95. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE COURTNEY OF CONNECTICUT OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

36R

AMENDMENT TO H.R. 1540, AS REPORTED

OFFERED BY MR. COURTNEY OF CONNECTICUT

At the end of subtitle E of title V, add the following new section:

SEC. 547. TROOPS-TO-TEACHERS PROGRAM.

(a) TRANSFER OF FUNCTIONS.—The responsibility and authority for operation and administration of the Troops-to-Teachers Program is transferred from the Secretary of Education to the Secretary of Defense.

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

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

"§ 1154. Assistance to eligible members to obtain employment as teachers: Troops-to-Teachers Program

"(a) DEFINITIONS.—In this section:

"(1) PROGRAM.—The term 'Program' means the Troops-to-Teachers Program authorized by this section.

"(2) CHARTER SCHOOL.—The term 'charter school' has the meaning given that term in section

1 5210 of the Elementary and Secondary Education
2 Act of 1965 (20 U.S.C. 7221i).
3 "(3) ADDITIONAL TERMS.—The terms 'elemen-
4 tary school', 'highly qualified teacher', 'local edu-
5 cational agency', 'secondary school', and 'State' have
6 the meanings given those terms in section 9101 of
7 the Elementary and Secondary Education Act of
8 1965 (20 U.S.C. 7801).
9 "(b) PROGRAM AUTHORIZATION.—The Secretary of
10 Defense may carry out a program (to be known as the
11 'Troops-to-Teachers Program')—
12 "(1) to assist eligible members of the armed
13 forces described in subsection (c) to obtain certifi-
14 cation or licensing as elementary school teachers,
15 secondary school teachers, or vocational or technical
16 teachers, and to become highly qualified teachers;
17 and
18 "(2) to facilitate the employment of such mem-
19 bers—
20 "(A) by local educational agencies or pub-
21 lic charter schools that the Secretary of Edu-
22 cation identifies as—
23 "(i) receiving grants under part A of
24 title I of the Elementary and Secondary
25 Education Act of 1965 (20 U.S.C. 6311 et

1 seq.) as a result of having within their ju-
2 risdictions concentrations of children from
3 low-income families;
4 "(ii) experiencing a shortage of highly
5 qualified teachers, in particular a shortage
6 of science, mathematics, special education,
7 or vocational or technical teachers; or
8 "(iii) a Bureau-funded school (as such
9 term is defined in section 1141 of the Edu-
10 cation Amendments of 1978 (25 U.S.C.
11 2021)); and
12 "(B) in elementary schools or secondary
13 schools, or as vocational or technical teachers.
14 "(c) ELIGIBILITY AND APPLICATION PROCESS.—
15 "(1) ELIGIBLE MEMBERS.—The following mem-
16 bers of the armed forces are eligible for selection to
17 participate in the Program:
18 "(A) Any member who—
19 "(i) on or after the date of the enact-
20 ment of the National Defense Authoriza-
21 tion Act for Fiscal Year 2011, becomes en-
22 titled to retired or retainer pay under this
23 title or title 14;
24 "(ii) has an approved date of retire-
25 ment that is within one year after the date

1 on which the member submits an applica-
2 tion to participate in the Program; or
3 "(iii) transfers to the Retired Reserve.
4 "(B) Any member who, on or after the
5 date of the enactment of the National Defense
6 Authorization Act for Fiscal Year 2011—
7 "(i)(I) is separated or released from
8 active duty after 4 or more years of contin-
9 uous active duty immediately before the
10 separation or release; or
11 "(II) has completed a total of at least
12 ten years of active duty service, 10 years
13 of service computed under section 12732 of
14 this title, or 10 years of any combination
15 of such service; and
16 "(ii) executes a reserve commitment
17 agreement for a period of not less than 3
18 years under paragraph (5)(B).
19 "(C) Any member who, on or after the
20 date of the enactment of the National Defense
21 Authorization Act for Fiscal Year 2011, is re-
22 tired or separated for physical disability under
23 chapter 61 of this title.
24 "(2) SUBMITTAL OF APPLICATIONS.—(A) Selec-
25 tion of eligible members of the armed forces to par-

