

599 (a)

1 SEC. 1. TRANSFER OF TROOPS-TO-TEACHERS PROGRAM FROM

2 DEPARTMENT OF EDUCATION TO DEPARTMENT OF DEFENSE.

3 (a) TRANSFER OF FUNCTIONS.—

4 (1) TRANSFER.—The responsibility and authority for operation and administration
5 of the Troops-to-Teachers Program in chapter A of subpart 1 of part C of title II of the
6 Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.), is transferred
7 from the Secretary of Education to the Secretary of Defense.

8 (2) EFFECTIVE DATE.—The transfer under paragraph (1) shall take effect on the
9 first day of the first month beginning more than 180 days after the date of the enactment
10 of this Act, or on such earlier date as the Secretary of Education and the Secretary of
11 Defense may jointly provide.

12 (b) ENACTMENT OF PROGRAM AUTHORITY IN TITLE 10, UNITED STATES CODE.—

13 (1) IN GENERAL.—Chapter 58 of title 10, United States Code, is amended by
14 adding at the end the following new section:

15 **“§ 1154. Assistance to eligible members and former members to obtain employment as**
16 **teachers: Troops-to-Teachers Program**

17 “(a) DEFINITIONS.—In this section:

18 “(1) PROGRAM.—The term ‘Program’ means the Troops-to-Teachers Program
19 authorized by this section.

20 “(2) MEMBER OF THE ARMED FORCES.—The term ‘member of the armed forces’
21 includes a former member of the armed forces.

22 “(3) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given that
23 term in section 5210 of the Elementary and Secondary Education Act of 1965 (20 U.S.C.

1 7221i).

2 “(4) ADDITIONAL TERMS.—The terms ‘elementary school’, ‘highly qualified
3 teacher’, ‘local educational agency’, ‘secondary school’, and ‘state’ have the meanings
4 given those terms in section 9101 of the Elementary and Secondary Education Act of
5 1965 (20 U.S.C. 7801).

6 “(b) PROGRAM AUTHORIZATION.—The Secretary may carry out a program (to be known
7 as the ‘Troops-to-Teachers Program’)—

8 “(1) to assist eligible members of the armed forces described in subsection (d) to
9 obtain certification or licensing as elementary school teachers, secondary school teachers,
10 or vocational or technical teachers, and to become highly qualified teachers; and

11 “(2) to facilitate the employment of such members—

12 “(A) by local educational agencies or public charter schools that the
13 Secretary of Education identifies as—

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

18 “(ii) experiencing a shortage of highly qualified teachers, in
19 particular a shortage of science, mathematics, special education, or
20 vocational or technical teachers; and

21 “(B) in elementary schools or secondary schools, or as vocational or
22 technical teachers.

23 “(c) PLACEMENT ASSISTANCE AND REFERRAL SERVICES.—The Secretary may provide

1 placement assistance and referral services to members of the armed forces who meet the criteria
2 described in subsection (d), including meeting the education qualification requirements under
3 subsection (d)(3)(B). Such members shall not be eligible for financial assistance under
4 paragraphs (3) and (4) of subsection (e).

5 “(d) ELIGIBILITY AND APPLICATION PROCESS.—

6 “(1) ELIGIBLE MEMBERS.—The following members of the armed forces are
7 eligible for selection to participate in the Program:

8 “(A) Any member who—

9 “(i) on or after October 1, 1999, becomes entitled to retired or
10 retainer pay under this title or title 14;

11 “(ii) has an approved date of retirement that is within one year after
12 the date on which the member submits an application to participate in the
13 Program; or

14 “(iii) has been transferred to the Retired Reserve.

15 “(B) Any member who, on or after January 8, 2002—

16 “(i)(I) is separated or released from active duty after six or more
17 years of continuous active duty immediately before the separation or
18 release; or

19 “(II) has completed a total of at least ten years of active duty
20 service, ten years of service computed under section 12732 of this title, or
21 ten years of any combination of such service; and

22 “(ii) executes a reserve commitment agreement for a period of not
23 less than three years under paragraph (5)(B).

1 “(C) Any member who, on or after January 8, 2002, is retired or separated
2 for physical disability under chapter 61 of this title.

