SEC. 544. TRANSFER OF TROOPS-TO-TEACHERS PROGRAM FROM DEPARTMENT OF EDUCATION TO DEPARTMENT OF DEFENSE AND ENHANCEMENTS TO THE PROGRAM.

(a) TRANSFER OF FUNCTIONS.—

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

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

(b) ENACTMENT 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 and former 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) MEMBER OF THE ARMED FORCES.—The term 'member of the armed forces' includes a former member of the armed forces.

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

term in section 5210(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7221i(1)).

"(4) ELIGIBLE SCHOOL.—The term 'eligible school' means—

"(A) a public school, including a charter school, at which—

"(i) at least 30 percent of the students enrolled in the school are from families with incomes below 185 percent of poverty level (as defined by the Office of Management and Budget and revised at least annually in accordance with section 9(b)(1) of the Richard B. Russell National School Lunch Act) applicable to a family of the size involved; or

"(ii) at least 13 percent of the students enrolled in the school qualify for assistance under part B of the Individuals with Disabilities Education Act; or

"(B) a Bureau-funded school as defined in section 1141(3) of the Education Amendments of 1978 (25 U.S.C. 2021(3)).

"(5) HIGH-NEED SCHOOL.—The term 'high-need school' means—

"(A) an elementary or middle school in which at least 50 percent of the enrolled students are children from low-income families, based on the number of children eligible to for free and reduced priced lunches under the Richard B. Russell National School Lunch Act, the number of children in families receiving assistance under the State program funded under part A of title IV of the Social Security Act, the number of children eligible to receive medical assistance under the Medicaid program, or a composite of these indicators;

"(B) a high school in which at least 40 percent of enrolled students are children from low-income families, which may be calculated using comparable data from feeder schools; or

"(C) a school that is in a local educational agency that is eligible under section 6211(b) of the Elementary and Secondary Education Act of 1965.

"(6) ADDITIONAL TERMS.—(A) The terms 'elementary school', 'highly qualified teacher', 'local educational agency', 'secondary school', and 'State' have the meanings given those terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

"(b) PROGRAM AUTHORIZATION.—The Secretary of Defense (hereinafter in this section referred to as the 'Secretary') may carry out a program (to be known as the 'Troops-to-Teachers Program')—

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

"(2) to facilitate the employment of such members—

"(A) by local educational agencies or charter schools that the Secretary of Education identifies as—

"(i) receiving grants under part A of 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

"(ii) experiencing a shortage of highly qualified teachers, in

particular a shortage of highly qualified science, mathematics, special education, foreign language, or career or technical teachers; and

"(B) in elementary schools or secondary schools, or as career or technical teachers.

"(c) COUNSELING AND REFERRAL SERVICES.—The Secretary may provide counseling and referral services to members of the armed forces who do not meet the criteria described in subsection (d), including meeting the education qualification requirements under subsection (d)(3)(B).

"(d) ELIGIBILITY AND APPLICATION PROCESS.—

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

"(A) Any member who—

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

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

"(iii) has been transferred to the Retired Reserve.

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

"(i)(I) is separated or released from active duty after four or more years of continuous active duty immediately before the separation or release; or

"(II) has completed a total of at least six years of active duty

service, six years of service computed under section 12732 of this title, or six years of any combination of such service; and

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

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

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

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

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

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

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

"(I) to have received the equivalent of one year of college from an accredited institution of higher education or the equivalent in military education and training as certified by the Department of Defense; or

"(II) to otherwise meet the certification or licensing requirements for a career or technical teacher in the State in which the member seeks assistance for placement under the Program.

"(C) A member of the armed forces is eligible to participate in the Program only if the member's last period of service in the armed forces was honorable, as characterized by the Secretary concerned. A member selected to participate in the Program before the retirement of the member or the separation or release of the member from active duty may continue to participate in the Program after the retirement, separation, or release only if the member's last period of service is characterized as honorable by the Secretary concerned.

"(4) SELECTION PRIORITIES.—In selecting eligible members of the armed forces to receive assistance under the Program, the Secretary—

"(A) shall give priority to members who—

"(i) have educational or military experience in science, mathematics, special education, foreign language, or career or technical subjects; and

"(ii) agree to seek employment as science, mathematics, foreign language, or special education teachers in elementary schools or secondary

schools or in other schools under the jurisdiction of a local educational agency; and

"(B) may give priority to members who agree to seek employment in a high-need school.

