBLIC SCHOOLS, INCLUDING DEPENDENTS (SECTION 6) SCHOOLS, IS VESTED IN LOCAL

SCHOOL BOARDS WHICH OVERSEE THE OPERATION OF THE SCHOOLS. HOUSE RESOLUTION 9892 PROPOSES TO ELIMINATE SCHOOL BOARDS AND TRANSFER THEIR POWER TO THE OFFICE OF THE DIRECTOR OF DEPENDENTS' EDUCATION IN WASHINGTON. WE VIEW THIS PROPOSAL AS A STEP BACKWARD--AND A SERIOUS MISTAKE. LOCAL BOARDS OF EDUCATION ARE RESPONSIVE TO THE PEOPLE. LOCALLY CONTROLLED AND LOCALLY ADMINISTERED PUBLIC SCHOOL SYSTEMS ARE THE VERY HEART OF OUR SYSTEM OF PUBLIC EDUCATION IN THIS GREAT NATION OF OURS.

CONTRARY TO WHAT APPEARS TO BE A MISCONCEPTION HELD BY SOME MEMBERS OF CONGRESS, THE DEPENDENTS (SECTION 6) SCHOOLS ARE NOT ADMINISTERED BY MILITARY COMMANDERS. WE REALIZE THAT AN ISOLATED SITUATION MAY EXIST WHERE A SCHOOL IS BEING ADMINISTERED BY A MILITARY COMMANDER, AND WE SHARE YOUR CONCERN OVER CIRCUMSTANCES THAT ALLOW SUCH; HOWEVER, THE VAST MAJORITY OF THE DEPENDENTS (SECTION 6) SCHOOLS ARE ADMINISTERED BY PROFESSIONAL EDUCATORS IN ACCORDANCE WITH POLICIES ESTABLISHED BY THE LOCAL SCHOOL BOARD. ALSO, IT SHOULD BE NOTED THAT THESE SCHOOLS ARE ADMINISTERED IN ACCORDANCE WITH THE PUBLIC SCHOOL LAWS AND STATE BOARD OF EDUCATION REGULATIONS OF THE STATES IN WHICH THEY ARE LOCATED. WE DO NOT FEEL THAT THE EFFECTIVE AND VIABLE SYSTEM OF EDUCATION, WHICH EXISTS AT THE VAST MAJORITY OF DEPENDENTS (SECTION 6) SCHOOLS, SHOULD BE DESTROYED BECAUSE OF A FEW UNDESIRABLE SITUATIONS. WE WOULD RECOMMEND, INSTEAD, THAT ACTION BE TAKEN TO REMEDY THE CIRCUMSTANCES WHICH

PERMIT THESE UNDESIRABLE SITUATIONS TO OCCUR. ONE WAY TO ACCOMPLISH THIS WOULD BE TO MANDATE FOR ALL DEPENDENTS (SECTION 6) SCHOOLS THAT A LOCAL SCHOOL BOARD BE SELECTED IN A MANNER COMPARABLE TO THE SELECTION OF OTHER SCHOOL BOARDS IN THE STATE IN WHICH THE DEPENDENTS (SECTION 6) SCHOOLS ARE LOCATED. THE LOCAL SCHOOL BOARD SHOULD HAVE FINAL AUTHORITY ON ALL MATTERS RELATED TO THE OPERATION OF THE LOCAL SCHOOLS. THIS ACTION WOULD ALLOW THE SCHOOL BOARDS TO BE RESPONSIVE TO LOCAL COMMANDERS; HOWEVER, IT WOULD PRECLUDE A MILITARY COMMANDER FUNCTIONING AS THE SCHOOL BOARD.

