

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.

[59 FR 7213, Feb. 15, 1994, as amended at 60 FR 30189, June 8, 1995]

#### § 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.

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(3) Ensure that separating employees are informed about this program during pre-separation counseling by installation and activity Civilian Personnel Officers.

(4) Ensure that personnel management offices inform noncommissioned officers who will reach ten years of service during the current fiscal year (until September 30, 1997), who have the potential to perform as elementary or secondary school teachers, but who do not satisfy the minimum educational requirements to qualify for the program of the opportunity to obtain those qualifications within five years after discharge or release from active duty and apply for placement assistance within one year thereafter.

(c) The Secretary of the Navy shall, as executive agent for the Defense Activity for Non-Traditional Education Support (DANTES), ensure DANTES is provided assistance and support in meeting its responsibilities in support of this program.

#### § 254.4 Procedures.

(a) The Secretary of the Navy, as executive agent for DANTES, shall ensure DANTES executes the program, by:

(1) Issuing procedural guidance implementing this part, as necessary.

(2) Preparing and distributing information, forms and publications.

(3) Selecting participants based upon criteria established by "National Defense Authorization Act for Fiscal Year 1993," Public Law 102-484, 106 stat. 2725, as amended by "National Defense Authorization Act for Fiscal Year 1994," section 1331, Public Law 103-160, 107 stat. 1791 and those stated in paragraph (e) of this section.

(4) Receiving and evaluating applications for stipends and making awards based on criteria consistent with "National Defense Authorization Act for Fiscal Year 1993," sections 4441, 4442, and 4443, Public Law 102-484, 106 stat. 2725 as amended by "National Defense Authorization Act for Fiscal Year 1994," section 1331, Public Law 103-160, 107 stat. 1791 and "Higher Education Act of 1965," section 472, (20 U.S.C. 1087*l*).

(5) Receiving and evaluating applications for grants and making awards,

based on criteria consistent with reference to "National Defense Authorization Act for Fiscal Year 1993," Public Law 102-484, 106 stat. 2725 as amended by "National Defense Authorization Act for Fiscal Year 1994, section 1331, Public Law 103-160, 106 stat. 2725, and title I, Elementary and Secondary Education Act of 1965 (20 U.S.C. 2701 et seq.) to eligible local educational agencies that agree to employ program participants pursuant to this part.

(6) As necessary and authorized, entering into agreements with other governmental and non-governmental entities, stipend awardees, and local educational agencies eligible to participate in the program.

(7) Establishing and maintaining a file on each applicant and tracking actions taken with regard to each applicant.

(8) Establishing and maintaining a file on each local educational agency or private defense contractor who seeks to enter into an agreement with the Department of Defense in connection with this program.

(9) Collecting debts owed the Department of Defense resulting from failure to comply with agreements made regarding the use of stipends given to program participants or grants made to local educational agencies.

(i) DANTES shall collect from local educational agencies an amount that bears the same ratio to the total amount already paid under the agreement as the unserved portion of required service bears to the five years of required service for participants that leave the employment of the local educational agency before the end of the five years of required service.

(ii) DANTES shall collect from personnel participating in this program, if the participant in the placement program fails to obtain teacher certification or licensure or employment as an elementary or secondary school teacher or as a teacher's aide or is terminated for cause, during the five years of required service. The participant shall be required to reimburse the Secretary of Defense for any stipend paid to the participant in the same ratio to the amount of the stipend as the unserved portion of required service bears to the five years of required