

1 **SEC. 548. TROOPS-TO-TEACHERS PROGRAM.**

2 (a) Transfer of Functions- The responsibility and authority for operation  
3 and administration of the Troops-to-Teachers Program is transferred from  
4 the Secretary of Education to the Secretary of Defense.

5 (b) Enactment and Modification of Program Authority in Title 10, United  
6 States Code-

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

9 **Sec. 1154. Assistance to eligible members to obtain employment as**  
10 **teachers: Troops-to-Teachers Program**

11 (a) Definitions- In this section:

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

14 (2) CHARTER SCHOOL- The term 'charter school' has the meaning  
15 given that term in section 5210 of the Elementary and Secondary  
16 Education Act of 1965 (20 U.S.C. 7221i).

17 (3) ADDITIONAL TERMS- The terms 'elementary school', 'highly  
18 qualified teacher', 'local educational agency', 'secondary school',  
19 and 'State' have the meanings given those terms in section 9101 of  
20 the Elementary and Secondary Education Act of 1965 (20 U.S.C.  
21 7801).

22 (b) Program Authorization- The Secretary of Defense may carry out a  
23 program (to be known as the 'Troops-to-Teachers Program')--

24 (1) to assist eligible members of the armed forces described in  
25 subsection (c) to obtain certification or licensing as elementary  
26 school teachers, secondary school teachers, or vocational or  
27 technical teachers, and to become highly qualified teachers; and

28 (2) to facilitate the employment of such members--

29 (A) by local educational agencies or public charter schools  
30 that the Secretary of Education identifies as--

31 (i) receiving grants under part A of title I of the  
32 Elementary and Secondary Education Act of 1965 (20  
33 U.S.C. 6311 et seq.) as a result of having within their  
34 jurisdictions concentrations of children from low-income  
35 families;

36 (ii) experiencing a shortage of highly qualified  
37 teachers, in particular a shortage of science,  
38 mathematics, special education, or vocational or  
39 technical teachers; or

40 (iii) a Bureau-funded school (as such term is defined  
41 in section 1141 of the Education Amendments of 1978  
42 (25 U.S.C. 2021)); and

43                           ` (B) in elementary schools or secondary schools, or as  
44                           vocational or technical teachers.

45       ` (c) Eligibility and Application Process-

46                           ` (1) ELIGIBLE MEMBERS- The following members of the armed  
47                           forces are eligible for selection to participate in the Program:

48                           ` (A) Any member who--

49                               ` (i) on or after the date of the enactment of the  
50                               National Defense Authorization Act for Fiscal Year 2011,  
51                               becomes entitled to retired or retainer pay under this  
52                               title or title 14;

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

56                               ` (iii) transfers to the Retired Reserve.

57                           ` (B) Any member who, on or after the date of the enactment  
58                           of the National Defense Authorization Act for Fiscal Year 2011-

59                           -

60                               ` (i)(I) is separated or released from active duty after 4  
61                               or more years of continuous active duty immediately  
62                               before the separation or release; or

63                               ` (II) has completed a total of at least ten years of  
64                               active duty service, 10 years of service computed under  
65                               section 12732 of this title, or 10 years of any  
66                               combination of such service; and

67                               ` (ii) executes a reserve commitment agreement for a  
68                               period of not less than 3 years under paragraph (5)(B).

69                           ` (C) Any member who, on or after the date of the enactment  
70                           of the National Defense Authorization Act for Fiscal Year 2011,  
71                           is retired or separated for physical disability under chapter 61  
72                           of this title.

73       ` (2) SUBMITTAL OF APPLICATIONS- (A) Selection of eligible  
74       members of the armed forces to participate in the Program shall be  
75       made on the basis of applications submitted to the Secretary. An  
76       application shall be in such form and contain such information as the  
77       Secretary may require.

78       ` (B) An application may be considered to be submitted on a timely  
79       basis under subparagraph (A)(i), (B), or (C) of paragraph (1) if the  
80       application is submitted not later than 2 years after the date on  
81       which the member is retired or separated or released from active  
82       duty, whichever applies to the member.

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

88       ` (B)(i) If a member of the armed forces is applying for assistance  
89       for placement as an elementary school or secondary school teacher,

90 the Secretary shall require the member to have received a  
91 baccalaureate or advanced degree from an accredited institution of  
92 higher education.

93 ` (ii) If a member of the armed forces is applying for assistance for  
94 placement as a vocational or technical teacher, the Secretary shall  
95 require the member--

96 ` (I) to have received the equivalent of one year of college  
97 from an accredited institution of higher education and have 3  
98 or more years of military experience in a vocational or  
99 technical field; or

100 ` (II) to otherwise meet the certification or licensing  
101 requirements for a vocational or technical teacher in the State  
102 in which the member seeks assistance for placement under  
103 the Program.

