

106TH CONGRESS
1ST SESSION

S. 389

To amend title 10, United States Code, to improve and transfer the jurisdiction over the troops-to-teachers program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 8, 1999

Mr. MCCAIN (for himself, Mr. ROBB, Mr. LIEBERMAN, Mr. DEWINE, Mr. LEVIN, Mr. KENNEDY, Mr. BINGAMAN, Mr. CLELAND, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. CONRAD, Mr. ALLARD, and Mr. SMITH of New Hampshire) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend title 10, United States Code, to improve and transfer the jurisdiction over the troops-to-teachers program, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Troops-to-Teachers
5 Program Improvement Act of 1999”.

1 **SEC. 2. IMPROVEMENT AND TRANSFER OF JURISDICTION**
2 **OF TROOPS-TO-TEACHERS PROGRAM.**

3 (a) RECODIFICATION, IMPROVEMENT, AND TRANS-
4 FER OF PROGRAM.—(1) Section 1151 of title 10, United
5 States Code, is amended to read as follows:

6 **“§ 1151. Assistance to certain separated or retired**
7 **members to obtain certification and em-**
8 **ployment as teachers**

9 “(a) PROGRAM AUTHORIZED.—The Secretary of
10 Education, in consultation with the Secretary of Defense
11 and the Secretary of Transportation with respect to the
12 Coast Guard, may carry out a program—

13 “(1) to assist eligible members of the armed
14 forces after their discharge or release, or retirement,
15 from active duty to obtain certification or licensure
16 as elementary or secondary school teachers or as vo-
17 cational or technical teachers; and

18 “(2) to facilitate the employment of such mem-
19 bers by local educational agencies identified under
20 subsection (b)(1).

21 “(b) IDENTIFICATION OF LOCAL EDUCATIONAL
22 AGENCIES AND STATES.—(1)(A) In carrying out the pro-
23 gram authorized by subsection (a), the Secretary of Edu-
24 cation shall periodically identify local educational agencies
25 that—

1 “(i) are receiving grants under title I of the El-
2 ementary and Secondary Education Act of 1965 (20
3 U.S.C. 6301 et seq.) as a result of having within
4 their jurisdictions concentrations of children from
5 low-income families; or

6 “(ii) are experiencing a shortage of qualified
7 teachers, in particular a shortage of science, mathe-
8 matics, special education, or vocational or technical
9 teachers.

10 “(B) The Secretary may identify local educational
11 agencies under subparagraph (A) through surveys con-
12 ducted for that purpose or by utilizing information on local
13 educational agencies that is available to the Secretary
14 from other sources.

15 “(2) In carrying out the program, the Secretary shall
16 also conduct a survey of States to identify those States
17 that have alternative certification or licensure require-
18 ments for teachers, including those States that grant cred-
19 it for service in the armed forces toward satisfying certifi-
20 cation or licensure requirements for teachers.

21 “(c) ELIGIBLE MEMBERS.—(1) The following mem-
22 bers shall be eligible for selection to participate in the pro-
23 gram:

24 “(A) Any member who—

1 “(i) during the period beginning on Octo-
2 ber 1, 1990, and ending on September 30,
3 1999, was involuntarily discharged or released
4 from active duty for purposes of a reduction of
5 force after six or more years of continuous ac-
6 tive duty immediately before the discharge or
7 release; and

8 “(ii) satisfies such other criteria for selec-
9 tion as the Secretary of Education, in consulta-
10 tion with the Secretary of Defense and the Sec-
11 retary of Transportation, may prescribe.

12 “(B) Any member—

13 “(i) who, on or after October 1, 1999—

14 “(I) is retired for length of service
15 with at least 20 years of active service
16 computed under section 3925, 3926, 8925,
17 or 8926 of this title or for purposes of
18 chapter 571 of this title; or

19 “(II) is retired under section 1201 or
20 1204 of this title;

21 “(ii) who—

22 “(I) in the case of a member applying
23 for assistance for placement as an elemen-
24 tary or secondary school teacher, has re-
25 ceived a baccalaureate or advanced degree

1 from an accredited institution of higher
2 education; or

3 “(II) in the case of a member apply-
4 ing for assistance for placement as a voca-
5 tional or technical teacher—

6 “(aa) has received the equivalent
7 of one year of college from an accred-
8 ited institution of higher education
9 and has 10 or more years of military
10 experience in a vocational or technical
11 field; or

12 “(bb) otherwise meets the certifi-
13 cation or licensure requirements for a
14 vocational or technical teacher in the
15 State in which such member seeks as-
16 sistance for placement under the pro-
17 gram; and

18 “(iii) who satisfies any criteria prescribed
19 under subparagraph (A)(ii).