3 “(2) SUBMISSION OF APPLICATIONS.—(A) Selection of eligible members of the
4 armed forces to participate in the Program shall be made on the basis of applications
5 submitted to the Secretary within the time periods specified in subparagraph (B). An
6 application shall be in such form and contain such information as the Secretary may
7 require.

8 “(B) An application shall be considered to be submitted on a timely basis under
9 subparagraph (A)(i), (B), or (C) of paragraph (1) if the application is submitted not later
10 than four years after the date on which the member is retired or separated or released
11 from active duty, whichever applies to the member.

12 “(3) SELECTION CRITERIA; EDUCATIONAL BACKGROUND REQUIREMENTS AND
13 HONORABLE SERVICE REQUIREMENT.—(A) Subject to subparagraphs (B) and (C), the
14 Secretary shall prescribe the criteria to be used to select eligible members of the armed
15 forces to participate in the Program.

16 “(B)(i) If a member of the armed forces is applying for assistance for placement
17 as an elementary school or secondary school teacher, the Secretary shall require the
18 member to have received a baccalaureate or advanced degree from an accredited
19 institution of higher education.

20 “(ii) If a member of the armed forces is applying for assistance for placement as a
21 vocational or technical teacher, the Secretary shall require the member—

22 “(I) to have received the equivalent of one year of college from an
23 accredited institution of higher education and have six or more years of military

1 experience in a vocational or technical field; or

2 “(II) to otherwise meet the certification or licensing requirements for a
3 vocational or technical teacher in the State in which the member seeks assistance
4 for placement under the Program.

5 “(C) A member of the armed forces is eligible to participate in the Program only
6 if the member’s last period of service in the armed forces was honorable, as characterized
7 by the Secretary concerned. A member selected to participate in the Program before the
8 retirement of the member or the separation or release of the member from active duty
9 may continue to participate in the Program after the retirement, separation, or release
10 only if the member’s last period of service is characterized as honorable by the Secretary
11 concerned.

12 “(4) SELECTION PRIORITIES.—In selecting eligible members of the armed forces to
13 receive assistance under the Program, the Secretary shall give priority to members who—

14 “(A) have educational or military experience in science, mathematics,
15 special education, or vocational or technical subjects; and

16 “(B) agree to seek employment as science, mathematics, or special
17 education teachers in elementary schools or secondary schools or in other schools
18 under the jurisdiction of a local educational agency.

19 “(5) OTHER CONDITIONS ON SELECTION.—

20 “(A) The Secretary may not select an eligible member of the armed forces
21 to participate in the Program and receive financial assistance unless the Secretary
22 has sufficient appropriations for the Program available at the time of the selection
23 to satisfy the obligations to be incurred by the United States under subsection (e)

1 with respect to the member.

2 “(B) The Secretary may not select an eligible member of the armed forces
3 described in paragraph (1)(B)(i) to participate in the Program under this section
4 and receive financial assistance under subsection (e) unless the member executes
5 a written agreement to serve as a member of the Selected Reserve of a reserve
6 component of the armed forces for a period of not less than three years (in
7 addition to any other reserve commitment the member may have).

8 “(e) PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.—

9 “(1) PARTICIPATION AGREEMENT.—(A) An eligible member of the armed forces
10 selected to participate in the Program under subsection (b) and receive financial
11 assistance under this subsection shall be required to enter into an agreement with the
12 Secretary in which the member agrees—

13 “(i) within such time as the Secretary may require, to obtain certification
14 or licensing as an elementary school teacher, secondary school teacher, or
15 vocational or technical teacher, and to become a highly qualified teacher; and

16 “(ii) to accept an offer of full-time employment as an elementary school
17 teacher, secondary school teacher, or vocational or technical teacher for not less
18 than three school years with a high-need local educational agency or public
19 charter school, as such terms are defined in section 2102 of the Elementary and
20 Secondary Education Act (20 U.S.C. 6602), to begin the school year after
21 obtaining that certification or licensing.

22 “(B) The Secretary may waive the three-year commitment described in
23 subparagraph (A)(ii) for a participant if the Secretary determines such waiver to be

1 appropriate. If the Secretary provides the waiver, the participant shall not be considered
2 to be in violation of the agreement and shall not be required to provide reimbursement
3 under subsection (f), for failure to meet the three-year commitment.

