

## REFERENCES IN TEXT

The Job Training Partnership Act, referred to in subsecs. (a) and (d), is Pub. L. 97-300, Oct. 13, 1982, 96 Stat. 1322, as amended, which is classified generally to chapter 19 (§1501 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 1501 of Title 29 and Tables.

This Act, referred to in subsecs. (a) and (c) to (e), is Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 936, as amended, known as the Workforce Investment Act of 1998. Title I of the Act is classified principally to chapter 30 (§2801 et seq.) of Title 29, Labor. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

The Adult Education Act, referred to in subsec. (b)(1), is title III of Pub. L. 89-750, Nov. 3, 1966, 80 Stat. 1216, as amended, which was classified generally to chapter 30 (§1201 et seq.) of this title, prior to repeal by Pub. L. 105-220, title II, §251(a)(1), Aug. 7, 1998, 112 Stat. 1079. For complete classification of this Act to the Code, see Tables.

The Adult Education and Family Literacy Act, referred to in subsec. (b)(1), is title II of Pub. L. 105-220, Aug. 7, 1998, 112 Stat. 1059, as amended, which is classified principally to subchapter I (§9201 et seq.) of this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 9201 of this title and Tables.

## AMENDMENTS

1998—Subsec. (b)(2). Pub. L. 105-332 amended heading and text of par. (2) generally. Prior to amendment, text read as follows: “The authority to take actions under paragraph (1) shall apply only for the 1-year period beginning on August 7, 1998.”

Subsec. (d)(1). Pub. L. 105-277, §101(f) [title VIII, §401(19)(A)], substituted “subsection (c)” for “subsection (b)”.

Subsec. (d)(2). Pub. L. 105-277, §101(f) [title VIII, §401(19)(B)], inserted “planning authorized under” after “carry out” in two places and substituted “the planning purposes” for “the purposes”.

## SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9224 of this title.

**CHAPTER 74—TROOPS-TO-TEACHERS PROGRAM**

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**§ 9301. Short title; definitions****(a) Short title**

This chapter may be cited as the “Troops-to-Teachers Program Act of 1999”.

**(b) Definitions**

In this chapter:

(1) The term “administering Secretary”, with respect to the Troops-to-Teachers Program, means the following:

(A) The Secretary of Defense with respect to the Armed Forces (other than the Coast Guard) for the period beginning on October 5, 1999, and ending on the date of the completion of the transfer of responsibility for the Troops-to-Teachers Program to the Secretary of Education under section 9307 of this title.

(B) The Secretary of Transportation with respect to the Coast Guard for the period referred to in subparagraph (A).

(C) The Secretary of Education for any period after the period referred to in subparagraph (A).

(2) The term “alternative certification or licensure requirements” means State or local teacher certification or licensure requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.

(3) The term “member of the Armed Forces” includes a former member of the Armed Forces.

(4) The term “State” includes the District of Columbia, American Samoa, the Federated States of Micronesia, Guam, the Republic of the Marshall Islands, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, the Republic of Palau, and the United States Virgin Islands.

(Pub. L. 106-65, div. A, title XVII, §1701, Oct. 5, 1999, 113 Stat. 817.)

## REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title XVII of div. A of Pub. L. 106-65, Oct. 5, 1999, 113 Stat. 817, known as the Troops-to-Teachers Program Act of 1999, which enacted this chapter, repealed section 1151 of Title 10, Armed Forces, and enacted provisions set out as a note under section 1151 of Title 10. For complete classification of title XVII to the Code, see Tables.

**§ 9302. Authorization of Troops-to-Teachers Program**

**(a) Program authorized**

The administering Secretary may carry out a program (to be known as the “Troops-to-Teachers Program”)—

(1) to assist eligible members of the Armed Forces after their discharge or release, or retirement, from active duty to obtain certification or licensure as elementary or secondary school teachers or as vocational or technical teachers; and

(2) to facilitate the employment of such members by local educational agencies identified under subsection (b)(1) of this section.