"(5) OTHER CONDITIONS ON SELECTION.—

"(A) The Secretary may not select an eligible member of the armed forces to participate in the Program and receive financial assistance unless the 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 subsection (e) with respect to the member.

"(B) The Secretary may not select an eligible member of the armed forces described in paragraph (1)(B)(i) to participate in the Program under this section and receive financial assistance under subsection (e) unless the member executes a written agreement to serve as a member of the Selected Reserve of a reserve component of the armed forces for a period of not less than three years.

"(e) PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.—

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

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

"(ii) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or career or technical teacher for not less than three school years in an eligible school to begin the school year after obtaining that certification or licensing.

"(B) The Secretary may waive the three-year commitment described in subparagraph (A)(ii) for a participant if the Secretary determines such waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (f), for failure to meet the three-year commitment.

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

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

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

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

"(D) 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;

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

"(F) satisfies the provisions of additional reimbursement exceptions that

may be prescribed by the Secretary.

"(3) STIPEND AND BONUS FOR PARTICIPANTS.—(A) Subject to subparagraph (C), the Secretary may pay to a participant in the Program selected under this section a stipend to cover expenses incurred by the participant to obtain the required educational level, certification or licensing. Such stipend may not exceed $5,000 and may vary by participant.

"(B) Subject to subparagraph (C), the Secretary may pay a bonus of up to $10,000 to a participant in the Program selected under this section who agrees in the participation agreement under paragraph (1) to become a highly qualified teacher and to accept full-time employment as an elementary school teacher, secondary school teacher, or career or technical teacher for not less than three school years in a high-need school. Such bonus may vary by participant and may take into account the priority placements as determined by the Secretary.

"(C)(i) The total number of stipends that may be paid under subparagraph (A) in any fiscal year may not exceed 5,000.

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

"(iii) The combination of stipend and bonus for any one participant may not exceed $10,000."

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

"(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—

"(1) REIMBURSEMENT REQUIRED.—A participant in the Program who is paid a stipend or bonus under this subsection shall be required to repay the stipend or bonus under the following circumstances:

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

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

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

"(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under subsection (e) shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the three years of required service. Any amount owed by the participant 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 90 days or less and shall accrue from the day on which the

participant is first notified of the amount due.

"(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the 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 Secretary under this subsection.

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

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

"(h) PARTICIPATION BY STATES.—

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

"(2) ASSISTANCE TO STATES.—(A) Subject to subparagraph (B), the Secretary may make grants to States participating in the 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 as elementary school teachers,

secondary school teachers, and career or technical teachers.

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

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

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

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

(d) TERMINATION OF ORIGINAL PROGRAM.—

(1) TERMINATION.—

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

(B) The table of contents in section 2 of Part I of the Elementary and Secondary Education Act 1965 is amended by striking the items relating to such chapter.

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

1 (e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the

2 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 (ED) to the Department of Defense (DoD).

The President's fiscal year (FY) 2011 Budget for the Department of Defense (DoD) contains funding for the Troops-to-Teachers (TTT) Program. This legislative proposal is required to formalize the agreements between DoD, ED and the Office of Management and Budget to transfer the funding and operational oversight from the ED back to the DoD. Management of the TTT program has been the responsibility of the Defense Activity for Non-Traditional Education Support (DANTES) since the program's inception in FY 1992. When ED assumed funding and operational oversight for TTT in early 2000, oversight of DANTES operations was fragmented between two Departments.

Transferring this program back to DoD would restore unity of oversight responsibility and will bring a sharper focus on the TTT program. Accordingly, the proposal would transfer all program duties and responsibilities for TTT to the Secretary of Defense.

The major enhancements to the program are (1) adding foreign language as one the disciplines for which teachers may receive a stipend or bonus, (2) reducing the period of eligibility from four years to three years to make the program more of a transition assistance support program, and (3) expanding the number of schools where participants can serve.