1 ticipate in the Program shall be made on the basis
2 of applications submitted to the Secretary. An appli-
3 cation shall be in such form and contain such infor-
4 mation as the Secretary may require.
5 "(B) An application may be considered to be
6 submitted on a timely basis under subparagraph
7 (A)(i), (B), or (C) of paragraph (1) if the applica-
8 tion is submitted not later than 2 years after the
9 date on which the member is retired or separated or
10 released from active duty, whichever applies to the
11 member.
12 "(3) SELECTION CRITERIA; EDUCATIONAL
13 BACKGROUND REQUIREMENTS AND HONORABLE
14 SERVICE REQUIREMENT.—(A) Subject to subpara-
15 graphs (B) and (C), the Secretary shall prescribe
16 the criteria to be used to select eligible members of
17 the armed forces to participate in the Program.
18 "(B)(i) If a member of the armed forces is ap-
19 plying for assistance for placement as an elementary
20 school or secondary school teacher, the Secretary
21 shall require the member to have received a bacca-
22 laureate or advanced degree from an accredited in-
23 stitution of higher education.
24 "(ii) If a member of the armed forces is apply-
25 ing for assistance for placement as a vocational or

1 technical teacher, the Secretary shall require the
2 member—
3 "(I) to have received the equivalent of one
4 year of college from an accredited institution of
5 higher education and have 3 or more years of
6 military experience in a vocational or technical
7 field; or
8 "(II) to otherwise meet the certification or
9 licensing requirements for a vocational or tech-
10 nical teacher in the State in which the member
11 seeks assistance for placement under the Pro-
12 gram.
13 "(C) A member of the armed forces is eligible
14 to participate in the Program only if the member's
15 last period of service in the armed forces was honor-
16 able, as characterized by the Secretary concerned. A
17 member selected to participate in the Program be-
18 fore the retirement of the member or the separation
19 or release of the member from active duty may con-
20 tinue to participate in the Program after the retire-
21 ment, separation, or release only if the member's
22 last period of service is characterized as honorable
23 by the Secretary concerned.
24 "(4) SELECTION PRIORITIES.—In selecting eli-
25 gible members of the armed forces to receive assist-

1 ance under the Program, the Secretary shall give
2 priority to members who—
3 "(A) have educational or military experi-
4 ence in science, mathematics, special education,
5 or vocational or technical subjects; and
6 "(B) agree to seek employment as science,
7 mathematics, or special education teachers in
8 elementary schools or secondary schools or in
9 other schools under the jurisdiction of a local
10 educational agency.
11 "(5) OTHER CONDITIONS ON SELECTION.—(A)
12 The Secretary may not select an eligible member of
13 the armed forces to participate in the Program and
14 receive financial assistance unless the Secretary has
15 sufficient appropriations for the Program available
16 at the time of the selection to satisfy the obligations
17 to be incurred by the United States under subsection
18 (d) with respect to the member.
19 "(B) The Secretary may not select an eligible
20 member of the armed forces described in paragraph
21 (1)(B)(i) to participate in the Program under this
22 section and receive financial assistance under sub-
23 section (d) unless the member executes a written
24 agreement to serve as a member of the Selected Re-
25 serve of a reserve component of the armed forces for

1 a period of not less than 3 years (in addition to any
2 other reserve commitment the member may have).
3 "(d) PARTICIPATION AGREEMENT AND FINANCIAL
4 ASSISTANCE.—
5 "(1) PARTICIPATION AGREEMENT.—(A) An eli-
6 gible member of the armed forces selected to partici-
7 pate in the Program under subsection (c) and re-
8 ceive financial assistance under this subsection shall
9 be required to enter into an agreement with the Sec-
10 retary in which the member agrees—
11 "(i) within such time as the Secretary may
12 require, to obtain certification or licensing as an
13 elementary school teacher, secondary school
14 teacher, or vocational or technical teacher, and
15 to become a highly qualified teacher; and
16 "(ii) to accept an offer of full-time employ-
17 ment as an elementary school teacher, sec-
18 ondary school teacher, or vocational or technical
19 teacher for not less than three school years with
20 a local educational agency receiving grants
21 under part A of title I of the Elementary and
22 Secondary Education Act of 1965 (20
23 U.S.C.6311 et seq.), a Bureau-funded school
24 (as such term is defined in section 1141 of the