104 ` (C) A member of the armed forces is eligible to participate in the  
105 Program only if the member's last period of service in the armed  
106 forces was honorable, as characterized by the Secretary concerned.  
107 A member selected to participate in the Program before the  
108 retirement of the member or the separation or release of the  
109 member from active duty may continue to participate in the Program  
110 after the retirement, separation, or release only if the member's last  
111 period of service is characterized as honorable by the Secretary  
112 concerned.

113 ` (4) SELECTION PRIORITIES- In selecting eligible members of the  
114 armed forces to receive assistance under the Program, the Secretary  
115 shall give priority to members who--

116 ` (A) have educational or military experience in science,  
117 mathematics, special education, or vocational or technical  
118 subjects; and

119 ` (B) agree to seek employment as science, mathematics, or  
120 special education teachers in elementary schools or secondary  
121 schools or in other schools under the jurisdiction of a local  
122 educational agency.

123 ` (5) OTHER CONDITIONS ON SELECTION- (A) The Secretary may  
124 not select an eligible member of the armed forces to participate in  
125 the Program and receive financial assistance unless the Secretary  
126 has sufficient appropriations for the Program available at the time of  
127 the selection to satisfy the obligations to be incurred by the United  
128 States under subsection (d) with respect to the member.

129 ` (B) The Secretary may not select an eligible member of the armed  
130 forces described in paragraph (1)(B)(i) to participate in the Program  
131 under this section and receive financial assistance under subsection  
132 (d) unless the member executes a written agreement to serve as a  
133 member of the Selected Reserve of a reserve component of the  
134 armed forces for a period of not less than 3 years (in addition to any  
135 other reserve commitment the member may have).

136 ` (d) Participation Agreement and Financial Assistance-

137           ` (1) PARTICIPATION AGREEMENT- (A) An eligible member of the  
138 armed forces selected to participate in the Program under subsection  
139 (c) and receive financial assistance under this subsection shall be  
140 required to enter into an agreement with the Secretary in which the  
141 member agrees--  
142           ` (i) within such time as the Secretary may require, to obtain  
143 certification or licensing as an elementary school teacher,  
144 secondary school teacher, or vocational or technical teacher,  
145 and to become a highly qualified teacher; and  
146           ` (ii) to accept an offer of full-time employment as an  
147 elementary school teacher, secondary school teacher, or  
148 vocational or technical teacher for not less than three school  
149 years with a local educational agency receiving grants under  
150 part A of title I of the Elementary and Secondary Education  
151 Act of 1965 (20 U.S.C.6311 et seq.), a Bureau-funded school  
152 (as such term is defined in section 1141 of the Education  
153 Amendments of 1978 (25 U.S.C. 11 2021)), or a public  
154 charter school.  
155           ` (B) The Secretary may waive the three-year commitment described  
156 in subparagraph (A)(ii) for a participant if the Secretary determines  
157 the waiver to be appropriate. If the Secretary provides the waiver,  
158 the participant shall not be considered to be in violation of the  
159 agreement and shall not be required to provide reimbursement  
160 under subsection (e), for failure to meet the three-year  
161 commitment.  
162           ` (2) VIOLATION OF PARTICIPATION AGREEMENT; EXCEPTIONS- A  
163 participant in the Program shall not be considered to be in violation  
164 of the participation agreement entered into under paragraph (1)  
165 during any period in which the participant--  
166           ` (A) is pursuing a full-time course of study related to the field  
167 of teaching at an institution of higher education;  
168           ` (B) is serving on active duty as a member of the armed  
169 forces;  
170           ` (C) is temporarily totally disabled for a period of time not to  
171 exceed 3 years as established by sworn affidavit of a qualified  
172 physician;  
173           ` (D) is unable to secure employment for a period not to  
174 exceed 12 months by reason of the care required by a spouse  
175 who is disabled;  
176           ` (E) is a highly qualified teacher who is seeking and unable to  
177 find full-time employment as a teacher in an elementary  
178 school or secondary school or as a vocational or technical  
179 teacher for a single period not to exceed 27 months; or  
180           ` (F) satisfies such other criteria as may be prescribed by the  
181 Secretary.

