



COMDTINST 12591.1
12 JUL 2018

COMMANDANT INSTRUCTION 12591.1

Subj: ELIGIBILITY CRITERIA FOR DEPENDENTS OF CIVILIAN EMPLOYEES IN U.S. TERRITORIES TO ATTEND DEPARTMENT OF DEFENSE (DOD) SCHOOLS

Ref: (a) 10 U.S.C. § 2164
(b) DODI 1342.26 dated 4 Mar 97
(c) DDESS policy Letter 04-006 dated 10 June 2004
(d) Permanent Change of Station (PCS) Travel for Civilian Employees, COMDTINST 12570.5 (series)

1. PURPOSE. This Instruction provides guidance on the conditions under which the U. S. Coast Guard will reimburse the Department of Defense (DoD) for educational services provided to dependent children of civilian employees appointed to positions in territories, possessions and commonwealths of the United States, such as Puerto Rico, Guam, Wake Island, American Samoa, the Northern Mariana Islands, and the U.S. Virgin Islands. These locations are henceforth referred to as U.S. Territories.
2. ACTION. All Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, chiefs of headquarters staff elements, and civilian directors will comply with the provisions of this Instruction. Internet release is authorized.
3. DIRECTIVES AFFECTED. None.
4. BACKGROUND. Reference (a) provided authority for DoD to operate Domestic Dependent Elementary and Secondary Schools (DDESS). Reference (b) specifies that DoD schools in U.S. Territories will provide, on a space available basis, public school education for dependents of full time civilian employees of the federal government who are residing and working in those areas, provided specific criteria is met. Reference (c) explains that non-DoD federal agencies must reimburse DoD for these educational expenses and further describes eligibility criteria. This

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NON-STANDARD DISTRIBUTION:

Instruction is necessary to correctly administer potential benefits to Coast Guard civilians appointed to positions in U.S. Territories and to ensure the appropriate use of Coast Guard funds.

5. DISCLAIMER. This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide operational guidance for Coast Guard personnel and is not intended to nor does it impose legally-binding requirements on any party outside the Coast Guard.
6. ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.
 - a. The development of this Instruction and the general policies contained within it have been thoroughly reviewed by the originating office in conjunction with the Office of Environmental Management, Commandant (CG-47). This Instruction is categorically excluded under current Department of Homeland Security (DHS) categorical exclusion (CATEX) A3 from further environmental analysis in accordance with "Implementation of the National Environmental Policy Act (NEPA), DHS Instruction Manual 023-01-001-01 (series).
 - b. This Instruction will not have any of the following: significant cumulative impacts on the human environment; substantial controversy or substantial change to existing environmental conditions; or inconsistencies with any Federal, State, or local laws or administrative determinations relating to the environment. All future specific actions resulting from the general policy in this Instruction must be individually evaluated for compliance with the National Environmental Policy Act (NEPA), Department of Homeland Security (DHS) and Coast Guard NEPA policy, and compliance with all other applicable environmental mandates.
7. DISTRIBUTION. No paper distribution will be made of this Instruction. An electronic version will be located on the following Coast Guard web sites. Internet: <http://www.dcms.uscg.mil/directives> and CGPortal: <https://cgportal2.uscg.mil/library/SitePages/Home.aspx>.
8. RECORDS MANAGEMENT CONSIDERATIONS. This Instruction has been evaluated for potential records management impacts. The development of this Instruction has been thoroughly reviewed during the directives clearance process, and it has been determined there are no further records scheduling requirements, in accordance with Federal Records Act, 44 U.S.C. 3101 et seq., National Archives and Records Administration (NAFA) requirements, and the Information and Life Cycle Management Manual, COMDTINST M5212.12 (series). This policy does not have any significant or substantial change to existing records management requirements.
9. COVERAGE. This policy applies to appropriated fund employees given permanent appointments to civilian positions in U.S. Territories.
10. GENERAL GUIDELINES. This policy mirrors DoD policy and aligns with the intent of DoD Instructions governing this matter. Enrollment eligibility certification will be completed every year in response to requests from DoD Education Activities (DoDEA) Offices of Superintendents.
11. ELIGIBILITY CRITERIA. The eligibility of the dependents of Coast Guard civilian employees to attend the DoDEA schools is based upon the federal employment status of the parent/legal guardian, hereinafter referred to as "the employee." Dependent children of Coast Guard employees appointed

to positions in U.S. Territories where such schools are available are generally eligible to attend DoDEA schools if all requirements in Paragraphs 11.a., or 11.b., or 11.c. below are satisfied:

a. Residence.