Because of the importance of increasing the number of bilingual and multilingual young men and women in the military, DoD is partnered with Department of State (DoS), Department of Education (ED) and the Office of the Director of National Intelligence (ODNI) to implement the President's National Strategic Language Initiative (NSLI). Specifically, DoD (through the National Security Education Program) is responsible for establishing flagship universities to develop K – 16 strategic language curricula and developing prototype K – 16 education pipelines. Encouraging separating/retiring military personnel who want to teach foreign languages in our school systems through the TTT program is consistent with these goals.

The proposal lowers the number of years that a participant has to apply for the program from four years to three years following separation from the armed forces. This change tightens up the program eligibility to better focus on service members who are transitioning.

The language expands the schools that are available locations for participants to teach. This broadening of eligibility will increase the program's value as a transition tool and generate increased public interest without increasing the need to increase the program's budget.

The proposal would also allow the Secretary to give selection priority to participants that want to teach in a high-need school where 50 percent of the elementary students or 40 percent of the high school students are from low-income families.

The proposal changes the term placement assistance and replaces it with the term counseling. Using the term "placement assistance" misrepresented what the program did and left the impression that it served an employment agency; whereas the program actually provides counseling to participants and prospective participants but participants themselves work with the local jurisdictions to determine where they will work according the requirements of the program.

By reducing the number of years of continuous active duty from six years to four years and the total number of years on active duty from ten years to six years, the proposal is consistent with a standard enlistment or initial tour by an officer on active duty and would allow the program to attract quality participants by broadening the eligibility for the program.

The educational requirements for vocational and technical teachers was modified to allow the participant to meet the requirement either through an accredited institution of higher education or through military training and education as certified by the Department.

The proposal makes it easier for reservists to participate in the program by removing a provision that they increase their service obligation above three years as a condition of eligibility.

The language streamlines the stipend and bonus structure, while providing the Secretary of Defense with additional flexibility in tailoring the stipend and bonus programs to meet the needs of the schools who are the beneficiary of the Troops to Teachers Program.

Budget Implications: This proposal is requesting the authority to transfer the operational oversight of the Troops to Teachers program from the Department of Education to the Department of Defense. The Department of Defense Resource Management Decision (RMD) 700AI, provided funds for this program in the Department of Defense Education Activity (DoDEA) Operation and Maintenance Defense-wide baseline as displayed below in the funding table.

RESOURCE REQUIREMENTS ($MILLION)								
	FY 2012	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**
DoDEA (OM-DW)	$15.0	$15.6	$15.9	$16.3	$16.8	O&M	BA04	4G-4GTJ
Total	$15.0	$15.6	$15.9	$16.3	$16.8			

Changes to Existing Law: This proposal would repeal chapter A of subpart 1 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6671 et. seq.) and enact a

new section in title 10, United States Code. The new section of title 10 is shown in the text of the legislative proposal.

~~CHAPTER A—TROOPS-TO-TEACHERS PROGRAM~~

~~SEC. 2301. DEFINITIONS.~~

~~In this chapter:~~

~~(1) ARMED FORCES.—The term "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.~~

~~(2) MEMBER OF THE ARMED FORCES.—The term "member of the Armed Forces" includes a former member of the Armed Forces.~~

~~(3) PROGRAM.—The term "Program" means the Troops-to-Teachers Program authorized by this chapter.~~

~~(4) RESERVE COMPONENT.—The term "reserve component" means—~~

~~(A) the Army National Guard of the United States;~~

~~(B) the Army Reserve;~~

~~(C) the Naval Reserve;~~

~~(D) the Marine Corps Reserve;~~

~~(E) the Air National Guard of the United States;~~

~~(F) the Air Force Reserve; and~~

~~(G) the Coast Guard Reserve.~~

~~(5) SECRETARY CONCERNED.—The term "Secretary concerned" means—~~

~~(A) the Secretary of the Army, with respect to matters concerning a reserve component of the Army;~~

~~(B) the Secretary of the Navy, with respect to matters concerning reserve components named in subparagraphs (C) and (D) of paragraph (4);~~

~~(C) the Secretary of the Air Force, with respect to matters concerning a reserve component of the Air Force; and~~