182           ` (3) STIPEND FOR PARTICIPANTS- (A) Subject to subparagraph (B),  
183 the Secretary may pay to a participant in the Program selected  
184 under this section a stipend in an amount of not more than \$5,000.  
185           ` (B) The total number of stipends that may be paid under  
186 subparagraph (A) in any fiscal year may not exceed 5,000.  
187           ` (4) BONUS FOR PARTICIPANTS- (A) Subject to subparagraph (B),  
188 the Secretary may, in lieu of paying a stipend under paragraph (3),  
189 pay a bonus of \$10,000 to a participant in the Program selected  
190 under this section who agrees in the participation agreement under  
191 paragraph (1) to become a highly qualified teacher and to accept  
192 full-time employment as an elementary school teacher, secondary  
193 school teacher, or vocational or technical teacher for not less than 3  
194 school years in a high-need school.  
195           ` (B) The total number of bonuses that may be paid under  
196 subparagraph (A) in any fiscal year may not exceed 3,000.  
197           ` (C) For purposes of subparagraph (A), the term `high-need school'  
198 means a public elementary school, public secondary school, or public  
199 charter school that meets one or more of the following criteria:  
200               ` (i) At least 50 percent of the students enrolled in the school  
201 were from low-income families (as described in subsection  
202 (b)(2)(A)(i)).  
203               ` (ii) The school has a large percentage of students who  
204 qualify for assistance under part B of the Individuals with  
205 Disabilities Education Act (20 U.S.C. 1411 et seq.).  
206           ` (5) TREATMENT OF STIPEND AND BONUS- A stipend or bonus paid  
207 under this subsection to a participant in the Program shall be taken  
208 into account in determining the eligibility of the participant for  
209 Federal student financial assistance provided under title IV of the  
210 Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).  
211           ` (e) Reimbursement Under Certain Circumstances-  
212               ` (1) REIMBURSEMENT REQUIRED- A participant in the Program who  
213 is paid a stipend or bonus under subsection (d) shall be required to  
214 repay the stipend or bonus under the following circumstances:  
215               ` (A) The participant fails to obtain teacher certification or  
216 licensing, to become a highly qualified teacher, or to obtain  
217 employment as an elementary school teacher, secondary  
218 school teacher, or vocational or technical teacher as required  
219 by the participation agreement under subsection (d)(1).  
220               ` (B) The participant voluntarily leaves, or is terminated for  
221 cause from, employment as an elementary school teacher,  
222 secondary school teacher, or vocational or technical teacher  
223 during the 3 years of required service in violation of the  
224 participation agreement.  
225               ` (C) The participant executed a written agreement with the  
226 Secretary concerned under subsection (c)(5)(B) to serve as a  
227 member of a reserve component of the armed forces for a

228 period of 3 years and fails to complete the required term of  
229 service.

230 ` (2) AMOUNT OF REIMBURSEMENT- A participant required to  
231 reimburse the Secretary for a stipend or bonus paid to the  
232 participant under subsection (d) shall pay an amount that bears the  
233 same ratio to the amount of the stipend or bonus as the unserved  
234 portion of required service bears to the three years of required  
235 service. Any amount owed by the participant shall bear interest at  
236 the rate equal to the highest rate being paid by the United States on  
237 the day on which the reimbursement is determined to be due for  
238 securities having maturities of 90 days or less and shall accrue from  
239 the day on which the participant is first notified of the amount due.

240 ` (3) TREATMENT OF OBLIGATION- The obligation to reimburse the  
241 Secretary under this subsection is, for all purposes, a debt owing the  
242 United States. A discharge in bankruptcy under title 11 shall not  
243 release a participant from the obligation to reimburse the Secretary  
244 under this subsection.

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

251 ` (f) Relationship to Educational Assistance Under Montgomery GI Bill- The  
252 receipt by a participant in the Program of a stipend or bonus under this  
253 subsection (d) shall not reduce or otherwise affect the entitlement of the  
254 participant to any benefits under chapter 30 or 33 of title 38 or chapter  
255 1606 of this title.

256 ` (g) Participation by States-

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

261 ` (2) ASSISTANCE TO STATES- (A) Subject to subparagraph (B), the  
262 Secretary may make grants to States participating in the Program,  
263 or to consortia of such States, in order to permit such States or  
264 consortia of States to operate offices for purposes of recruiting  
265 eligible members of the armed forces for participation in the  
266 Program and facilitating the employment of participants in the  
267 Program as elementary school teachers, secondary school teachers,  
268 and vocational or technical teachers.

