

(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-

tion 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.)