

(e) Employment in other positions during recess periods

Quarters, quarters allowance, and storage provided under this section shall be in lieu of any quarters, quarters allowance, and storage to which he otherwise might be entitled by reason of employment in another position during any recess period between two school years.

(f) Lease of military family housing by teacher assigned to teach at Guantanamo Bay Naval Station, Cuba

(1) A teacher assigned to teach at Guantanamo Bay Naval Station, Cuba, who is not accompanied at such station by any dependent shall be offered for lease any available military family housing at such station that is suitable for occupancy by the teacher and is not needed to house members of the armed forces and dependents accompanying them or other civilian personnel and any dependents accompanying them.

(2) For any period for which military family housing is leased under paragraph (1) to a teacher described in such paragraph, the teacher shall receive a quarters allowance in the amount determined under subsection (b) of this section. The teacher is entitled to such quarters allowance without regard to whether other Government furnished quarters are available for occupancy by the teacher without charge to the teacher.

(Pub. L. 86-91, § 7, July 17, 1959, 73 Stat. 216; Pub. L. 87-172, § 1, Aug. 30, 1961, 75 Stat. 409; Pub. L. 107-314, div. A, title III, § 342, Dec. 2, 2002, 116 Stat. 2515.)

CODIFICATION

In subsecs. (b) and (c)(1), “section 5912 of title 5” substituted for “the Act of June 26, 1930 (5 U.S.C. 118a)” on authority of Pub. L. 89-554, § 7(b), June 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Section was formerly classified to section 2355 of Title 5 prior to the general revision and enactment of Title 5 by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

2002—Subsec. (f). Pub. L. 107-314 added subsec. (f).

1961—Subsec. (d). Pub. L. 87-172 inserted “except for reasons beyond his control and acceptable to the Department of Defense”.

DELEGATION OF FUNCTIONS

Functions vested in President by subsec. (a) of this section concerning authority to prescribe regulations relating to quarters and quarters allowances delegated to Secretary of State pursuant to Ex. Ord. No. 12228, July 24, 1980, 45 F.R. 49903, set out as a note under section 707 of Title 38, Veterans' Benefits.

Authority of President under subsec. (a) of this section to prescribe regulations relating to storage (including packing, drayage, unpacking, and transportation to and from storage) of household effects and personal possessions delegated to Administrator of General Services, see section 1(19) of Ex. Ord. No. 11609, July 22, 1971, 36 F.R. 13747, set out as a note under section 301 of Title 3, The President.

Secretary of State empowered to prescribe regulations relating to cost-of-living allowances, see section 4(a) of Ex. Ord. No. 10903, Jan. 11, 1961, 26 F.R. 217, set out as a note under section 5921 of Title 5, Government Organization and Employees.

§ 906. Entitlements in addition to basic compensation**(a) Cost-of-living increase and additional compensation**

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

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

(2) additional compensation equal to that authorized under section 5941 of title 5.

(b) Post differential

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

(Pub. L. 86-91, § 8, July 17, 1959, 73 Stat. 216; Pub. L. 96-465, title II, § 2206(d), Oct. 17, 1980, 94 Stat. 2162.)

CODIFICATION

In subsec. (a)(2), “section 5941 of title 5” substituted for “section 207 of the Independent Offices Appropriation Act, 1949 (5 U.S.C. 118h)” on authority of Pub. L. 89-554, § 7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Section was formerly classified to section 2356 of Title 5 prior to the general revision and enactment of Title 5 by Pub. L. 89-554, § 1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1980—Subsec. (a)(1). Pub. L. 96-465 substituted reference to section 5924 of title 5 for reference to section 1131(2) of title 22.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of Title 22, Foreign Relations and Intercourse.

DELEGATION OF FUNCTIONS

Functions vested in President by subsec. (a) of this section concerning authority to prescribe regulations relating to cost of living allowances delegated to Secretary of State pursuant to Ex. Ord. No. 12228, July 24, 1980, 45 F.R. 49903, set out as a note under section 707 of Title 38, Veterans' Benefits.

Functions of President under subsec. (a) of this section delegated to Director of Bureau of the Budget, now Director of Office of Management and Budget, see section 1(10) of Ex. Ord. No. 11230, June 28, 1965, 30 F.R. 8447, set out as a note under section 301 of Title 3, The President.

Secretary of State empowered to prescribe regulations relating to quarters and quarters allowance, see section 4(a) of Ex. Ord. No. 10903, Jan. 11, 1961, 26 F.R. 217, set out as a note under section 5921 of Title 5, Government Organization and Employees.