~~(D) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard Reserve.~~

~~SEC. 2302. AUTHORIZATION OF TROOPS-TO-TEACHERS PROGRAM.~~

~~(a) PURPOSE.—The purpose of this section is to authorize a mechanism for the funding and administration of the Troops-to-Teachers Program, which was originally established by the Troops-to-Teachers Program Act of 1999 (title XVII of the National Defense Authorization Act for Fiscal Year 2000) (20 U.S.C. 9301 et seq.).~~

~~(b) PROGRAM AUTHORIZED.—The Secretary may carry out a program (to be known as the ''Troops-to-Teachers Program'')—~~

~~(1) to assist eligible members of the Armed Forces described in section 2303 to obtain certification or licensing as elementary school teachers, secondary school teachers, or vocational or technical teachers, and to become highly qualified teachers; and~~

~~(2) to facilitate the employment of such members—~~

~~(A) by local educational agencies or public charter schools that the Secretary identifies as—~~

~~(i) receiving grants under part A of title I as a result of having within their jurisdictions concentrations of children from low-income families; or~~

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

~~(B) in elementary schools or secondary schools, or as vocational or technical teachers.~~

~~(c) ADMINISTRATION OF PROGRAM.—The Secretary shall enter into a memorandum of agreement with the Secretary of Defense under which the Secretary of Defense, acting through the Defense Activity for Non-Traditional Education Support of the Department of Defense, will perform the actual administration of the Program, other than section 2306. Using funds appropriated to the Secretary to carry out this chapter, the Secretary shall transfer to the Secretary of Defense such amounts as may be necessary to administer the Program pursuant to the memorandum of agreement.~~

~~(d) INFORMATION REGARDING PROGRAM.—The Secretary shall provide to the Secretary of Defense information regarding the Program and applications to participate in the Program, for distribution as part of preseparation counseling provided under section 1142 of title 10, United States Code, to members of the Armed Forces described in section 2303.~~

~~(e) PLACEMENT ASSISTANCE AND REFERRAL SERVICES.—The Secretary may, with the agreement of the Secretary of Defense, provide placement assistance and referral services to members of the Armed Forces who meet the criteria described in section 2303, including meeting education qualification requirements under subsection 2303(c)(2). Such members shall not be eligible for financial assistance under subsections (c) and (d) of section 2304.~~

~~SEC. 2303. RECRUITMENT AND SELECTION OF PROGRAM PARTICIPANTS.~~

~~(a) ELIGIBLE MEMBERS.—The following members of the Armed Forces are eligible for selection to participate in the Program:~~

~~(1) 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, United States Code;~~

~~(B) has an approved date of retirement that is within 1 year after the date on which the member submits an application to participate in the Program; or~~

~~(C) has been transferred to the Retired Reserve.~~

~~(2) Any member who, on or after the date of enactment of the No Child Left Behind Act of 2001—~~

~~(A)(i) is separated or released from active duty after 6 or more years of continuous active duty immediately before the separation or release; or~~

~~(ii) has completed a total of at least 10 years of active duty service, 10 years of service computed under section 12732 of title 10, United States Code, or 10 years of any combination of such service; and~~

~~(B) executes a reserve commitment agreement for a period of not less than 3 years under subsection (e)(2).~~

~~(3) Any member who, on or after the date of enactment of the No Child Left Behind Act of 2001, is retired or separated for physical disability under chapter 61 of title 10, United States Code.~~

~~(4) 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 6 or more years of continuous active duty immediately before the discharge or release; or~~

~~(B) applied for the teacher placement program administered under section 1151 of title 10, United States Code, before the repeal of that section, and satisfied the eligibility criteria specified in subsection (c) of such section 1151.~~

~~(b) SUBMISSION OF APPLICATIONS.—~~

~~(1) FORM AND SUBMISSION.—Selection of eligible members of the Armed Forces to participate in the Program shall be made on the basis of applications submitted to the Secretary within the time periods specified in paragraph (2). An application shall be in such form and contain such information as the Secretary may require.~~

~~(2) TIME FOR SUBMISSION.—An application shall be considered to be submitted on a timely basis under paragraph (1) if—~~

~~(A) in the case of a member described in paragraph (1)(A), (2), or (3) of subsection (a), the application is submitted not later than 4 years after the date on which the member is retired or separated or released from active duty, whichever applies to the member; or~~