**(b) Identification of local educational agencies with teacher shortages**

(1) In carrying out the Troops-to-Teachers Program, the administering Secretary shall periodically identify local educational agencies that—

(A) are receiving grants under title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) as a result of having within their jurisdictions concentrations of children from low-income families; or

(B) are experiencing a shortage of qualified teachers, in particular a shortage of science, mathematics, special education, or vocational or technical teachers.

(2) The administering Secretary may identify local educational agencies under paragraph (1) through surveys conducted for that purpose or by using information on local educational agencies that is available to the administering Secretary from other sources.

**(c) Identification of States with alternative certification requirements**

In carrying out the Troops-to-Teachers Program, the administering Secretary shall also conduct a survey of States to identify those States that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the Armed Forces toward satisfying certification or licensure requirements for teachers.

**(d) Limitation on use of funds for management infrastructure**

The administering Secretary may utilize not more than five percent of the funds available to carry out the Troops-to-Teachers Program for a fiscal year for purposes of establishing and maintaining the management infrastructure necessary to support the program.

(Pub. L. 106-65, div. A, title XVII, §1702, Oct. 5, 1999, 113 Stat. 818.)

REFERENCES IN TEXT

The Elementary and Secondary Education Act of 1965, referred to in subsec. (b)(1)(A), is Pub. L. 89-10, Apr. 11, 1965, 79 Stat. 27, as amended. Title I of the Act is classified generally to subchapter I (§6301 et seq.) of chapter 70 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 6301 of this title and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9303, 9304, 9308 of this title.

**§ 9303. Eligible members of the Armed Forces**

**(a) Eligible members**

Subject to subsection (c) of this section, the following members of the Armed Forces shall be eligible for selection to participate in the Troops-to-Teachers Program:

(1) Any member who—

(A) during the period beginning on October 1, 1990, and ending on September 30, 1999, was involuntarily discharged or released from active duty for purposes of a reduction of force after six or more years of continuous active duty immediately before the discharge or release; and

(B) satisfies such other criteria for selection as the administering Secretary may prescribe.

(2) Any member who applied for the teacher placement program administered under section 1151 of title 10, as in effect before its repeal by section 9307 of this title, and who satisfies the eligibility criteria specified in subsection (c) of such section 1151.

(3) Any member who—

(A) on or after October 1, 1999, becomes entitled to retired or retainer pay in the manner provided in title 10 or title 14;

(B) has the educational background required by subsection (b) of this section; and

(C) satisfies the criteria prescribed under paragraph (1)(B).

**(b) Educational background**

(1) In the case of a member of the Armed Forces described in subsection (a)(3) of this section who is applying for assistance for placement as an elementary or secondary school teacher, the administering Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.

(2) In the case of a member described in subsection (a)(3) of this section who is applying for assistance for placement as a vocational or technical teacher, the administering Secretary shall require the member—

(A) to have received the equivalent of one year of college from an accredited institution of higher education and have 10 or more years of military experience in a vocational or technical field; or

(B) to otherwise meet the certification or licensure requirements for a vocational or technical teacher in the State in which the member seeks assistance for placement under the program.

**(c) Ineligible members**

A member of the Armed Forces described in subsection (a) of this section is eligible to participate in the Troops-to-Teachers Program only if the member's last period of service in the Armed Forces was characterized as honorable.

**(d) Information regarding program**

(1) The administering Secretary shall provide information regarding the Troops-to-Teachers Program, and make applications for the program available, to members of the Armed Forces as part of pre-separation counseling provided under section 1142 of title 10.

(2) The information provided to members shall—

(A) indicate the local educational agencies identified under section 9302(b) of this title; and

(B) identify those States surveyed under section 9302(c) of this title that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the Armed Forces toward satisfying such requirements.

(Pub. L. 106–65, div. A, title XVII, §1703, Oct. 5, 1999, 113 Stat. 818.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9304 of this title.