20 “(2) A member who is discharged or released from
21 active duty, or retires from service, under other than hon-
22 orable conditions shall not be eligible to participate in the
23 program.

24 “(d) INFORMATION REGARDING PROGRAM.—(1) The
25 Secretary of Education, in consultation with the Secretary

1 of Defense and the Secretary of Transportation, shall pro-
2 vide information regarding the program, and make appli-
3 cations for the program available, to members as part of
4 preseparation counseling provided under section 1142 of
5 this title.

6 “(2) The information provided to members shall—

7 “(A) indicate the local educational agencies
8 identified under subsection (b)(1); and

9 “(B) identify those States surveyed under sub-
10 section (b)(2) that have alternative certification or
11 licensure requirements for teachers, including those
12 States that grant credit for service in the armed
13 forces toward satisfying such requirements.

14 “(e) SELECTION OF PARTICIPANTS.—(1)(A) Selec-
15 tion of members to participate in the program shall be
16 made on the basis of applications submitted to the Sec-
17 retary of Education on a timely basis. An application shall
18 be in such form and contain such information as the Sec-
19 retary may require.

20 “(B) An application shall be considered to be submit-
21 ted on a timely basis if the application is submitted as
22 follows:

23 “(i) In the case of an applicant who is eligible
24 under subsection (c)(1)(A), not later than September
25 30, 2003.

1 “(ii) In the case of an applicant who is eligible
2 under subsection (c)(1)(B), not later than four years
3 after the date of the retirement of the applicant
4 from active duty.

5 “(2) In selecting participants to receive assistance for
6 placement as elementary or secondary school teachers or
7 vocational or technical teachers, the Secretary shall give
8 priority to members who—

9 “(A) have educational or military experience in
10 science, mathematics, special education, or voca-
11 tional or technical subjects and agree to seek em-
12 ployment as science, mathematics, or special edu-
13 cation teachers in elementary or secondary schools
14 or in other schools under the jurisdiction of a local
15 educational agency; or

16 “(B) have educational or military experience in
17 another subject area identified by the Secretary, in
18 consultation with the National Governors Associa-
19 tion, as important for national educational objectives
20 and agree to seek employment in that subject area
21 in elementary or secondary schools.

22 “(3) The Secretary may not select a member to par-
23 ticipate in the program unless the Secretary has sufficient
24 appropriations for the program available at the time of
25 the selection to satisfy the obligations to be incurred by

1 the United States under subsection (g) with respect to
2 that member.

3 “(f) AGREEMENT.—A member selected to participate
4 in the program shall be required to enter into an agree-
5 ment with the Secretary of Education in which the mem-
6 ber agrees—

7 “(1) to obtain, within such time as the Sec-
8 retary may require, certification or licensure as an
9 elementary or secondary school teacher or vocational
10 or technical teacher; and

11 “(2) to accept an offer of full-time employment
12 as an elementary or secondary school teacher or vo-
13 cational or technical teacher for not less than four
14 school years with a local educational agency identi-
15 fied under subparagraph (A) or (B) of subsection
16 (b)(1), to begin the school year after obtaining that
17 certification or licensure.

18 “(g) STIPEND AND BONUS FOR PARTICIPANTS.—
19 (1)(A) Subject to subparagraph (B), the Secretary of Edu-
20 cation shall pay to each participant in the program a sti-
21 pend in an amount equal to \$5,000.

22 “(B) The total number of stipends that may be paid
23 under this paragraph in any fiscal year may not exceed
24 3,000.

1 “(2)(A) Subject to subparagraph (B), the Secretary
2 of Education may, in lieu of paying a stipend under para-
3 graph (1), pay a bonus of \$10,000 to each participant in
4 the program who agrees under subsection (f) to accept
5 full-time employment as an elementary or secondary
6 school teacher or vocational or technical teacher for not
7 less than four years in a high need school.

8 “(B) The total number of bonuses that may be paid
9 under this paragraph in any fiscal year may not exceed
10 1,000.

11 “(C) In this paragraph, the term ‘high need school’
12 means an elementary school or secondary school that
13 meets one or more of the following criteria:

14 “(i) A school with a drop out rate that exceeds
15 the national average school drop out rate.

16 “(ii) A school having a large percentage of stu-
17 dents (as determined by the Secretary of Education
18 in consultation with the National Assessment Gov-
19 erning Board) who speak English as a second lan-
20 guage.