THE PROPOSED LEGISLATION IS RATHER COMPLEX AND RAISES MANY QUESTIONS, THE LANGUAGE OF HOUSE RESOLUTION 9892 IS SUCH THAT MANY RAMIFICATIONS OF THE BILL REMAIN UNADDRESSED AND, THUS, UNRESOLVED. TOO MUCH EMPHASIS IS PLACED ON UNIFORMITY, WITH LITTLE OR NO CONCERN FOR INDIVIDUALITY AND LOCAL INITIATIVE. IT IS OUR HOPE THAT AS YOU EVALUATE THE PROVISIONS OF THE PROPOSED LEGISLATION, YOU WILL PUT ALL SPECIAL INTEREST ISSUES ASIDE AND EVALUATE THE LEGISLATION SOLELY ON THE BASIS OF WHETHER OR NOT OUR CHILDREN WILL HAVE A BETTER OPPORTUNITY TO RECEIVE A QUALITY PUBLIC EDUCATION UNDER THE PROVISIONS OF HOUSE RESOLUTION 9892, OR UNDER EXISTING LAW WHICH MANDATES THE PROVISION OF AN EDUCATIONAL PROGRAM COMPARABLE TO THAT OF THE PUBLIC SCHOOLS OF THE VARIOUS STATES. WE BELIEVE THAT EDUCATION IS A STATE RESPONSIBILITY AND URGE YOU TO OPPOSE FURTHER PROLIFERATION OF OUR FEDERAL BUREAUCRACY AND THE RESULTANT

EXPANSION OF THE FEDERAL GOVERNMENT'S INVOLVEMENT IN THE OPERATION OF PUBLIC SCHOOLS BY VOTING AGAINST THOSE PROVISIONS OF HOUSE RESOLUTION 9892 THAT APPLY TO DEPENDENTS (SECTION 6) SCHOOLS IN THE UNITED STATES. WE SEE ABSOLUTELY NO AREA OF OPERATION WITHIN THE DEPENDENTS (SECTION 6) SCHOOLS THAT COULD BE BETTER ADDRESSED THROUGH PASSAGE OF THIS PROPOSED LEGISLATION.

MR. CHAIRMAN, IF YOUR COMMITTEE, IN ITS INFINITE WISDOM, FEELS THAT A CHANGE SHOULD BE MADE IN THE EXISTING ARRANGEMENTS FOR THE EDUCATION OF CHILDREN RESIDING ON FEDERAL PROPERTY, WE REQUEST THAT YOU CONSIDER DELAYING ANY PROPOSED CHANGE UNTIL SUCH TIME AS DECISIONS RELATIVE TO THE NEW DEPARTMENT OF EDUCATION ARE FORMULATED. ANY CHANGE BROUGHT ABOUT PRIOR TO THAT TIME COULD BE FOLLOWED BY FURTHER CHANGES AND, WE BELIEVE, THAT SUCH WOULD BE DETRIMENTAL TO THE EDUCATION OF OUR CHILDREN.

LET ME CONCLUDE MY COMMENTS BY INVITING, EVEN ENCOURAGING, COMMITTEE MEMBERS TO VISIT ANY OF OUR DEPENDENTS (SECTION 6) SCHOOLS FOR A FIRST HAND LOOK AT THEIR OPERATION. THANK YOU.



**QUANTICO EDUCATION ASSOCIATION**

QUANTICO DEPENDENTS' SCHOOL SYSTEM

QUANTICO, VIRGINIA 22134

January 30, 1978

General Louis Wilson  
Commandant United States Marine Corps  
Headquarters Marine Corps  
Washington, D. C. 20380

Dear Sir,

As President of the Quantico Education Association, I am writing to you in behalf of the teachers who wish to make you aware of our concerns pertaining to the content of the Defense Dependents' Education Act of 1978 (HR 9892) and how we feel it will affect us at Quantico.

From our point of view, we feel that HR 9892 would drastically reduce the calibre of instruction that we have strived for so long here at Quantico Dependents' School System. We further feel that what we have worked for so diligently, will be reduced to tokenism for you see sir, we have obtained a high standard of quality in our educational programs for the dependant students.

The basic philosophy for our schools is, to take all students on the educational level at which they come and to help further develop them to the best of their ability. Each year, we present as broad a curriculum as can be efficiently offered, with the available teaching staff, to meet the varying needs of these students.

The Quantico community is very supportive of our schools. Members of the community are involved in the schools by:

1. an active parent-teacher organization
2. strong parent volunteer programs
3. service on committees for curriculum revision and development
4. assistance with field trips
5. serving as resource persons
6. participating in planned group and individual conferences
7. participating in the principals advisory committees
8. active on the Superintendents Planning Council

They are kept aware of school activities by bulletins, Parent Handbook, Courier (the school newspaper) and the Sentry (the local military paper).