1 Education Amendments of 1978 (25 U.S.C. 11
2 2021)), or a public charter school.
3 "(B) The Secretary may waive the three-year
4 commitment described in subparagraph (A)(ii) for a
5 participant if the Secretary determines the waiver to
6 be appropriate. If the Secretary provides the waiver,
7 the participant shall not be considered to be in viola-
8 tion of the agreement and shall not be required to
9 provide reimbursement under subsection (e), for fail-
10 ure to meet the three-year commitment.
11 "(2) VIOLATION OF PARTICIPATION AGREE-
12 MENT; EXCEPTIONS.—A participant in the Program
13 shall not be considered to be in violation of the par-
14 ticipation agreement entered into under paragraph
15 (1) during any period in which the participant—
16 "(A) is pursuing a full-time course of
17 study related to the field of teaching at an in-
18 stitution of higher education;
19 "(B) is serving on active duty as a member
20 of the armed forces;
21 "(C) is temporarily totally disabled for a
22 period of time not to exceed 3 years as estab-
23 lished by sworn affidavit of a qualified physi-
24 cian;

1 "(D) is unable to secure employment for a
2 period not to exceed 12 months by reason of the
3 care required by a spouse who is disabled;
4 "(E) is a highly qualified teacher who is
5 seeking and unable to find full-time employ-
6 ment as a teacher in an elementary school or
7 secondary school or as a vocational or technical
8 teacher for a single period not to exceed 27
9 months; or
10 "(F) satisfies such other criteria as may be
11 prescribed by the Secretary.
12 "(3) STIPEND FOR PARTICIPANTS.—(A) Subject
13 to subparagraph (B), the Secretary may pay to a
14 participant in the Program selected under this sec-
15 tion a stipend in an amount of not more than
16 $5,000.
17 "(B) The total number of stipends that may be
18 paid under subparagraph (A) in any fiscal year may
19 not exceed 5,000.
20 "(4) BONUS FOR PARTICIPANTS.—(A) Subject
21 to subparagraph (B), the Secretary may, in lieu of
22 paying a stipend under paragraph (3), pay a bonus
23 of $10,000 to a participant in the Program selected
24 under this section who agrees in the participation
25 agreement under paragraph (1) to become a highly

1 qualified teacher and to accept full-time employment
2 as an elementary school teacher, secondary school
3 teacher, or vocational or technical teacher for not
4 less than 3 school years in a high-need school.
5 "(B) The total number of bonuses that may be
6 paid under subparagraph (A) in any fiscal year may
7 not exceed 3,000.
8 "(C) For purposes of subparagraph (A), the
9 term 'high-need school' means a public elementary
10 school, public secondary school, or public charter
11 school that meets one or more of the following cri-
12 teria:
13 "(i) At least 50 percent of the students en-
14 rolled in the school were from low-income fami-
15 lies (as described in subsection (b)(2)(A)(i)).
16 "(ii) The school has a large percentage of
17 students who qualify for assistance under part
18 B of the Individuals with Disabilities Education
19 Act (20 U.S.C. 1411 et. seq.).
20 "(5) TREATMENT OF STIPEND AND BONUS.—A
21 stipend or bonus paid under this subsection to a
22 participant in the Program shall be taken into ac-
23 count in determining the eligibility of the participant
24 for Federal student financial assistance provided

1 under title IV of the Higher Education Act of 1965
2 (20 U.S.C. 1070 et. seq.).
3 "(e) REIMBURSEMENT UNDER CERTAIN CIR-
4 CUMSTANCES.—
5 "(1) REIMBURSEMENT REQUIRED.—A partici-
6 pant in the Program who is paid a stipend or bonus
7 under subsection (d) shall be required to repay the
8 stipend or bonus under the following circumstances:
9 "(A) The participant fails to obtain teach-
10 er certification or licensing, to become a highly
11 qualified teacher, or to obtain employment as
12 an elementary school teacher, secondary school
13 teacher, or vocational or technical teacher as re-
14 quired by the participation agreement under
15 subsection (d)(1).
16 "(B) The participant voluntarily leaves, or
17 is terminated for cause from, employment as an
18 elementary school teacher, secondary school
19 teacher, or vocational or technical teacher dur-
20 ing the 3 years of required service in violation
21 of the participation agreement.
22 "(C) The participant executed a written
23 agreement with the Secretary concerned under
24 subsection (c)(5)(B) to serve as a member of a
25 reserve component of the armed forces for a pe-