~~(B) in the case of a member described in subsection (a)(4), the application is submitted not later than September 30, 2003.~~

~~(c) SELECTION CRITERIA.—~~

~~(1) ESTABLISHMENT.—Subject to paragraphs (2) and (3), the Secretary shall prescribe the criteria to be used to select eligible members of the Armed Forces to participate in the Program.~~

~~(2) EDUCATIONAL BACKGROUND.—~~

~~(A) ELEMENTARY OR SECONDARY SCHOOL TEACHER.—If a member of the Armed Forces described in paragraph (1), (2), or (3) of subsection (a) is applying for assistance for placement as an elementary school or secondary school teacher, the Secretary shall require the member to have received a baccalaureate or advanced degree from an accredited institution of higher education.~~

~~(B) VOCATIONAL OR TECHNICAL TEACHER.—If a member of the Armed Forces described in paragraph (1), (2), or (3) of subsection (a) is applying for assistance for placement as a vocational or technical teacher, the Secretary shall require the member—~~

~~ave received 1 the equivalent of 1 year of college from an accredited institution of higher education and have 6 or more years of military experience in a vocational or technical field; or~~

~~(ii) to otherwise meet the certification or licensing requirements for a vocational or technical teacher in the State in which the member seeks assistance for placement under the Program.~~

~~(3) HONORABLE SERVICE.—A member of the Armed Forces is eligible to participate in the Program only if the member's last period of service in the Armed Forces was honorable, as characterized by the Secretary concerned (as defined in section 101(a)(9) of title 10, United States Code). A member selected to participate in the Program before the retirement of the member or the separation or release of the member~~

~~from active duty may continue to participate in the Program after the retirement, separation, or release only if the member's last period of service is characterized as honorable by the Secretary concerned (as so defined).~~

~~(d) SELECTION PRIORITIES.—In selecting eligible members of the Armed Forces to receive assistance under the Program, the Secretary shall give priority to members who 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 schools or secondary schools or in other schools under the jurisdiction of a local educational agency.~~

~~(e) OTHER CONDITIONS ON SELECTION.—~~

~~(1) SELECTION SUBJECT TO FUNDING.—The Secretary may not select an eligible member of the Armed Forces to participate in the Program under this section and receive financial assistance under section 2304 unless the 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 2304 with respect to the member.~~

~~(2) RESERVE COMMITMENT AGREEMENT.—The Secretary may not select an eligible member of the Armed Forces described in subsection (a)(2)(A) to participate in the Program under this section and receive financial assistance under section 2304 unless—~~

~~(A) the Secretary notifies the Secretary concerned and the member that the Secretary has reserved a full stipend or bonus under section 2304 for the member; and~~

~~(B) the member executes a written agreement with the Secretary concerned to serve as a member of the Selected Reserve of a reserve component of the Armed Forces for a period of not less than 3 years (in addition to any other reserve commitment the member may have).~~

~~SEC. 2304. PARTICIPATION AGREEMENT AND FINANCIAL ASSISTANCE.~~

~~(a) PARTICIPATION AGREEMENT.—~~

~~(1) IN GENERAL.—An eligible member of the Armed Forces selected to participate in the Program under section 2303 and receive financial assistance under this section shall be required to enter into an agreement with the Secretary in which the member agrees—~~

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

~~(B) to accept an offer of full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years with a high-need local educational agency or public charter school, as such terms are defined in section 2101, to begin the school year after obtaining that certification or licensing.~~

~~(2) WAIVER.—The Secretary may waive the 3-year commitment described in paragraph (1)(B) for a participant if the Secretary determines such waiver to be appropriate. If the Secretary provides the waiver, the participant shall not be considered to be in violation of the agreement and shall not be required to provide reimbursement under subsection (f), for failure to meet the 3-year commitment.~~

~~(b) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS.—A participant in the Program shall not be considered to be in violation of the participation agreement entered into under subsection (a) during any period in which the participant—~~

~~(1) is pursuing a full-time course of study related to the field of teaching at an institution of higher education;~~

~~(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 3 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 a highly qualified teacher who is seeking and unable to find full-time employment as a teacher in an elementary school 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 Secretary.~~