The mission of Quantico Dependents' School System is to provide a continuous course of instruction commencing with kindergarten and progressing with a high degree of continuity through grade twelve. Our educational programs are organized, planned, implemented and evaluated by the administrative and instructional staff. Curriculum Guides which cover the entire instructional program are current. These guides are based on sound educational practices and meet the needs of our students. Our reporting system reflects the objectives designed for each level and subject area. Students needs are further met with excellent media services, pupil personnel services which include a psychologist, counselors,

speech therapist, nurse and resource persons in mathematics, reading, art, music and physical education. Adequate teaching supplies, texts and equipment fully support the programs.

Our schools have been accredited by the Southern Association of Colleges and Schools, and by the State of Virginia for a number of years. The accreditation process is fully implemented and requires annual evaluation at the local level. Teams of professional educators from the state evaluate our schools periodically. This evaluation is based on an in-depth study made by our staff.

Our students come to us with a variety of backgrounds and needs. Therefore we provide from a normal program to classes for Learning Disabilities, Educable Mentally Retarded, Gifted, Talented, Vocational and Foreign Languages. We make provisions for the handicapped from age two through age twenty-one. We are relatively free from the problems which exist in larger situations; vandalism, drugs and disruptive discipline problems. We provide opportunities for each student to obtain an understanding and appreciation for the value, worth and dignity of self and others.

Our school plants range from buildings constructed in 1940 - 1963 and all are structurally sound. They are given proper care and maintenance. They are equipped so a variety of programs can be provided.

We have a dedicated, professional, competent staff, who continue to keep themselves abreast of new trends and techniques through in-service training and college courses. All of our teachers are certified in the subject area they teach. There are a minimum of staff transfers which are mainly due to marriages, husbands being transferred and retirement.

We have a supportive school board and Superintendent. This board is appointed by the Commanding General in who's hand the school system and budget operates. Our local school board and Superintendent are quite aware of the needs of our schools and therefore provide an adequate budget as well as direction.

Due to the fact that we have been aware of HR 9892 for such a short period of time we have not had the opportunity to fully understand the intent and ramifications it may have on our schools, however, we do have concerns.

Should the bill pass, we fear for:

1. a drastic drop in funds, thus, reducing the capabilities of providing quality education
2. maintaining accreditation standards
3. lack of local school board control
4. lack of implementing new programs as the need arises
5. responsibility for quality education not given to the Commanding General of this reservation
6. losing our rights which is our agreement with MEDEC
7. being requested to teach out of a certified field
8. salary decreases
9. being transferred to any part of the world
10. some of our teaching staff may be cut
11. lack of adequate teaching supplies
12. reams of directives
13. dictation of rules that may not apply to our local situation

In closing, I hope that I have been able to convey that we are proud of the progress we have made at Quantico Dependents' School System. We are proud of our community and to be a part of the MEDEC family. Just as the Marines want a few good men, we want to maintain four good schools. Services provided for in bill HR 9892 we have had available for years, therefore, we feel the bill means stagnation rather than progress for Quantico.

Thank you for listening.

Sincerely,

*Barbara Gear*

Barbara Gear, President  
Quantico Education Association

1452 Ashford - 8A, Condado  
 Santurce, Puerto Rico - 00907  
 19 January 1978

The Honorable Carl Perkins  
 House of Representatives  
 Washington, D.C., 20515-

Dear Mr. Perkins,

I am a teacher in the Antilles Consolidated School System in Puerto Rico which is federally funded under Public Law 81-874-Section 6.

I have read House Resolution 9298 which I understand the House Committee on Education and Labor will conduct hearings on, on February 1, 1978.

I have discussed this bill at length with many of my colleagues and patrons of our school system. There is a strong feeling here against this bill on the following grounds.

(1) The eligibility of children to attend our school will be radically curtailed, creating great hardship on hundreds of families.

(2) The salary structure of our system, presently aligned with the Washington, D.C. scale, is threatened.

