

## § 254.1

SOURCE: 59 FR 7213, Feb. 15, 1994, unless otherwise noted.

### § 254.1 Purpose.

It is Department of Defense policy to establish programs to assist personnel affected by the downsizing of the Department of Defense and to contribute to efforts to relieve shortages of elementary and secondary school teachers and teacher's aides.

### § 254.2 Definitions.

(a) *Alternative certification.* State or local teacher certification or licensure requirements that permit a demonstrated competence in appropriate subject areas gained in careers outside of education to be substituted for traditional teacher training course work.

(b) *Eligible defense contractors or subcontractors.* Those defense contractors or subcontractors that have applied and been selected using criteria established in "National Defense Authorization Act for Fiscal Year 1993," Public Law 102-484, 106 stat. 2725 and meet the following criteria:

(1) Produce goods or services for the Department of Defense pursuant to a defense contract or operate nuclear weapons manufacturing facilities for the Department of Energy; and

(2) Have recently reduced operations, or are likely to reduce operations, due to the completion or termination of a defense contract or program or by reductions in defense spending.

(3) The Defense Activity for Non-Traditional Education Support (DANTES) shall give special consideration to defense contractors who are located in areas that have been impacted particularly hard by reductions in defense spending.

(c) *Eligible local educational agency.* A local school jurisdiction that normally hires teachers, is located in a state offering an alternative program for teacher certification, is receiving money under chapter 1 of title I, "Elementary and Secondary Education Act of 1965" (20 U.S.C. 2701 *et seq.*) as a result of having within its jurisdiction a concentration of children from low income families, has been identified by its state as experiencing a shortage of qualified teachers. Priority for grants under this program will be given to

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those local education agencies which receive concentration grant funds under chapter 1 of title I, or are eligible to receive such funding. The local school shall be willing to enter into an agreement with the Department of Defense to employ a certified program participant for not less than five consecutive years in a school within its jurisdiction having a concentration of children from low income families.

(d) *Eligible personnel.* Service members, civilian employees of the Department of Defense and the Department of Energy, and defense contractor employees who meet the specific requirements identified in paragraphs (d) (1) through (3) of this section. All persons selected shall have a baccalaureate or advanced degree (associate degree or higher for teacher's aide applicants) from an accredited institution of higher learning and, if selected, shall be willing to agree to obtain certification or licensure as an elementary or secondary school teacher or teacher's aide and to accept an offer of full-time employment as an elementary or secondary school teacher or teacher's aid for not fewer than 5 school years in a school that serves a concentration of children from low-income families.

(1) *Eligible service members.* Members of the Armed Forces who during the 9-year period beginning on October 1, 1990, are discharged or released from active duty after 6 or more years of continuous active duty immediately before discharge or release, and are not discharged or released from service under other than honorable conditions. Application must be made within 1 year after discharge or release, except that Service members whose date of discharge or release is on or after October 1, 1990, but before January 19, 1994, shall apply by October 5, 1995. Service members who do not meet the degree requirements at the time of discharge shall be considered to be eligible upon satisfying degree requirements with 5 years after discharge from active duty. In such case, former Service members must make application within 1 year after earning the applicable degree.

(2) *Eligible nonmilitary Government employees.* Full time civilian employees of the Department of Defense or the Department of Energy who have served at

least 5 years in a civil service position and are terminated from Government employment as a result of reductions in defense spending or the closure or realignment of a military installation as determined by the Secretary of Defense or the Secretary of Energy. Application must be made after receipt of a notice of termination but not later than 1 year following termination.

(3) *Eligible contractor employees.* Scientists or engineers whose employment is terminated (or who have received notice of termination) as a result of the completion or termination of a defense contract or program or reductions in defense spending. The individuals must have been employed for not less than five years as a scientist or engineer with a private defense contractor that has entered into a cooperative agreement with Department of Defense to help support the program including payment of 50 percent of the stipend provided to the contractor employee selected for assistance.

(e) *Grant.* Funding to be provided to a local education agency to offset the basic salary of a program participant during five consecutive years of employment. Assuming employment begins at the beginning of a school year, a grant shall be paid in five installments in accordance with the following schedule:

First Year—50 percent of basic salary  
not to exceed \$25,000  
Second Year—40 percent of basic salary  
not to exceed \$10,000  
Third Year—30 percent of basic salary  
not to exceed \$7,500  
Fourth Year—20 percent of basic salary  
not to exceed \$5,000  
Fifth Year—10 percent of basic salary  
not to exceed \$2,500

(1) Installments shall be payable after the end of each school year within 30 days after the local education agency certifies to the Department of Defense the basic salary paid to the employee during the past school year is consistent with the written agreement between the local educational agency and the Department of Defense.

(2) If employment begins other than at the beginning of a school year, the grant shall be payable in up to six installments. The grant payments shall be based on the total teacher pay days

equivalent to a full school year. Payments will be made so that reimbursement does not exceed the percentage and dollar amounts for any one equivalent full school year.

(f) *Stipend.* The lesser of \$5,000 or the total costs of the type described in "Higher Education Act of 1965," section 472 (20 U.S.C. 10871l), incurred by a selected program participant while obtaining certification.

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#### § 254.3 Responsibilities.

(a) The Assistant Secretary of Defense (Personnel and Readiness) shall:

(1) Monitor compliance with this part and the responsibilities of the Secretary of Defense as authorized by "National Defense Authorization Act for Fiscal Year 1993," sections 4441, 4442, 4443, Public Law 102-484 (10 U.S.C. 1151, 1598, 2410c).

(2) The Director of Education, as the representative for the ASD(P&R), shall:

(i) Identify program needs and provide program direction.

(ii) Provide liaison and coordination with educational agencies, and school officials.

(iii) Oversee the funding of this program and ensure compliance with this memorandum.

(iv) Conduct a survey of States to identify those States that have alternative certification or licensure requirements for teachers, including those States that grant credit for service in the armed forces towards satisfying certification or licensure requirements for teachers.

(b) The Secretaries of the Military Departments shall:

(1) Ensure that separating Service members are informed about the subject program during pre-separation counseling provided by Transition Assistance Offices.

(2) Ensure that installation Education Centers can, upon request, provide information and counseling on teacher training and certification, including alternative certification requirements.