~~(c) STIPEND FOR PARTICIPANTS.—~~

~~(1) STIPEND AUTHORIZED.—Subject to paragraph (2), the Secretary may pay to a participant in the Program selected under section 2303 a stipend in an amount of not more than $5,000.~~

~~(2) LIMITATION.—The total number of stipends that may be paid under paragraph (1) in any fiscal year may not exceed 5,000.~~

~~(d) BONUS FOR PARTICIPANTS.—~~

~~(1) BONUS AUTHORIZED.—Subject to paragraph (2), the Secretary may, in lieu of paying a stipend under subsection (c), pay a bonus of $10,000 to a participant in the Program selected under section 2303 who agrees in the participation agreement under subsection (a) to become a highly qualified teacher and to accept full-time employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher for not less than 3 school years in a high-need school.~~

~~(2) LIMITATION.—The total number of bonuses that may be paid under paragraph (1) in any fiscal year may not exceed 3,000.~~

~~(3) HIGH-NEED SCHOOL DEFINED.—In this subsection, the term ''high-need school'' means a public elementary school, public secondary school, or public charter school that meets one or more of the following criteria:~~

~~(A) LOW-INCOME CHILDREN.—At least 50 percent of the students enrolled in the school were from low-income families (as described in section 2302(b)(2)(A)(i)).~~

~~(B) CHILDREN WITH DISABILITIES.—The school has a large percentage of students who qualify for assistance under part B of the Individuals with Disabilities Education Act.~~

~~(e) TREATMENT OF STIPEND AND BONUS.—A stipend or bonus paid under this section to a participant in the Program shall be taken into account in determining the eligibility of the participant for Federal student financial assistance provided under title IV of the Higher Education Act of 1965.~~

~~(f) REIMBURSEMENT UNDER CERTAIN CIRCUMSTANCES.—~~

~~(1) REIMBURSEMENT REQUIRED.—A participant in the Program who is paid a stipend or bonus under this section shall be required to repay the stipend or bonus under the following circumstances:~~

~~(A) FAILURE TO OBTAIN QUALIFICATIONS OR EMPLOYMENT.—The participant fails to obtain teacher certification or licensing, to become a highly qualified teacher, or to obtain employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher as required by the participation agreement under subsection (a).~~

~~(B) TERMINATION OF EMPLOYMENT.—The participant voluntarily leaves, or is terminated for cause from, employment as an elementary school teacher, secondary school teacher, or vocational or technical teacher during the 3 years of required service in violation of the participation agreement.~~

~~(C) FAILURE TO COMPLETE SERVICE UNDER RESERVE COMMITMENT AGREEMENT.—The participant executed a written agreement with the Secretary concerned under section 2303(e)(2) to serve as a member of a reserve component of the Armed Forces for a period of 3 years and fails to complete the required term of service.~~

~~(2) AMOUNT OF REIMBURSEMENT.—A participant required to reimburse the Secretary for a stipend or bonus paid to the participant under this section shall pay an amount that bears the same ratio to the amount of the stipend or bonus as the unserved portion of required service bears to the 3 years of required service. Any amount owed by the participant 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 90 days or less and shall accrue from the day on which the participant is first notified of the amount due.~~

~~(3) TREATMENT OF OBLIGATION.—The obligation to reimburse the Secretary under this subsection is, for all purposes, a debt owing the United States. A discharge in bankruptcy under title 11, United States Code, shall not release a participant from the obligation to reimburse the Secretary under this subsection.~~

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

~~(g) RELATIONSHIP TO EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.—The receipt by a participant in the Program of a stipend or bonus under this section shall not reduce or otherwise affect the entitlement of the participant to any benefits under chapter 30 of title 38, United States Code, or chapter 1606 of title 10, United States Code.~~

~~SEC. 2305. PARTICIPATION BY STATES.~~

~~(a) DISCHARGE OF STATE ACTIVITIES THROUGH CONSORTIA OF STATES.—The Secretary may permit States participating in the 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) GRANTS AUTHORIZED.—Subject to paragraph (2), the Secretary may make grants to States participating in the 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 as elementary school teachers, secondary school teachers, and vocational or technical teachers.~~