- (1) The civilian employee is residing in permanent living quarters on a military installation (including leasing and/or paying rent for such quarters), and
- (2) The civilian employee is full-time, and
- (3) The children are authorized on the lease to live with the employee full time (the lease will be required by the DoDEA at the time of school registration), and
- (4) Commandant (CG-832) agrees to reimburse DoD for educational services provided to the dependent at the established tuition rate, and
- (5) Commandant (CG-123) certifies their eligibility for the educational services benefit based on meeting all provisions in 11.a.(1) through 11.a.(4) above.

b. Transferability.

- (1) The employee is in a “transferable” position, that is, employed in a grade, position, or classification subject by policy and practice to transfer or reassignment to an area where English is the language of instruction in the schools normally attended by the children of Federal employees (the definition of “transferable” below applies), and
- (2) The civilian employee is full-time, and
- (3) The children live with the employee full time, and
- (4) Commandant (CG-832) agrees to reimburse DoD for educational services provided to the dependent at the established tuition rate; and
- (5) Commandant (CG-123) certifies their eligibility for the educational services benefit based on meeting all provisions in Paragraphs 11.b.(1) through 11.b.(4) above.

c. Grandfathered.

- (1) The employee was deemed eligible for the educational services benefit immediately before being selected for and placed into another civilian position at the U.S. Territory without a break in service, and
- (2) The civilian employee is full-time, and
- (3) The children live with the employee full time, and
- (4) Commandant CG-832 agrees to reimburse DoD for educational services provided to the dependent at the established tuition rate; and
- (5) Commandant (CG-123) certifies their eligibility for the educational services benefit based on meeting all provisions in Paragraphs 11.c.(1) through 11.c.(4) above.

12. DEFINITIONS.

- a. Break in service. Voluntary or involuntary separation from the federal service (i.e., retirement, removal, resignation) or transfer to either another Department of Homeland Security component or another agency.
- b. Dependent child. A dependent child is a natural offspring, step-child, adopted child, or other school age (i.e., Pre-Kindergarten to grade 12) child under the legal guardianship of the employee. In cases where a Federal employee is claiming legal guardianship of a child for

whom eligibility is being sought, the employee or member will present a court order appointing him/her as legal guardian of said child. Court orders not in English must be accompanied by a certified translation. Affidavits, notarized statements, or power of attorney will not be accepted; the child will reside full time with the employee at the U.S. Territory and the employee must be fully responsible for the child in the capacity of a parent. Additionally, an in loco parentis affidavit may be required.

- c. Five Year Rule. Reference (b) limits enrollment eligibility to five (5) consecutive years. Thereafter, an otherwise qualified dependent child's enrollment may be approved for continued enrollment by DoDEA if space is available in the program and if funding is available. This is referred to as the five-year rule waiver. The annual certification document prepared by Commandant (CG-123) will specify whether each dependent child's enrollment will exceed the five (5) year limit. The receiving DoDEA Superintendent's Office will consider the inclusion of those students on the certification list as a request from the Coast Guard for the students to continue enrollment for another year and will approve the request if the above-stated conditions are met.
- d. Transferable. A position is "subject to transfer" or "transferable" if one of the following conditions is met:
 - (1) The employee signed a mobility agreement for the current position in the U.S. Territory; in those instances where the employee signs a mobility agreement after appointment, a determination whether the position meets the definition of transferable will be made by Commandant (CG-123) on a case-by-case basis using criteria in the Permanent Change of Station (PCS) Instruction, Reference (d), (i.e. a difficult to fill position) and Commandant (CG-123) will obtain Commandant (CG-832) agreement on tuition funding before making such designation; or
 - (2) The employee was appointed to the current position from a world-wide vacancy announcement and was issued PCS orders to the U.S. Territory under the provisions of Reference (d); A key requirement is that the travel cannot begin and the employee cannot commit to any cost associated with the travel until the PCS orders have been issued; or
 - (3) The employee was hired from a world-wide vacancy announcement that, had the employee resided in the United States, would have signed a transportation or mobility agreement and/or would have been issued PCS orders.
- e. World-wide vacancy announcement. A world-wide vacancy announcement is a vacancy announcement that does not limit applicants to employees of the U.S. Coast Guard or to any local commuting area.

13. RESPONSIBILITIES.

- a. Sector Guam, Sector San Juan, Air Station Borinquen, and other units in U.S. Territories where DoD schools are located.
 - (1) Receives a request annually from the respective DoDEA Superintendent's office to complete

Enclosures regarding enrollment request information. Enclosure (1) is an example of such a request.