(3) The treatment of employees hired locally seems destined, in the language of this bill, to be strongly down-graded.

(4) The intent and language of this bill is so unclear, as to provoke a great many more problems than it could solve.

Therefore, I strongly urge you to do all that is possible to see that this bill is not passed.

Sincerely,  
Miss) Nathalie Joy Bogart

## Comments by

Overseas Association of Dependent School Administrators

regarding

H.R. 9892

Defense Dependents' Education Act of 1978

I. The OADSA Executive Board believe the striking of the word "minor" in the first line under "A Bill" on page 1 will remove a question of consistency between that line and the definition of an "eligible dependent" at lines 17-25 on page 24. This will also prevent problems of determining eligibility in operational usage.

II. Establishment of Defense Dependents' Education System  
(Section 2)

1. OADSA supports the provisions of subsections (a) and (b), i.e., the establishment of this system and the requirement of quality.

2. OADSA supports section 2, the provision of programs for the special needs of individuals in categories (A) through (E) and urges a provision that they be funded to a level that will underwrite quality.

3. OADSA urges caution in requiring a pre-school program be operated until such time as facilities can be obtained and funds budgeted to provide for the considerable expansion which will result from this provision. We suggest a census of children eligible for pre-schools be made and plans based on such census be required prior to beginning any such pre-school program.

III. Office of Dependents' Education (Section 3)

OADSA concurs in the provisions of this Section except the limitation of 400 civilian employees in the central and regional offices. It is unrealistic to prescribe the number of people assigned to the various levels of this school system when the Bill itself requires provision of services which may significantly expand the program. The need for flexibility is greater for this school system due to the exigencies of overseas operations.

The Director will need flexibility in assigning personnel to accomplish his mission. OADSA suggests that a total number of personnel per 1,000 students enrolled is a more workable

approach, with the Director free to assign personnel within that figure. If it is deemed essential to limit the number of personnel assigned at the central and regional offices, OADSA suggests the number of personnel so assigned per 1,000 students in Defense Dependents' Schools not exceed the number of personnel assigned to similar positions per 1,000 students in the schools of Washington, D.C.

OADSA believes that in order to offer high quality education adequate supervision throughout the system is essential in any school system. OADSA also believes that this need is not diminished by the fact that these schools are overseas, but on the contrary, that the vast geographical dispersion of this school system increases the need for good supervision to sustain high quality education. The difficulties in providing good supervision in overseas areas need also to be taken into account before unnatural limitations are placed on numbers of supervisory or support personnel.

IV. Annual Educational Assessment (Section 5)

OADSA supports annual assessment based on the objectives of the school system.

V. School Construction, Operation and Maintenance (Section 6)

OADSA omits comment on this section.

VI. Dependents' Education in Overseas Areas (Section 7)

OADSA supports these provisions.

VII. School Lunch Programs Eligibility (Section 8)

OADSA applauds this provision and strongly urges its inclusion.

VIII. Schools on Domestic Military Installations transferred from the Commissioner of Education (Section 9)

OADSA defers comment on the provisions of this section at this time. While we generally support this idea we are not fully informed as to the implications for our system of all its provisions. The addition of these schools does support our argument that rigid limits not be placed on the number of supervisors or support personnel.

IX. Section 10 and Section 11

OADSA omits comment.

## X. Section 12

OADSA omits comment on this section.

XI. Allotment Formula (Section 13)

OADSA supports the provision for the allotment of funds by school as a step toward accountability. Since staff salaries are such a large proportion of costs actual salary costs should be included in any allotment formula. Some schools have more senior, and therefore, more expensive staffs than others, by a significant margin.

XII. School Advisory Committees (Section 14)

OADSA regards this provision with the greatest concern. We believe it has great potential for the creation of conflict situations in the overseas school communities but does not provide a process for the resolution of conflict. We believe the provision is based on an underlying erroneous assumption that parents overseas suffer a disenfranchisement regarding their schools here relative to what they would enjoy when living in the U.S. In truth, overseas parents have direct and command channels which afford them more opportunities to impact on their schools than they would have if they lived in a city or suburb in the U.S.