~~(2) LIMITATION.—The total amount of grants made under paragraph (1) in any fiscal year may not exceed $5,000,000.~~

~~SEC. 2306. SUPPORT OF INNOVATIVE PRERETIREMENT TEACHER CERTIFICATION PROGRAMS.~~

~~(a) PURPOSE.—The purpose of this section is to provide funding to develop, implement, and demonstrate teacher certification programs.~~

~~(b) DEVELOPMENT, IMPLEMENTATION AND DEMONSTRATION.—The Secretary may enter into a memorandum of agreement with a State educational agency, an institution of higher education, or a consortia of State educational agencies or institutions of higher education, to develop, implement, and demonstrate teacher certification programs for members of the Armed Forces described in section 2303(a)(1)(B) for the purpose of assisting such members to consider and prepare for a career as a highly qualified elementary school teacher, secondary school teacher, or vocational or technical teacher upon retirement from the Armed Forces.~~

~~(c) PROGRAM ELEMENTS.—A teacher certification program under subsection (b) shall—~~

~~(1) provide recognition of military experience and training as related to certification or licensing requirements;~~

~~(2) provide courses of instruction that may be conducted on or near a military installation;~~

~~(3) incorporate alternative approaches to achieve teacher certification, such as innovative methods to gaining field-based teaching experiences, and assessment of background and experience as related to skills, knowledge, and abilities required of elementary school teachers, secondary school teachers, or vocational or technical teachers;~~

~~(4) provide for courses to be delivered via distance education methods; and~~

~~(5) address any additional requirements or specifications established by the Secretary.~~

~~(d) APPLICATION PROCEDURES.—~~

~~(1) IN GENERAL.—A State educational agency or institution of higher education (or a consortium of State educational agencies or institutions of higher education) that desires to enter into a memorandum under subsection (b) shall prepare and submit to the Secretary a proposal, at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the State educational agency, institution, or consortium is operating a program leading to State approved teacher certification.~~

~~(2) PREFERENCE.—The Secretary shall give preference to State educational agencies, institutions, and consortia that submit proposals that provide for cost sharing with respect to the program involved.~~

~~(e) CONTINUATION OF PROGRAMS.—Upon successful completion of the demonstration phase of teacher certification programs funded under this section, the continued operation of the teacher certification programs shall not be the responsibility of the Secretary. A~~

~~State educational agency, institution, or consortium that desires to continue a program that is funded under this section after such funding is terminated shall use amounts derived from tuition charges to continue such program.~~

~~(f) FUNDING LIMITATION.—The total amount obligated by the Secretary under this section for any fiscal year may not exceed $10,000,000.~~

~~SEC. 2307. REPORTING REQUIREMENTS.~~

~~(a) REPORT REQUIRED.—Not later than March 31, 2006, the Secretary (in consultation with the Secretary of Defense and the Secretary of Transportation) and the Comptroller General of the United States shall submit to Congress a report on the effectiveness of the Program in the recruitment and retention of qualified personnel by local educational agencies and public charter schools.~~

~~(b) ELEMENTS OF REPORT.—The report submitted under subsection (a) shall include information on the following:~~

~~(1) The number of participants in the Program.~~

~~(2) The schools in which the participants are employed.~~

~~(3) The grade levels at which the participants teach.~~

~~(4) The academic subjects taught by the participants.~~

~~(5) The rates of retention of the participants by the local educational agencies and public charter schools employing the participants.~~

~~(6) Such other matters as the Secretary or the Comptroller General of the United States, as the case may be, considers to be appropriate.~~

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§1142. Preseparation counseling; transmittal of medical records to Department of Veterans Affairs

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(b) Matters To Be Covered By Counseling. - Counseling under this section shall include the following:

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(4) Provision of information on civilian occupations and related assistance programs, including information concerning –

(A) certification and licensure requirements that are applicable to civilian occupations;

(B) civilian occupations that correspond to military occupational specialties; and

(C) Government and private-sector programs for job search and job placement assistance, including the public and community service jobs program carried out under section 1143a of this title, and information regarding the placement programs established under sections 1152, 1153 and 1154. ~~1152 and 1153 of this title and the Troops-to-Teachers Program under section 2302 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672).~~