**§ 9304. Selection of participants**

**(a) Submission of applications**

Selection of eligible members of the Armed Forces to participate in the Troops-to-Teachers Program shall be made on the basis of applications submitted to the administering Secretary on a timely basis. An application shall be in such form and contain such information as the administering Secretary may require.

**(b) Timely applications**

An application shall be considered to be submitted on a timely basis if the application is submitted as follows:

(1) In the case of a member of the Armed Forces who is eligible under section 9303(a)(1) or 9303(a)(2) of this title, not later than September 30, 2003.

(2) In the case of a member who is eligible under section 9303(a)(3) of this title, not later than four years after the date on which the member first receives retired or retainer pay under title 10 or title 14.

**(c) Selection priorities**

In selecting eligible members of the Armed Forces to receive assistance for placement as elementary or secondary school teachers or vocational or technical teachers, the administering Secretary shall give priority to members who—

(1) have educational or military experience in science, mathematics, special education, or vocational or technical subjects and agree to seek employment as science, mathematics, or special education teachers in elementary or secondary schools or in other schools under the jurisdiction of a local educational agency; or

(2) have educational or military experience in another subject area identified by the administering Secretary, in consultation with the National Governors Association, as important for national educational objectives and agree to seek employment in that subject area in elementary or secondary schools.

**(d) Selection subject to funding**

The administering Secretary may not select a member of the Armed Forces to participate in the Troops-to-Teachers Program unless the administering Secretary has sufficient appropriations for the program available at the time of the selection to satisfy the obligations to be in-

curred by the United States under section 9305 of this title with respect to that member.

**(e) Participation agreement**

A member of the Armed Forces selected to participate in the Troops-to-Teachers Program shall be required to enter into an agreement with the administering Secretary in which the member agrees—

(1) to obtain, within such time as the administering Secretary may require, certification or licensure as an elementary or secondary school teacher or vocational or technical teacher; and

(2) to accept an offer of full-time employment as an elementary or secondary school teacher or vocational or technical teacher for not less than four school years with a local educational agency identified under section 9302 of this title, to begin the school year after obtaining that certification or licensure.

**(f) Exceptions to violation determination**

A participant in the Troops-to-Teachers Program shall not be considered to be in violation of an agreement entered into under subsection (e) of this section during any period in which the participant—

(1) is pursuing a full-time course of study related to the field of teaching at an eligible institution;

(2) is serving on active duty as a member of the Armed Forces;

(3) is temporarily totally disabled for a period of time not to exceed three years as established by sworn affidavit of a qualified physician;

(4) is unable to secure employment for a period not to exceed 12 months by reason of the care required by a spouse who is disabled;

(5) is seeking and unable to find full-time employment as a teacher in an elementary or secondary school or as a vocational or technical teacher for a single period not to exceed 27 months; or

(6) satisfies the provisions of additional reimbursement exceptions that may be prescribed by the administering Secretary.

(Pub. L. 106–65, div. A, title XVII, §1704, Oct. 5, 1999, 113 Stat. 819.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 9305 of this title.

**§ 9305. Stipend and bonus for participants**

**(a) Stipend authorized**

(1) Subject to paragraph (2), the administering Secretary shall pay to each participant in the Troops-to-Teachers Program a stipend in an amount equal to \$5,000.

(2) The total number of stipends that may be paid under paragraph (1) in any fiscal year may not exceed 3,000.

**(b) Bonus authorized**

(1) Subject to paragraph (2), the administering Secretary may, in lieu of paying a stipend under subsection (a) of this section, pay a bonus of \$10,000 to each participant in the Troops-to-Teachers Program who agrees under section 9304(e) of this title to accept full-time employ-

ment as an elementary or secondary school teacher or vocational or technical teacher for not less than four years in a high need school.

(2) The total number of bonuses that may be paid under paragraph (1) in any fiscal year may not exceed 1,000.

(3) In this subsection, the term “high need school” means an elementary school or secondary school that meets one or more of the following criteria:

(A) The school has a drop out rate that exceeds the national average school drop out rate.