4 “(2) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in
5 the Program shall not be considered to be in violation of the participation agreement
6 entered into under paragraph (1) during any period in which the participant—

7 “(A) is pursuing a full-time course of study related to the field of teaching
8 at an institution of higher education;

9 “(B) is serving on active duty as a member of the armed forces;

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

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

14 “(E) is a highly qualified teacher who is seeking and unable to find full-
15 time employment as a teacher in an elementary school or secondary school or as a
16 vocational or technical teacher for a single period not to exceed 27 months; or

17 “(F) satisfies the provisions of additional reimbursement exceptions that
18 may be prescribed by the Secretary.

19 “(3) STIPEND FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary
20 may pay to a participant in the Program selected under this section a stipend in an amount
21 of not more than \$5,000.

22 “(B) The total number of stipends that may be paid under subparagraph (A) in any
23 fiscal year may not exceed 5,000.

1 “(4) BONUS FOR PARTICIPANTS.—(A) Subject to subparagraph (B), the Secretary
2 may, in lieu of paying a stipend under paragraph (3), pay a bonus of \$10,000 to a
3 participant in the Program selected under this section who agrees in the participation
4 agreement under paragraph (1) to become a highly qualified teacher and to accept full-
5 time employment as an elementary school teacher, secondary school teacher, or
6 vocational or technical teacher for not less than three school years in a high-need school.

7 “(B) The total number of bonuses that may be paid under subparagraph (A) in any
8 fiscal year may not exceed 3,000.

9 “(C) For purposes of subparagraph (A), the term ‘high-need school’ means a
10 public elementary school, public secondary school, or public charter school that meets
11 one or more of the following criteria:

12 “(i) At least 50 percent of the students enrolled in the school were from
13 low-income families (as described in subsection (b)(2)(A)(i)).

14 “(ii) The school has a large percentage of students who qualify for
15 assistance under part B of the Individuals with Disabilities Education Act (20
16 U.S.C. 1411 et. seq.).

17 “(5) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this
18 subsection to a participant in the Program shall be taken into account in determining the
19 eligibility of the participant for Federal student financial assistance provided under title
20 IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et. seq.).

21 “(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

22 “(1) REIMBURSEMENT REQUIRED.—A participant in the Program who is paid a
23 stipend or bonus under this subsection shall be required to repay the stipend or bonus

1 under the following circumstances:

2 “(A) The participant fails to obtain teacher certification or licensing, to
3 become a highly qualified teacher, or to obtain employment as an elementary
4 school teacher, secondary school teacher, or vocational or technical teacher as
5 required by the participation agreement under subsection (e)(1).

6 “(B) The participant voluntarily leaves, or is terminated for cause from,
7 employment as an elementary school teacher, secondary school teacher, or
8 vocational or technical teacher during the three years of required service in
9 violation of the participation agreement.

10 “(C) The participant executed a written agreement with the Secretary
11 concerned under subsection (d)(5)(B) to serve as a member of a reserve
12 component of the armed forces for a period of three years and fails to complete
13 the required term of service.

14 “(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the
15 Secretary for a stipend or bonus paid to the participant under subsection (e) shall pay an
16 amount that bears the same ratio to the amount of the stipend or bonus as the unserved
17 portion of required service bears to the three years of required service. Any amount owed
18 by the participant shall bear interest at the rate equal to the highest rate being paid by the
19 United States on the day on which the reimbursement is determined to be due for
20 securities having maturities of 90 days or less and shall accrue from the day on which the
21 participant is first notified of the amount due.

22 “(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the Secretary
23 under this subsection is, for all purposes, a debt owing the United States. A discharge in

1 bankruptcy under title 11 shall not release a participant from the obligation to reimburse
2 the Secretary under this subsection.

3 “(4) EXCEPTIONS TO REIMBURSEMENT REQUIREMENT.—A participant shall be
4 excused from reimbursement under this subsection if the participant becomes
5 permanently totally disabled as established by sworn affidavit of a qualified physician.
6 The Secretary may also waive the reimbursement in cases of extreme hardship to the
7 participant, as determined by the Secretary.

8 “(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The
9 receipt by a participant in the Program of a stipend or bonus under this subsection (e) shall not
10 reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 or
11 33 of title 38 or chapter 1606 of this title.