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

271 (2) CLERICAL AMENDMENT- The table of sections at the beginning of  
272 chapter 58 of such title is amended by adding at the end the  
273 following new item:

274 ` 1154. Assistance to eligible members to obtain employment as  
275 teachers: Troops-to-Teachers Program.'.  
276 (3) CONFORMING AMENDMENT- Section 1142(b) (4)(C) of such title  
277 is amended by striking ` under sections 1152 and 1153 of this title  
278 and the Troops-to-Teachers Program under section 2302 of the  
279 Elementary and Secondary Education Act of 1965 (20 U.S.C. 6672)'  
280 and inserting ` under sections 1152, 1153, and 1154 of this title'.  
281 (4) TERMINATION OF ORIGINAL PROGRAM-  
282 (A) TERMINATION-  
283 (i) Chapter A of subpart 1 of part C of the Elementary  
284 and Secondary Education Act of 1965 (20 U.S.C. 6671  
285 et seq.) is repealed.  
286 (ii) The table of contents in section 2 of part I of the  
287 Elementary and Secondary Education Act 1965 is  
288 amended by striking the items relating to chapter A of  
289 subpart 1 of part C of such Act.  
290 (B) EXISTING AGREEMENTS- The repeal of such chapter shall  
291 not affect the validity or terms of any agreement entered into  
292 before the date of the enactment of this Act under chapter A  
293 of subpart 1 of part C of the Elementary and Secondary  
294 Education Act of 1965 (20 U.S.C. 6671 et seq.), or to pay  
295 assistance, make grants, or obtain reimbursement in  
296 connection with such an agreement as in effect before such  
297 repeal.  
298 (c) Advisory Board-  
299 (1) ESTABLISHMENT- Not later than 120 days after the date of the  
300 enactment of this Act, the Secretary of Defense, in consultation with  
301 the Secretary of Education, shall establish an Advisory Board  
302 composed of--  
303 (A) a representative from the Defense Activity for Non-  
304 Traditional Education Support Division of the Department of  
305 Defense;  
306 (B) a representative from the Department of Innovation and  
307 Improvement of the Department of Education;  
308 (C) a representatives from three State offices that operate to  
309 recruit eligible members of the Armed Forces for participation  
310 in the Troops-to-Teachers Program and facilitating the  
311 employment of participants in the Program as elementary  
312 school teachers, secondary school teachers, and vocational or  
313 technical teachers; and  
314 (D) a representative from each of three veteran service  
315 organizations.  
316 (2) DUTIES- The Advisory Board established under this subsection  
317 shall--  
318 (A) collect, consider, and disseminate feedback from  
319 participants and State offices described in paragraph (1)(C)  
320 on--

321 (i) the best practices for improving recruitment of  
322 eligible members of the Armed Forces in States, local  
323 educational agencies, and public charter schools under  
324 served by the Troops-to-Teachers Program;  
325 (ii) ensuring that high-need local educational agencies  
326 and public charter schools are aware of the Program  
327 and how to participate in it;  
328 (iii) coordinating the goals of the Program with other  
329 Federal, State, and local education needs and  
330 programs; and  
331 (iv) other activities that the Advisory Board deems  
332 necessary; and  
333 (B) not later than one year after the date of the enactment of  
334 this Act, and annually thereafter, prepare and submit a report  
335 to the appropriate committees of Congress, which shall  
336 include--  
337 (i) information with respect to the activities of the  
338 Advisory Board;  
339 (ii) information with respect to the Troops-to-Teachers  
340 Program, including--  
341 (I) the number of participants in the Program;  
342 (II) the number of States participating in the  
343 Program;  
344 (III) local educational agencies and schools in  
345 where participants are employed;  
346 (IV) the grade levels at which participants teach;  
347 (V) the academic subjects taught by participants;  
348 (VI) rates of retention of participants by the local  
349 educational agencies and public charter schools  
350 employing participant;  
351 (VII) other demographic information as may be  
352 necessary to evaluate the effectiveness of the  
353 Program; and  
354 (VIII) a review of the stipend and bonus available  
355 to participants under the Program; and  
356 (iii) recommendations for--  
357 (I) improvements to local, State, and Federal  
358 recruitment and retention efforts;  
359 (II) legislative or executive policy changes to  
360 improve the Program, enhance participant  
361 experience, and increase participation in the  
362 program; and  
363 (III) other changes necessary to ensure that the  
364 Program is meeting its purposes.  
365 (d) Definitions- In this section  
366 (1) The term `appropriate committees of Congress' means--

367 (A) the Committees on Armed Services and Health, Education,  
368 Labor, and Pensions of the Senate; and

369 (B) the Committees on Armed Services and Education and  
370 Labor of the House of Representatives.

371 (2) The term `Troops-to-Teachers Program' means the Troops-to-  
372 Teachers Program under section 1154 of title 10, United States Code  
373 (as added by subsection (b)), as authorized before October 1, 2011,  
374 by chapter A of subpart 1 of part C of title II of the Elementary and  
375 Secondary Education Act of 1965 (20 U.S.C. 6671 et seq.).

376 (e) Effective Date- Subsection (a) and the amendments made by  
377 subsection (b) shall take effect on October 1, 2011.

378