(B) The school has a large percentage of students (as determined by the Secretary of Education in consultation with the National Assessment Governing Board) who speak English as a second language.

(C) The school has a large percentage of students (as so determined) who are at risk of educational failure by reason of limited proficiency in English, poverty, race, geographic location, or economic circumstances.

(D) At least one-half of the students of the school are from families with an income below the poverty line (as that term is defined by the Office of Management and Budget and revised annually in accordance with section 9902(2) of title 42) applicable to a family of the size involved.

(E) The school has a large percentage of students (as so determined) who qualify for assistance under part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.).

(F) The school meets any other criteria established by the administering Secretary in consultation with the National Assessment Governing Board.

**(c) Treatment of stipend and bonus**

Stipends and bonuses paid under this section shall be taken into account in determining the eligibility of the participant concerned for Federal student financial assistance provided under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq. [and 42 U.S.C. 2751 et seq.]).

**(d) Reimbursement under certain circumstances**

(1) If a participant in the Troops-to-Teachers Program fails to obtain teacher certification or licensure or employment as an elementary or secondary school teacher or vocational or technical teacher as required by the agreement under section 9304(e) of this title or voluntarily leaves, or is terminated for cause, from the employment during the four years of required service in violation of the agreement, the participant shall be required to reimburse the administering Secretary for any stipend paid to the participant under subsection (a) of this section in an amount that bears the same ratio to the amount of the stipend as the unserved portion of required service bears to the four years of required service.

(2) If a participant in the Troops-to-Teachers Program who is paid a bonus under subsection (b) of this section fails to obtain employment for which the bonus was paid as required by the agreement under section 9304(e) of this title, or voluntarily leaves or is terminated for cause from the employment during the four years of

required service in violation of the agreement, the participant shall be required to reimburse the administering Secretary for any bonus paid to the participant under that subsection in an amount that bears the same ratio to the amount of the bonus as the unserved portion of required service bears to the four years of required service.

(3) The obligation to reimburse the administering Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11, shall not release a participant from the obligation to reimburse the administering Secretary.

(4) Any amount owed by a participant under this subsection shall bear interest at the rate equal to the highest rate being paid by the United States on the day on which the reimbursement is determined to be due for securities having maturities of ninety days or less and shall accrue from the day on which the participant is first notified of the amount due.

**(e) Exceptions to reimbursement requirement**

A participant in the Troops-to-Teachers Program shall be excused from reimbursement under subsection (d) of this section if the participant becomes permanently totally disabled as established by sworn affidavit of a qualified physician. The administering Secretary may also waive reimbursement in cases of extreme hardship to the participant, as determined by the administering Secretary.

**(f) Relationship to educational assistance under Montgomery GI Bill**

The receipt by a participant in the Troops-to-Teachers Program of any assistance under the program shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 of title 38 or chapter 1606 of title 10.

(Pub. L. 106-65, div. A, title XVII, §1705, Oct. 5, 1999, 113 Stat. 821.)

REFERENCES IN TEXT

The Individuals with Disabilities Education Act, referred to in subsec. (b)(3)(E), is title VI of Pub. L. 91-230, Apr. 13, 1970, 84 Stat. 175, as amended. Part B of the Act is classified generally to subchapter II (§1411 et seq.) of chapter 33 of this title. For complete classification of this Act to the Code, see section 1400 of this title and Tables.

The Higher Education Act of 1965, referred to in subsec. (c), is Pub. L. 89-329, Nov. 8, 1965, 79 Stat. 1219, as amended. Title IV of the Act is classified generally to subchapter IV (§1070 et seq.) of chapter 28 of this title and part C (§2751 et seq.) of subchapter I of chapter 34 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 1001 of this title and Tables.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9304, 9308 of this title.

**§ 9306. Participation by States**

**(a) Discharge of State activities through consortia of States**

The administering Secretary may permit States participating in the Troops-to-Teachers Program to carry out activities authorized for

such States under the program through one or more consortia of such States.