1 riod of 3 years and fails to complete the re-
2 quired term of service.
3 "(2) AMOUNT OF REIMBURSEMENT.—A partici-
4 pant required to reimburse the Secretary for a sti-
5 pend or bonus paid to the participant under sub-
6 section (d) shall pay an amount that bears the same
7 ratio to the amount of the stipend or bonus as the
8 unserved portion of required service bears to the
9 three years of required service. Any amount owed by
10 the participant shall bear interest at the rate equal
11 to the highest rate being paid by the United States
12 on the day on which the reimbursement is deter-
13 mined to be due for securities having maturities of
14 90 days or less and shall accrue from the day on
15 which the participant is first notified of the amount
16 due.
17 "(3) TREATMENT OF OBLIGATION.—The obliga-
18 tion to reimburse the Secretary under this sub-
19 section is, for all purposes, a debt owing the United
20 States. A discharge in bankruptcy under title 11
21 shall not release a participant from the obligation to
22 reimburse the Secretary under this subsection.
23 "(4) EXCEPTIONS TO REIMBURSEMENT RE-
24 QUIREMENT.—A participant shall be excused from
25 reimbursement under this subsection if the partici-

1 pant becomes permanently totally disabled as estab-
2 lished by sworn affidavit of a qualified physician.
3 The Secretary may also waive the reimbursement in
4 cases of extreme hardship to the participant, as de-
5 termined by the Secretary.

6 "(f) RELATIONSHIP TO EDUCATIONAL ASSISTANCE
7 UNDER MONTGOMERY GI BILL.—The receipt by a partic-
8 ipant in the Program of a stipend or bonus under this
9 subsection (d) shall not reduce or otherwise affect the enti-
10 tlement of the participant to any benefits under chapter
11 30 or 33 of title 38 or chapter 1606 of this title.

12 "(g) PARTICIPATION BY STATES.—

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

19 "(2) ASSISTANCE TO STATES.—(A) Subject to
20 subparagraph (B), the Secretary may make grants
21 to States participating in the Program, or to con-
22 sortia of such States, in order to permit such States
23 or consortia of States to operate offices for purposes
24 of recruiting eligible members of the armed forces
25 for participation in the Program and facilitating the

1 employment of participants in the Program as ele-
2 mentary school teachers, secondary school teachers,
3 and vocational or technical teachers.
4 "(B) The total amount of grants made under
5 subparagraph (A) in any fiscal year may not exceed
6 $5,000,000.".
7 (2) CLERICAL AMENDMENT.—The table of sec-
8 tions at the beginning of chapter 58 of such title is
9 amended by adding at the end the following new
10 item:

"1154. Assistance to eligible members to obtain employment as teachers: Troops-to-Teachers Program.".

11 (3) CONFORMING AMENDMENT.—Section
12 1142(b) (4)(C) of such title is amended by striking
13 "under sections 1152 and 1153 of this title and the
14 Troops-to-Teachers Program under section 2302 of
15 the Elementary and Secondary Education Act of
16 1965 (20 U.S.C. 6672)" and inserting "under sec-
17 tions 1152, 1153, and 1154 of this title".
18 (4) TERMINATION OF ORIGINAL PROGRAM.—
19 (A) TERMINATION.—
20 (i) Chapter A of subpart 1 of part C
21 of the Elementary and Secondary Edu-
22 cation Act of 1965 (20 U.S.C. 6671 et
23 seq.) is repealed.