- (2) Requests information from employees who seek approval for their dependent children to enroll in DoD schools. The information solicited includes employees' names and official job titles/series/grade, dependents' names and grades and/or dates of birth, and verification as to whether the upcoming school year will require a five-year rule waiver. A sample request for enrollment information is attached as Enclosure (2).
 - (3) Annually reviews original documents showing dependent child status and certifies in writing for Commandant (CG-123) that dependent child status has been verified. Enclosure (3) lists required documentation, and Enclosure (4) is a sample written communiqué to Commandant (CG-123). Original documentation will be returned to the employee. Neither originals nor copies of documentation showing dependent child status will be maintained at the command or in Commandants (CG-123) or (CG-122).
 - (4) Completes the Enclosures and timely forwards the list and request package to Commandant (CG-123), specifying any changes from the previous year's list and specifying whether any of the employees listed are assigned to live in permanent housing aboard a Coast Guard base in the U.S. Territory. The list of employees' and children's names must also include the date of document review verifying each dependent child's status.
- b. Office of Civilian Workforce Management (CG-122).
- (1) Formulates and issues policy and program guidance governing eligibility criteria for dependents of civilian employees to enroll in DoD schools.
 - (2) Determines eligibility under extenuating circumstances on a case-by-case basis.
 - (3) Coordinates with Commandants (CG-83), (CG-LGL), and other HQ units as necessary to ensure benefits are properly extended to qualifying employees.
- c. Office of Civilian Human Resources Operations (CG-123).
- (1) Advertises vacancy announcements for positions in U.S. Territories with a clear "yes/no" statement regarding the payment of PCS relocation expenses/first post of duty allowances. Includes information regarding dependent eligibility to attend DoD schools in the vacancy announcement when appropriate and specifies that after five continuous years of enrollment, subsequent eligibility is on a space available basis.
 - (2) Notifies Commandant (CG-832) by email that a vacancy announcement is being published which includes possible DoD school enrollment eligibility, in order for Commandant (CG-832) to plan possible out-year funding.

- (3) Notifies Commandant (CG-832) by email prior to designating a position as transferable when a mobility agreement is signed after appointment to obtain funding commitment (see Paragraph 12.c. above).
- (4) Annotates position descriptions with the requirement for a mobility agreement when appropriate.
- (5) Annotates a remark on the Standard Form 50 (SF50s) which documents appointment to positions in U.S. Territories that the position is “transferable” because it meets one of the two conditions specified in Paragraph 12 above.
- (6) Reviews and certifies lists of employees seeking authorization to enroll their dependent children in DoD schools.
- (7) Coordinates with Commandant (CG-832) to obtain funding commitment for tuition reimbursement for certified lists.
- (8) Serves as the Agency point of contact for eligibility certification with DoDEA Superintendent’s offices.
- (9) Retains all DoD school enrollment eligibility certification files for a period of six years and three months from the employee’s reporting date.

d. Office of Resource Management (CG-83).

- (1) Calculates the DoD tuition reimbursement costs using the rates provided by DoDEA and listing certified by Commandant (CG-123).
- (2) Coordinates financial transaction/Interagency Agreement/Military Interdepartmental Procurement Request to reimburse DoDEA.
- (3) Manages the prior, current and future years AFC-08 account balances, which includes DoD tuition reimbursement funding level.
- (4) Recommends adjustment, such as redistribution of funds within the budget accounts in response to changes in programs, staffing levels, and funds availability.
- (5) Forecasts future years DoD tuition reimbursement costs in conjunction with the Chief, Office of Civilian Human Resources Operations, (CG-123), and formulates the DoD tuition reimbursement budget.
- (6) Calculates the financial effects of changes to DoDEA policy.

e. Employee.

- (1) Timely responds to command solicitation for enrollment requests.
- (2) Timely provides original certified or notarized documentation verifying dependent child status as specified in Enclosure (3) each year enrollment is requested.

14. FORMS/REPORTS. None.

15. REQUEST FOR CHANGES. Units and individuals may recommend changes via their chain of command using Coast Guard memorandum to the Chief, Civilian Workforce Management Office, (CG-122): USCGOfficeOfCivilianHR@uscg.mil.