Our overseas school communities are small towns by U.S. standards. Parents who are interested have easy access to all aspects of school functions and are continually involved in influencing the school program--curricular and extra-curricular. All commands are required by the tri-service regulations to have a Dependent Schools Advisory Council at each level of command. Most communities have one or more PTA, PTSA, or PTO groups in action. School personnel are included in the weekly commander's staff meeting in many commands. School personnel also sit regularly on community health, dependent advisory, child study, and like committees. Parents have long been regular members of the school curriculum development committees, booster clubs, music support groups, scholarship committees and many more. Through the dependent preference provisions of personnel recruiting, many of our teachers come from the local community. Parents regularly bring concerns about the schools directly to the schools. To establish a new channel for the community to the school would be redundant and take away from the already effective channels.

The election of the proposed local committees by all eligible voters raises a number of questions. If the eligibility were limited to people having children in the schools it would provide a much more meaningful electorate than to include all the

young unmarried GI's in a process in which they have little interest and no stake.

We believe that parents and principals want the same things from the schools but that these provisions are not the way to get them.

We strongly recommend against inclusion of any phrase which gives any suggestion that the local committees be involved in any way in the process of employment or discharge of personnel, for the following reasons:

(1) Recommendations for employment could only cause conflict and discredit school officials since hiring at the local level is governed very strictly by the qualification standards and regulations of the Federal service. The principal must select from among a few names (sometimes only one name) on a list (Form 2600) of qualified people given him by the Civilian Personnel Office. The principal selects the one best qualified to fill the specific vacancy he has in terms of the long range needs of the total school program. If the committee were to recommend someone and the principal select someone else, either because the committee's recommendation was not on the list or were not the best qualified candidate, friction would develop which would work toward destroying the mutual respect and trust needed between school and community. Local people often "feel" they are well qualified to work in the schools when they are not, but some are quite aggressive about pushing their cases.

(2) The employment of staff is quite complicated already in the overseas community. This provision would only add conflict to an already difficult task. We seriously doubt if the committee would want their children to attend schools staffed by the whims of local politics, in a highly mobile community, by a supine principal.

(3) People who want to work in the schools now can and do come in and make themselves known. Often, if there is not an opening for them they substitute for a year. If they are good we want them. We have to live with the problems generated by poor staff selections. We strongly recommend this provision be dropped. It gives people nothing they do not now have and holds great potential for generating problems.

Similar but even more serious negative outcomes can result from authorizing committees to recommend the discharge of personnel. The basis for discharge of personnel from the Federal service, with a few uncommon exceptions, must relate to the inability to perform, or inefficiency in the performance of ones duties. Principals are bound by the same due process rules as other Federal supervisors.



Most of the recommendations for teacher dismissal coming in over the years have related to something extraneous to the teacher's performance of duties. Of the few cases which have related to job performance, most were based on a parent's disagreement with a teacher's judgement about a problem with a child. A major deficiency of this provision is that members of a local committee do not have reliable and objective information about teacher performance. Recommendations based on misinformation can take on the aspects of witch hunting.

Principals are constrained by the Privacy Act from sharing with local board members any steps they might be taking to improve teacher performance or to separate unable or inefficient personnel. The slow and elaborate steps of due process which he could not discuss, could easily make it appear that a principal was not responsive to committee recommendations.

If the aim of the provision is to inspire principals to action to correct marginal teaching, the provision is not the effective way to get that result. It may, in fact, frustrate efforts of principals trying to take such action. Teacher union contracts, the Privacy Act and good professional practice definitely limit the audience with whom a principal can discuss teacher performance. The way to get principals to take action on marginal performers is to teach them the process in all its elaborations and let them know they'll be supported against the slings and arrows which will surely come when they do take such action.

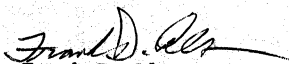
In summary, we have to ask, to whom does the Congress want the principal to be responsible, to the government and the school system H.R. 9892 establishes, or to a few local activists of sincere but often personal motive?

#### XIII. Advisory Council on Dependent Education

OADSA believes it can provide valuable council to this group if it is represented therein.

Thank you for the opportunity to present our views on H.R. 9892.

Sincerely,



Frank D. Alt  
President  
OADSA

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