

(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.

(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 employment 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 classifica-