21 “(iii) A school having a large percentage of stu-
22 dents (as so determined) who are at risk of edu-
23 cational failure by reason of limited proficiency in
24 English, poverty, race, geographic location, or eco-
25 nomic circumstances.

1 “(iv) A school at least one-half of whose stu-
2 dents are from families with an income below the
3 poverty line (as that term is defined by the Office
4 of Management and Budget and revised annually in
5 accordance with section 673(2) of the Community
6 Services Block Grant Act (42 U.S.C. 9902(2)) appli-
7 cable to a family of the size involved.

8 “(v) A school with a large percentage of stu-
9 dents (as so determined) who qualify for assistance
10 under part B of the Individuals with Disabilities
11 Education Act (20 U.S.C. 1411 et seq.).

12 “(vi) A school meeting any other criteria estab-
13 lished by the Secretary in consultation with the Na-
14 tional Assessment Governing Board.

15 “(3) Stipends and bonuses paid under this subsection
16 shall be taken into account in determining the eligibility
17 of the participant concerned for Federal student financial
18 assistance provided under title IV of the Higher Education
19 Act of 1965 (20 U.S.C. 1070 et seq.).

20 “(h) REIMBURSEMENT UNDER CERTAIN CIR-
21 CUMSTANCES.—(1) If a participant in the program fails
22 to obtain teacher certification or licensure or employment
23 as an elementary or secondary school teacher or vocational
24 or technical teacher as required under the agreement or
25 voluntarily leaves, or is terminated for cause, from the em-

1 ployment during the four years of required service, the
2 participant shall be required to reimburse the Secretary
3 of Education for any stipend paid to the participant under
4 subsection (g)(1) in an amount that bears the same ratio
5 to the amount of the stipend as the unserved portion of
6 required service bears to the four years of required service.

7 “(2) If a participant in the program who is paid a
8 bonus under subsection (g)(2) fails to obtain employment
9 for which such bonus was paid, or voluntarily leaves or
10 is terminated for cause from the employment during the
11 four years of required service, the participant shall be re-
12 quired to reimburse the Secretary of Education for any
13 bonus paid to the participant under that subsection in an
14 amount that bears the same ratio to the amount of the
15 bonus as the unserved portion of required service bears
16 to the four years of required service.

17 “(3)(A) The obligation to reimburse the Secretary
18 under this subsection is, for all purposes, a debt owing
19 the United States.

20 “(B) A discharge in bankruptcy under title 11 shall
21 not release a participant from the obligation to reimburse
22 the Secretary.

23 “(C) Any amount owed by a participant under para-
24 graph (1) or (2) shall bear interest at the rate equal to
25 the highest rate being paid by the United States on the

1 day on which the reimbursement is determined to be due
2 for securities having maturities of ninety days or less and
3 shall accrue from the day on which the participant is first
4 notified of the amount due.

5 “(i) EXCEPTIONS TO REIMBURSEMENT PROVI-
6 SIONS.—(1) A participant in the program shall not be con-
7 sidered to be in violation of an agreement entered into
8 under subsection (f) during any period in which the
9 participant—

10 “(A) is pursuing a full-time course of study re-
11 lated to the field of teaching at an eligible institu-
12 tion;

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

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

18 “(D) is unable to secure employment for a pe-
19 riod not to exceed 12 months by reason of the care
20 required by a spouse who is disabled;

21 “(E) is seeking and unable to find full-time em-
22 ployment as a teacher in an elementary or secondary
23 school or as a vocational or technical teacher for a
24 single period not to exceed 27 months; or

1 “(F) satisfies the provisions of additional reim-
2 bursement exceptions that may be prescribed by the
3 Secretary of Education.

4 “(2) A participant shall be excused from reimburse-
5 ment under subsection (h) if the participant becomes per-
6 manently totally disabled as established by sworn affidavit
7 of a qualified physician. The Secretary may also waive re-
8 imbursement in cases of extreme hardship to the partici-
9 pant, as determined by the Secretary in consultation with
10 the Secretary of Defense or the Secretary of Transpor-
11 tation, as the case may be.

12 “(j) RELATIONSHIP TO EDUCATIONAL ASSISTANCE
13 UNDER MONTGOMERY GI BILL.—The receipt by a partici-
14 pant in the program of any assistance under the program
15 shall not reduce or otherwise affect the entitlement of the
16 participant to any benefits under chapter 30 of title 38
17 or chapter 1606 of this title.

18 “(k) DISCHARGE OF STATE ACTIVITIES THROUGH
19 CONSORTIA OF STATES.—The Secretary of Education
20 may permit States participating in the program author-
21 ized by this section to carry out activities authorized for
22 such States under this section through one or more con-
23 sortia of such States.