12 “(h) PARTICIPATION BY STATES.—

13 “(1) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The
14 Secretary may permit States participating in the Program to carry out activities authorized
15 for such States under the Program through one or more consortia of such States.

16 “(2) ASSISTANCE TO STATES.—(A) Subject to subparagraph (B), the Secretary
17 may make grants to States participating in the Program, or to consortia of such States, in
18 order to permit such States or consortia of States to operate offices for purposes of
19 recruiting eligible members of the armed forces for participation in the Program and
20 facilitating the employment of participants in the Program as elementary school teachers,
21 secondary school teachers, and vocational or technical teachers.

22 “(B) The total amount of grants made under subparagraph (A) in any fiscal year
23 may not exceed \$5,000,000.”.

1 (2) CLERICAL AMENDMENT.—The table of sections at the beginning of such
2 chapter is amended by adding at the end the following new item:

“1154. Troops-to-Teachers Program.”.

3 (c) CONFORMING AMENDMENT.—Section 1142(b) (4)(C) of such title is amended by
4 striking “under sections 1152 and 1153 of this title and the Troops-to-Teachers Program under
5 section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672)” and
6 inserting “under sections 1152, 1153, and 1154 of this title”.

7 (d) TERMINATION OF ORIGINAL PROGRAM.—

8 (1) TERMINATION.—

9 (A) Chapter A of subpart 1 of Part C of the Elementary and Secondary
10 Education Act of 1965 (20 U.S.C. 6671 et seq.) is repealed.

11 (B) The table of contents in section 2 of Part I of the Elementary and
12 Secondary Education Act 1965 is amended by striking the items relating to
13 chapter A of subpart 1 of Part C of said Act.

14 (2) EXISTING AGREEMENTS.—The repeal of such chapter shall not affect the
15 validity or terms of any agreement entered into before the date of the enactment of this
16 Act under chapter A of subpart 1 of Part C of the Elementary and Secondary Education
17 Act of 1965 (20 U.S.C. 6671 et seq.), or to pay assistance, make grants, or obtain
18 reimbursement in connection with such an agreement as in effect before such repeal.

19 (e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the
20 effective date of the transfer under subsection (a).

~~Section-by-Section Analysis~~

~~This proposal would make the legislative and technical changes to transition the Troops-to-Teachers Program from the Department of Education (DoE) to the Department of Defense (DoD).~~

1 cation Act 1965 is amended by striking the
2 items relating to chapter A of subpart 1 of part
3 C of such Act.

4 (2) EXISTING AGREEMENTS.—The repeal of
5 such chapter shall not affect the validity or terms of
6 any agreement entered into before the date of the
7 enactment of this Act under chapter A of subpart 1
8 of part C of the Elementary and Secondary Edu-
9 cation Act of 1965 (20 U.S.C. 6671 et seq.), or to
10 pay assistance, make grants, or obtain reimburse-
11 ment in connection with such an agreement as in ef-
12 fect before such repeal.

13 (c) EFFECTIVE DATE.—The amendments made by
14 this section shall take effect on the effective date of the
15 transfer under subsection (a).

16 **SEC. 599B. ENHANCEMENTS TO THE TROOPS TO TEACHERS**
17 **PROGRAM.**

18 (a) YEARS OF SERVICE REQUIREMENTS.—Sub-
19 section ^(d)~~(e)~~ of section 1154 title 10, United States Code,
20 as added by section 599A, is amended—

21 (1) in paragraph (1)—

22 (A) by striking “or” at the end of subpara-
23 graph (B);

24 (B) by striking the period at the end of
25 subparagraph (C) and inserting “; or”; and

1 (C) by adding at the end the following new
2 subparagraph:

3 “(D) commencing on or after September
4 11, 2001, serves at least four years on active
5 duty (as such term is defined in section
6 101(d)(1) of this title, except that such term
7 does not include a period of service described in
8 paragraphs (1) through (3) of section 3311(d)
9 of title 38) in the Armed Forces (excluding
10 service on active duty in entry level or skills
11 training) and, after completion of such service,
12 is discharged or released as follows:

13 “(i) A discharge from active duty in
14 the armed forces with an honorable dis-
15 charge.

16 “(ii) A release after service on active
17 duty in the armed forces characterized by
18 the Secretary concerned as honorable serv-
19 ice and placement on the retired list,
20 transfer to the Fleet Reserve or Fleet Ma-
21 rine Corps Reserve, or placement on the
22 temporary disability retired list.