MICHELLE R. GODFREY /s/
Director, Civilian Human Resources,
Diversity & Leadership

- Encl: (1) Sample Memorandum from DoDEA Office of Superintendent
(2) Sample Email from Command POC to Civilian Employees Upon Receipt of Request for Enrollment Information from DoDEA Superintendent's Offices in U.S. Territories
(3) Documentation Required to Verify Dependent Child Status (from the Dependency Worksheet, Form CG-2020)
(4) Sample Email from Command POC to Commandant (CG-123)
(Verifying Review of Required Documents)

SAMPLE MEMORANDUM FROM DoDEA OFFICE OF SUPERINTENDENT

MEMORANDUM FOR

SUBJECT: Certification of Eligibility

Eligibility to attend the Department of Defense Education Activity (DoDEA) _____ schools in _____, is governed by Section 2164 of title 10, United States Code, and is based upon the federal employment status of the parent/legal guardian. The dependent children of _____-based non-DoD Federal civilian employees not residing on Federal property are generally eligible to attend DoDEA schools on a tuition reimbursement basis if the following requirements are satisfied:

1. That parent/guardian must be employed by the federal government in a grade, position, or classification subject by policy and practice to transfer or reassignment to an area where English is the language of instruction in the schools normally attended by the children of Federal employees. Enclosure (1) is provided as guidance in the determination of eligibility to attend DoDEA _____ schools. Please review these guidelines carefully.
2. The children should reside with the parent or legal guardian on a full-time basis.
3. The employing agency agrees to reimburse DoD for educational services provided to the dependent at the established tuition rate (see below for additional information).

_____ and _____ are enclosed for certification of eligibility of dependents of civilian employees. These samples can be used to prepare a certification letter on your agency's Washington, DC headquarters letterhead. All certifications must be signed and dated (if more than one page is used, each page must be signed and dated) by the Personnel Director or by the Principal Administrative Officer of the headquarters of your agency in Washington, and should be received at the office no later than _____. In order to ensure that your agency receives appropriate invoices and refunds, it is essential that you notify this office of any change in your employee's and/or the dependents' status, i.e., transfers, retirement, divorce or death.

TUITION REIMBURSEMENT: Subsection 2164(g) of the statute authorized the Secretary to be reimbursed by the heads of non-DoD Federal agencies, at rates prescribed by the Secretary, for the cost of educational services to dependents of employees of such non-DoD Federal agencies. The Secretary elected to exercise this discretionary authority, and instituted a tuition reimbursement program for the cost of educational services provided by DoDEA _____ to all non-DoD Federal agency employee dependents beginning in School Year (SY) 2003-2004.

FIVE YEAR RULE: Section 2164(c)(2)(A) of the statute, provides that a dependent of a Federal civilian employee not residing in permanent quarters on a military installation in _____ may be enrolled in the DoDEA schools for not more than five consecutive school years. Please indicate in the appropriate column of _____ if the listed student will have been enrolled for more than 5 years at the start of SY 20xx-20xx. We will consider this a request from your agency for the student to continue enrollment. Enrollments will be approved if space is available and your Agency agrees to continue reimbursement for the services provided. At this time, there are no space problems in our schools and I expect all requests will be approved. Should this change, my staff will contact you immediately. This does not apply to dependents of DoD civilian employees or employees who were or would have been employees of the former U.S. Customs Service.

Following receipt of your official list of eligible employees and their dependents, the DoDEA Budget Office will send a tuition billing to your agency. In June an initial invoice will be sent which covers start of school to the end of the fiscal year (September 30, 20xx) with payment to be made before the first day of school. A second invoice will be sent in September covering October, 1, 20xx to the end of the school year with payment to be made in October.

Since the admission of children to DoDEA schools is contingent upon receipt of these certification documents, your action in meeting the _____ submission date is essential. In the preparation of certification documents, however, you are advised to review each category that you certify to ensure that each certified employee is in a category that is subject to transfer and that your agency actually has a practice of transferring such employees according to your agency transfer policy.

In order to expedite the verification and processing procedures, I am also requesting that the Heads of Agencies submit a document which provides the following information:

1. The names and sample signatures of the individual authorized to certify eligibility to attend the DoDEA schools. Our Registrar will keep this document on file for comparison when certification letters are received from Washington, DC.
2. A point of contact within your office, should we need to communicate with you in the future; this person may or may not be the official responsible for certifying eligible dependents or the individual responsible for billing and payment issues.
3. Point of contact of the individual in charge of processing payments.

Packages that are received with incomplete information will be returned to your Agency.

Community Superintendent

SAMPLE EMAIL FROM COMMAND POC TO CIVILIAN EMPLOYEES UPON RECEIPT OF REQUEST FOR ENROLLMENT INFORMATION FROM DODEA SUPERINTENDENT’S OFFICES IN U.S. TERRITORIES

The Department of Defense Education Activities Office (DoDEA) has asked Coast Guard to provide a list of civilian employees who request to enroll their dependent children in the DoD schools.