24 “(l) ASSISTANCE TO STATES IN ACTIVITIES UNDER
25 PROGRAM.—(1) Subject to paragraph (2), the Secretary

1 of Education may make grants to States participating in
2 the program authorized by this section, or to consortia of
3 such States, in order to permit such States or consortia
4 of States to operate offices for purposes of recruiting eligi-
5 ble members for participation in the program and facilitat-
6 ing the employment of participants in the program in
7 schools in such States or consortia of States.

8 “(2) The total amount of grants under paragraph (1)
9 in any fiscal year may not exceed \$4,000,000.

10 “(m) LIMITATION ON USE OF FUNDS FOR MANAGE-
11 MENT INFRASTRUCTURE.—The Secretary of Education
12 may utilize not more than five percent of the funds avail-
13 able to carry out the program authorized by this section
14 for a fiscal year for purposes of establishing and maintain-
15 ing the management infrastructure necessary to support
16 the program.

17 “(n) DEFINITIONS.—In this section:

18 “(1) The term ‘State’ includes the District of
19 Columbia, American Samoa, the Federated States of
20 Micronesia, Guam, the Republic of the Marshall Is-
21 lands, the Commonwealth of the Northern Mariana
22 Islands, the Commonwealth of Puerto Rico, the Re-
23 public of Palau, and the United States Virgin Is-
24 lands.

1 “(2) The term ‘alternative certification or licen-
2 sure requirements’ means State or local teacher cer-
3 tification or licensure requirements that permit a
4 demonstrated competence in appropriate subject
5 areas gained in careers outside of education to be
6 substituted for traditional teacher training course
7 work.”.

8 (2) The table of sections at the beginning of chapter
9 58 of such title is amended by striking the item relating
10 to section 1151 and inserting the following new item:

 “1151. Assistance to certain separated or retired members to obtain certification
 and employment as teachers.”.

11 (b) EFFECTIVE DATE.—The amendments made by
12 subsection (a) shall take effect on October 1, 1999.

13 (c) TRANSFER OF JURISDICTION OVER CURRENT
14 PROGRAM.—(1) The Secretary of Defense, Secretary of
15 Transportation, and Secretary of Education shall provide
16 for the transfer to the Secretary of Education of any on-
17 going functions and responsibilities of the Secretary of De-
18 fense and the Secretary of Transportation with respect the
19 program authorized by section 1151 of title 10, United
20 States Code, for the period beginning on October 23,
21 1992, and ending on September 30, 1999.

22 (2) The Secretaries shall complete the transfer under
23 paragraph (1) not later than October 1, 1999.

1 (d) REPORTS.—(1) Not later than March 31, 2002,
2 the Secretary of Education and the Comptroller General
3 shall each submit to Congress a report on the effectiveness
4 of the program authorized by section 1151 of title 10,
5 United States Code (as amended by subsection (a)), in the
6 recruitment and retention of qualified personnel by local
7 educational agencies identified under subsection (b)(1) of
8 such section 1151 (as so amended).

9 (2) The report under paragraph (1) shall include in-
10 formation on the following:

11 (A) The number of participants in the program.

12 (B) The schools in which such participants are
13 employed.

14 (C) The grade levels at which such participants
15 teach.

16 (D) The subject matters taught by such partici-
17 pants.

18 (E) The effectiveness of the teaching of such
19 participants, as indicated by any relevant test scores
20 of the students of such participants.

21 (F) The extent of any academic improvement in
22 the schools in which such participants teach by rea-
23 son of their teaching.

1 (G) The rates of retention of such participants
2 by the local educational agencies employing such
3 participants.

4 (H) The effect of any stipends or bonuses
5 under subsection (g) of such section 1151 (as so
6 amended) in enhancing participation in the program
7 or in enhancing recruitment or retention of partici-
8 pants in the program by the local educational agen-
9 cies employing such participants.

10 (I) Such other matters as the Secretary of Edu-
11 cation or the Comptroller General, as the case may
12 be, considers appropriate.

13 (3) The report of the Comptroller General and the
14 Secretary of Education under paragraph (1) shall also in-
15 clude any recommendations of the Comptroller General as
16 to means of improving the program, including means of
17 enhancing the recruitment and retention of participants
18 in the program.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated for the Department of Edu-
21 cation \$25,000,000 for each of fiscal years 2000 through
22 2004 for purposes of carrying out the program authorized
23 by section 1151 of title 10, United States Code (as amend-
24 ed by subsection (a)).

○