**(b) Assistance to States**

(1) Subject to paragraph (2), the administering Secretary may make grants to States participating in the Troops-to-Teachers Program, or to consortia of such States, in order to permit such States or consortia of States to operate offices for purposes of recruiting eligible members of the Armed Forces for participation in the program and facilitating the employment of participants in the program in schools in such States or consortia of States.

(2) The total amount of grants under paragraph (1) in any fiscal year may not exceed \$4,000,000.

(Pub. L. 106-65, div. A, title XVII, §1706, Oct. 5, 1999, 113 Stat. 822.)

**§ 9307. Termination of original program; transfer of functions**

**(a) Omitted**

**(b) Transfer of functions**

(1) The Secretary of Defense, the Secretary of Transportation, and the Secretary of Education shall provide for the transfer to the Secretary of Education of any on-going functions and responsibilities of the Secretary of Defense and the Secretary of Transportation with respect to—

(A) the program authorized by section 1151 of title 10 before its repeal by subsection (a)(1) of this section; and

(B) the Troops-to-Teachers Program for the period beginning on October 5, 1999, and ending on September 30, 2000.

(2) The Secretaries referred to in paragraph (1) shall complete the transfer under such paragraph not later than October 1, 2000.

(3) After completion of the transfer, the Secretary of Education shall discharge that Secretary's functions and responsibilities with respect to the program in consultation with the Secretary of Defense and the Secretary of Transportation with respect to the Coast Guard.

(Pub. L. 106-65, div. A, title XVII, §1707, Oct. 5, 1999, 113 Stat. 823.)

CODIFICATION

Section is comprised of section 1707 of Pub. L. 106-65. Subsec. (a)(1) of section 1707 repealed section 1151 of Title 10, Armed Forces. Subsec. (a)(2) of section 1707 amended the table of sections at the beginning of chapter 58 of Title 10. Subsec. (a)(3) of section 1707 is set out as a note under section 1151 of Title 10.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 9301, 9303 of this title.

**§ 9308. Reporting requirements**

**(a) Report required**

Not later than March 31, 2001, the Secretary of Education (in consultation with the Secretary

of Defense and the Secretary of Transportation) and the Comptroller General shall each submit to Congress a report on the effectiveness of the Troops-to-Teachers Program in the recruitment and retention of qualified personnel by local educational agencies identified under section 9302(b) of this title.

**(b) Elements of report**

The report under subsection (a) of this section shall include information on the following:

(1) The number of participants in the Troops-to-Teachers Program.

(2) The schools in which such participants are employed.

(3) The grade levels at which such participants teach.

(4) The subject matters taught by such participants.

(5) The effectiveness of the teaching of such participants, as indicated by any relevant test scores of the students of such participants.

(6) The extent of any academic improvement in the schools in which such participants teach by reason of their teaching.

(7) The rates of retention of such participants by the local educational agencies employing such participants.

(8) The effect of any stipends or bonuses under section 9305 of this title in enhancing participation in the program or in enhancing recruitment or retention of participants in the program by the local educational agencies employing such participants.

(9) Such other matters as the Secretary of Education or the Comptroller General, as the case may be, considers appropriate.

**(c) Recommendations**

The report of the Comptroller General under this section shall also include any recommendations of the Comptroller General as to means of improving the Troops-to-Teachers Program, including means of enhancing the recruitment and retention of participants in the program.

(Pub. L. 106-65, div. A, title XVII, §1708, Oct. 5, 1999, 113 Stat. 823.)

**§ 9309. Funds for fiscal year 2000**

Of the amount authorized to be appropriated by section 301 for operation and maintenance for fiscal year 2000, \$3,000,000 shall be available for purposes of carrying out the Troops-to-Teachers Program.

(Pub. L. 106-65, div. A, title XVII, §1709, Oct. 5, 1999, 113 Stat. 824.)

REFERENCES IN TEXT

Section 301, referred to in text, is section 301 of Pub. L. 106-65, div. A, title III, Oct. 5, 1999, 113 Stat. 556, which is not classified to the Code.