Eligibility to enroll is determined by Commandant (CG-123) and is generally approved if the following conditions are met:

- a. The employee is employed in a grade, position, or classification subject by policy and practice to transfer or reassignment to an area where English is the language of instruction in the schools normally attended by the children of Federal employees (the definition of “transferable” is specified in Eligibility Criteria for Dependents of Civilian Employees in U.S. Territories to Attend Department of Defense (DoD) Schools, COMDTINST 12591.1), and
- b. The children live with the employee full time, and
- c. Coast Guard agrees to reimburse DoD for educational services provided.

The above-referenced Commandant Instruction contains amplifying information.

If you seek approval for your dependent children to be enrolled in DoD schools for the next school year, please provide the following information to me by return email no later than _____.

- 1. Your full name.
- 2. Your current official position title, series and grade.
- 3. The name(s) of your dependent child(ren), date(s) of birth, and grade(s) in which they will be enrolled next school year.
- 4. Month and year of first enrollment in the DoD school system.
- 5. Whether, as of next school year, the dependent child(ren) listed will be continuously enrolled for more than 5 consecutive years.
- 6. The basis on which you believe you qualify for approval and documentation to support the basis:

- Residing in living quarters aboard a military installation
- Signed a mobility agreement for current position
- Appointed to current position from a worldwide vacancy announcement and issued PCS orders to the Territory or Possession where current position is located.
- Hired from a world-wide vacancy announcement that, had I lived in the U.S., I would have been issued PCS orders.
- Grandfathered from an earlier eligibility determination.

Additionally, each year you request permission to enroll a dependent child in the DoD school at your current U.S. territory duty station following publication of Eligibility Criteria for Dependents of Civilian Employees in U.S. Territories to Attend Department of Defense (DoD) Schools, COMDTINST 12591.1, it is necessary for you to provide me original documents as described in Enclosure (3) of that Instruction.

Privacy Act Statement follows.

Privacy Act Statement

Authority: 10 U.S.C. § 2164; 14 U.S.C. § 632; 5 U.S.C. § 301; the Federal Records, Act; 44 U.S.C. § 3101

Purpose: To determine eligibility of dependent children of appropriated funded civilian employees of the U.S. Coast Guard to attend DoDEA schools in U.S. Territories, Possessions and Commonwealths.

Routine Uses: This information will be used to assist the U.S. Coast Guard with determining enrollment eligibility for receipt of educational services benefits, and may be disclosed externally as a “routine use” pursuant to DHS/USCG-014, Military Pay and Personnel System of Records Notice, 76 Federal Register 66933 (October 28, 2011).

Disclosure: Furnishing this information is voluntary. However, failure to provide this information may result in denial of a request to enroll eligible dependent children in DoDEA schools.

**DOCUMENTATION REQUIRED TO VERIFY DEPENDENT CHILD STATUS
(from the Dependency Worksheet, Form CG-2020)**

1. **Legitimate birth child** (defined as a child born from a marriage): Certified birth certificate

 2. **Illegitimate child** (defined as a child born out of wedlock):

 If the requesting employee is the child's mother: Certified birth certificate

 If the requesting employee is the child's father: Certified birth certificate and proof of
 Parentage *

 3. **Step child**: Certified birth certificate, current marriage certificate and divorce decree showing award of custody. Divorce decree must be translated into English and the English translation must be certified.

 4. **Adopted child**: Adoption order translated into English (English translation must be certified).

 5. **Legal guardianship**: Court order translated into English (English translation must be certified) appointing him/her as legal guardian of said child. Affidavits, notarized statements, or power of attorney will not be accepted.
- * Proof of parentage for a child born out of wedlock is a birth certificate with the employee's name cited on the certificate as the father. If the birth certificate does not state the employee's name as the father, a court order establishing paternity or a fully executed state Acknowledgement of Paternity form may be submitted.

**SAMPLE EMAIL FROM COMMAND POC TO COMMANDANT (CG-123)
(Verifying Review of Required Documents)**

From:

To: COMDT (CG-123)

Subj: VERIFICATION OF REVIEW OF REQUIRED DOCUMENTS

Ref: (a) Eligibility Criteria for Dependents of Civilian Employees in U.S. Territories to Attend Department of Defense (DoD) Schools, COMDTINST 12591.1

1. Reference (a) specifies that civilian employees who seek authorization to enroll their dependent children in Department of Defense (DoD) schools in U.S. Territories must provide original documentation verifying each child's dependent status. It also specifies that once a child's dependent status is verified for purposes of enrollment, employees are not required to re-contact verification in subsequent years.
2. I have reviewed all required documentation for employees on the attached list and I have confirmed that the children listed meet the definition of dependent child.
3. Enclosed is the list of employees' names, job titles, children's names, date of first enrollment, grades each child will enter next school year, indication as to whether the child has been continuously enrolled for more than 5 years, and the date the documentation was reviewed.