

(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106-65, Oct. 5, 1999, 113 Stat. 817, known as the Troops-to-Teachers Program Act of 1999, which enacted this chapter, repealed section 1151 of Title 10, Armed Forces, and enacted provisions set out as a note under section 1151 of Title 10.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 preseparation 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 administer-

ing 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 incurred 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.