23 “(iii) A release from active duty in the
24 armed forces for further service in a re-
25 serve component of the armed forces after

1 service on active duty characterized by the
2 Secretary concerned as honorable service.”;
3 and

4 (b) DEFINITION OF LOCAL EDUCATION AGENCY AND
5 PUBLIC CHARTER SCHOOLS.—Such section is further
6 amended as follows:

7 (1) Clause (i) of subsection (b)(2)(A) of such
8 section is amended to read as follows:

9 “(i) receiving grants under part A of
10 title I, a Bureau-funded school (as such
11 term is defined in section 1141 of the Edu-
12 cation Amendments of 1978 (25 U.S.C.
13 2021(3)), or public charter school;”

→ 14 (2) In subsection ^(e)~~(d)~~(1)(A)(ii), by striking “or
15 public charter school receiving grants under part A
16 of title I of the Elementary and Secondary Edu-
17 cation Act of 1965 (20 U.S.C.6311 et seq.)” and in-
18 serting “receiving grants under part A of title I, a
19 Bureau-funded school (as such term is defined in
20 section 1141 of the Education Amendments of 1978
21 (25 U.S.C. 2021(3)) or public charter school”.

22 (c) TROOPS TO TEACHERS ADVISORY BOARD.—Such
23 section is further amended by adding at the end the fol-
24 lowing new subsection:

25 “(f) ADVISORY BOARD.—

1 “(1) ESTABLISHMENT.—Not later than 120
2 days after the date of enactment of section 1154 of
3 this title, the Secretary of Education and the Sec-
4 retary of Defense shall establish an advisory board
5 composed of—

6 “(A) a representative from the Department
7 of Defense;

8 “(B) a representative from the Depart-
9 ment of Education;

10 “(C) representatives from 3 State offices
11 that operate to recruit eligible members of the
12 armed forces for participation in the Program
13 and facilitating the employment of participants
14 in the Program as elementary school teachers,
15 secondary school teachers, and vocational or
16 technical teachers; and

17 “(D) a representative from each of 3 vet-
18 eran service organizations.

19 “(2) DUTIES.—The advisory board established
20 under subsection (a) shall—

21 “(A) collect, consider, and disseminate
22 feedback from participants and State offices de-
23 scribed in subsection (a)(4) on—

24 “(i) the best practices for improving
25 recruitment of eligible members of the

1 Armed Forces in States, local educational
2 agencies, and public charter schools under
3 served by the Program;

4 “(ii) ensuring that high-need local
5 educational agencies and public charter
6 schools are aware of the Program and how
7 to participate in it;

8 “(iii) coordinating the goals of the
9 Program with other Federal, State, and
10 local education needs and programs; and

11 “(iv) other activities that the advisory
12 board deems necessary; and

13 “(B) not later than 1 year after the date
14 of the enactment of section 1154 of this title,
15 and annually thereafter, prepare and submit a
16 report to the Committees on Health, Education,
17 Labor, and Pensions and Armed Services of the
18 Senate and the Committees on Education and
19 Labor and Armed Services of the House of
20 Representatives, which shall include—

21 “(i) information with respect to the
22 activities of the advisory board;

23 “(ii) information with respect to the
24 Program, including—

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“(I) the number of participants
in the Program;

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“(II) the number of States par-
ticipating in the Program;

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“(III) local educational agencies
and schools in where participants are
employed;

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“(IV) the grade levels at which
participants teach;

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“(V) the academic subjects
taught by participants;

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“(VI) rates of retention of par-
ticipants by the local educational
agencies and public charter schools
employing participant;

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“(VII) other demographic infor-
mation as may be necessary to evalu-
ate the effectiveness of the program;
and

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“(VIII) a review of the stipend
and bonus available to participants
under paragraphs (3) and (4)(A) of
subsection (d); and

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“(iii) recommendations for—

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“(I) improvements to local, State,
and Federal recruitment and retention
efforts;

“(II) legislative or executive pol-
icy changes to improve the Program,
enhance participant experience, and
increase participation in the program;
and

“(III) other changes necessary to
ensure that the Program is meeting
the purpose described in subsection
(b).”.