REGULATIONS APPLICABLE TO PAYMENT OF ADDITIONAL COMPENSATION

For provisions relating to payment of additional compensation authorized by subsec. (a)(2) of this sec-

tion in accordance with the regulations contained in Ex. Ord. No. 10000, see section 1-101 of Ex. Ord. No. 12228, July 24, 1980, 45 F.R. 49903, set out as a note under section 707 of Title 38, Veterans' Benefits.

§ 907. Applicability of other laws

In the case of any teacher who—

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

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

(3) is employed in another position in the recess period immediately preceding such next school year, or, during such recess period, receives quarters, allowances, or additional compensation referred to in sections 905 and 906 of this title, or both, as the case may be,

section 5533 of title 5 shall not apply to such teacher by reason of any such employment during a recess period or any such receipt of quarters, allowances, or additional compensation, or both, as the case may be.

(Pub. L. 86-91, §10(b), July 17, 1959, 73 Stat. 217; Pub. L. 88-448, title IV, §401(n), Aug. 19, 1964, 78 Stat. 492.)

CODIFICATION

“Section 5533 of title 5” substituted in text for “section 301 of the Dual Compensation Act” on authority of Pub. L. 89-554, §7(b), Sept. 6, 1966, 80 Stat. 631, the first section of which enacted Title 5, Government Organization and Employees.

Section was formerly classified to section 2358(b) of Title 5 period to the general revision and enactment of Title 5 by Pub. L. 89-554, §1, Sept. 6, 1966, 80 Stat. 378.

AMENDMENTS

1964—Subsec. (b). Pub. L. 88-448 made section 301 of the Dual Compensation Act inapplicable and struck out provisions which referred to former section 62 of title 5 and section 6 of the act of May 10, 1916.

CHAPTER 25A—OVERSEAS DEFENSE DEPENDENTS' EDUCATION

Sec.	
921.	Defense dependents' education system.
922.	Administration of defense dependents' education system.
923.	Space-available enrollment of students; tuition.
923a.	Enrollment of certain additional children on tuition-free basis.
924.	Annual educational assessment.
925.	Budget request for school construction funds for Director of Dependents' Education.
926.	School system for dependents in overseas areas.
927.	Allotment formula.
928.	School advisory committees.
929.	Advisory Council on Dependents' Education.
930.	Study of defense dependents' education system.
931.	Regulations; issuance and contents.
932.	Definitions.

§ 921. Defense dependents' education system

(a) Establishment

The Secretary of Defense shall establish and operate a program (hereinafter in this chapter referred to as the “defense dependents' education system”) to provide a free public education through secondary school for dependents in overseas areas.

(b) Program purposes and activities

(1) The Secretary shall ensure that individuals eligible to receive a free public education under subsection (a) of this section receive an education of high quality.

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

(A) the handicapped,

(B) individuals in need of compensatory education,

(C) individuals with an interest in vocational education,

(D) gifted and talented individuals, and

(E) individuals of limited English-speaking ability.

(3) The Secretary shall provide a developmental preschool program to individuals eligible to receive a free public education under subsection (a) of this section who are of preschool age if a preschool program is not otherwise available for such individuals and if funds for such a program are available.

(c) Consultation requirements

The Secretary of Defense shall consult with the Secretary of Education on the educational programs and practices of the defense dependents' education system.

(d) Optional summer school programs

(1) The Secretary of Defense may provide optional summer school programs in the defense dependents' education system.

(2) The Secretary shall provide any summer school program under this subsection on the same financial basis as programs offered during the regular school year, except that the Secretary may charge reasonable fees for all or portions of such summer school programs to the extent that the Secretary determines appropriate.

(3) The amounts received by the Secretary in payment of the fees shall be available to the Department of Defense for defraying the costs of conducting summer school programs under this subsection.

(Pub. L. 95-561, title XIV, §1402, Nov. 1, 1978, 92 Stat. 2365; Pub. L. 99-145, title XII, §1204(b)(1), Nov. 8, 1985, 99 Stat. 720; Pub. L. 102-484, div. A, title III, §382, Oct. 23, 1992, 106 Stat. 2392; Pub. L. 106-65, div. A, title III, §354(1), Oct. 5, 1999, 113 Stat. 572; Pub. L. 107-314, div. A, title III, §343, Dec. 2, 2002, 116 Stat. 2515.)

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original “this title”, meaning title XIV of Pub. L. 95-561, Nov. 1, 1978, 92 Stat. 2365, as amended, known as the Defense Dependents' Education Act of 1978, which enacted this chapter, section 489 of Title 37, Pay and Allowances of the Uniformed Services, and section 1769b of Title 42, The Public Health and Welfare, amended sections 1773 and 1789 of Title 42, and enacted provisions set out as notes under this section. For complete classification of this title to the Code, see Short Title note below and Tables.

AMENDMENTS

2002—Subsec. (d)(2). Pub. L. 107-314 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “The Secretary shall provide in regulations for fees to