1 (ii) The table of contents in section 2
2 of part I of the Elementary and Secondary
3 Education Act 1965 is amended by strik-
4 ing the items relating to chapter A of sub-
5 part 1 of part C of such Act.
6 (B) EXISTING AGREEMENTS.—The repeal
7 of such chapter shall not affect the validity or
8 terms of any agreement entered into before the
9 date of the enactment of this Act under chapter
10 A of subpart 1 of part C of the Elementary and
11 Secondary Education Act of 1965 (20 U.S.C.
12 6671 et seq.), or to pay assistance, make
13 grants, or obtain reimbursement in connection
14 with such an agreement as in effect before such
15 repeal.
16 (c) ADVISORY BOARD.—
17 (1) ESTABLISHMENT.—Not later than 120 days
18 after the date of the enactment of this Act, the Sec-
19 retary of Defense, in consultation with the Secretary
20 of Education, shall establish an Advisory Board
21 composed of—
22 (A) a representative from the Defense Ac-
23 tivity for Non-Traditional Education Support
24 Division of the Department of Defense;

1 (B) a representative from the Department
2 of Innovation and Improvement of the Depart-
3 ment of Education;
4 (C) a representatives from three State of-
5 fices that operate to recruit eligible members of
6 the Armed Forces for participation in the
7 Troops-to-Teachers Program and facilitating
8 the employment of participants in the Program
9 as elementary school teachers, secondary school
10 teachers, and vocational or technical teachers;
11 and
12 (D) a representative from each of three
13 veteran service organizations.
14 (2) DUTIES.—The Advisory Board established
15 under this subsection shall—
16 (A) collect, consider, and disseminate feed-
17 back from participants and State offices de-
18 scribed in paragraph (1)(C) on—
19 (i) the best practices for improving re-
20 cruitment of eligible members of the
21 Armed Forces in States, local educational
22 agencies, and public charter schools under
23 served by the Troops-to-Teachers Program;
24 (ii) ensuring that high-need local edu-
25 cational agencies and public charter

1 schools are aware of the Program and how
2 to participate in it;
3 (iii) coordinating the goals of the Pro-
4 gram with other Federal, State, and local
5 education needs and programs; and
6 (iv) other activities that the Advisory
7 Board deems necessary; and
8 (B) not later than one year after the date
9 of the enactment of this Act, and annually
10 thereafter, prepare and submit a report to the
11 appropriate committees of Congress, which shall
12 include—
13 (i) information with respect to the ac-
14 tivities of the Advisory Board;
15 (ii) information with respect to the
16 Troops-to-Teachers Program, including—
17 (I) the number of participants in
18 the Program;
19 (II) the number of States partici-
20 pating in the Program;
21 (III) local educational agencies
22 and schools in where participants are
23 employed;
24 (IV) the grade levels at which
25 participants teach;

1 (V) the academic subjects taught
2 by participants;
3 (VI) rates of retention of partici-
4 pants by the local educational agen-
5 cies and public charter schools em-
6 ploying participant;
7 (VII) other demographic informa-
8 tion as may be necessary to evaluate
9 the effectiveness of the Program; and
10 (VIII) a review of the stipend
11 and bonus available to participants
12 under the Program; and
13 (iii) recommendations for—
14 (I) improvements to local, State,
15 and Federal recruitment and retention
16 efforts;
17 (II) legislative or executive policy
18 changes to improve the Program, en-
19 hance participant experience, and in-
20 crease participation in the program;
21 and
22 (III) other changes necessary to
23 ensure that the Program is meeting
24 its purposes.
25 (d) DEFINITIONS.—In this section

1 (1) The term "appropriate committees of Con-
2 gress" means—
3 (A) the Committees on Armed Services
4 and Health, Education, Labor, and Pensions of
5 the Senate; and
6 (B) the Committees on Armed Services
7 and Education and Labor of the House of Rep-
8 resentatives.
9 (2) The term "Troops-to-Teachers Program"
10 means the Troops-to-Teachers Program under sec-
11 tion 1154 of title 10, United States Code (as added
12 by subsection (b)), as authorized before October 1,
13 2011, by chapter A of subpart 1 of part C of title
14 II of the Elementary and Secondary Education Act
15 of 1965 (20 U.S.C. 6671 et seq.).
16 (e) EFFECTIVE DATE.—Subsection (a) and the
17 amendments made by subsection (b) shall take effect on
18 October 1, 2011.