

**Item 13:****Consider and Take Appropriate Action on Petition for  
Adoption of Rule Change Concerning 19 TAC Chapter 230,  
Professional Educator Preparation and Certification,  
Subchapter A, General Provisions, §230.1(4), Definitions,  
(Relating to Classroom Teacher)****DISCUSSION AND ACTION**

**SUMMARY:** This item provides the State Board for Educator Certification (SBEC) an opportunity to consider a citizen petition on 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1(4), Definitions, (relating to Classroom Teacher), filed pursuant to Texas Government Code, §2001.021. The petitioner requests an amendment to 19 TAC §230.1(4) that would remove Reserve Officers' Training Corps (ROTC) from the list of individuals not covered under the definition of classroom teacher. The SBEC must either deny the petition or direct the Texas Education Agency (TEA) staff to initiate rulemaking proceedings.

**STATUTORY AUTHORITY:** Texas Government Code, §2001.021, and Texas Education Code, §§21.041(b)(1), (2), and (4), 21.044(a), 21.048, 21.050, and 22.082.

**EFFECTIVE DATE:** None.

**PREVIOUS BOARD ACTION:** Section 230.1 was adopted effective December 12, 2012.

**BACKGROUND INFORMATION AND SIGNIFICANT ISSUES:** Section 230.1(4), shown in Attachment II, establishes the definition of a classroom teacher. Currently, ROTC instructors are not considered classroom teachers. These instructors are hired by school districts under the provisions of an emergency permit.

A citizen has submitted to the SBEC a petition, shown in Attachment III, requesting that the SBEC remove ROTC as an exception to the term *classroom teacher* in 19 TAC §230.1(4). The petitioner also expressed an interest in the development of a provisional teacher educator certificate for secondary ROTC instructors who have a bachelor's degree and have successfully completed the U.S. Army Cadet Command Teaching Certification Program as required by U.S. Code and the U.S. Army Cadet Command.

In accordance with the Texas Government Code, §2001.021, the SBEC may deny the petition or direct the TEA staff to initiate rulemaking proceedings.

**FISCAL IMPACT:** None.

**PUBLIC AND STUDENT BENEFIT:** None.

**PROCEDURAL AND REPORTING IMPLICATIONS:** None.

**LOCALLY MAINTAINED PAPERWORK REQUIREMENTS:** None.

**PUBLIC COMMENTS:** None.

**ALTERNATIVES:** None.

**OTHER COMMENTS AND RELATED ISSUES:** Under SBEC rule 19 TAC §250.20, Petition for Adoption of Rules or Rule Changes, the TEA must respond to a rule petition within 60 days even if it is not possible for the SBEC to act upon it within 60 days, as was the case with this petition. As a result, TEA staff notified the petitioner that the petition would be considered at the March 2015 SBEC meeting.

**MOTION TO BE CONSIDERED:** The State Board for Educator Certification:

Deny the petition. Initiation of a rulemaking is not the appropriate action to take at this time. Instead, the matter will be reviewed to determine whether a factual and legal basis exists to delete the reference to Reserve Officers' Training Corps (ROTC) instructors in the rule.

Respectfully submitted,

Ryan Franklin  
Associate Commissioner  
Educator Leadership and Quality

**Staff Members Responsible:** Marilyn Cook, Director  
Educator Certification

Tim Miller, Director  
Educator Preparation Programs

Laura Moriaty, Administrative Law Judge  
Legal Services

**Attachments:**

- I. Statutory Citations
- II. Text of 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1, Definitions
- III. Petition to Amend 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1(4), Definitions, (Relating to Classroom Teacher)

**ATTACHMENT I****Statutory Citations Relating to Consideration of Petition for Adoption of Rule Change Concerning 19 TAC Chapter 230, Professional Educator Preparation and Certification, Subchapter A, General Provisions, §230.1(4), Definitions, (Relating to Classroom Teacher)****Texas Education Code, §21.041, Rules; Fees (excerpt):**

- (b) The board shall propose rules that:
- (1) provide for the regulation of educators and the general administration of this subchapter in a manner consistent with this subchapter;
  - (2) specify the classes of educator certificates to be issued, including emergency certificates;
  - (4) specify the requirements for the issuance and renewal of an educator certificate;

**Texas Education Code, §21.044, Educator Preparation (excerpt):**

- (a) The board shall propose rules establishing the training requirements a person must accomplish to obtain a certificate, enter an internship, or enter an induction-year program. The board shall specify the minimum academic qualifications required for a certificate.

**Texas Education Code, §21.048, Certification Examinations (excerpts):**

- (a) [2 Versions: As amended by Acts 2013, 83rd Leg., ch. 1282] The board shall propose rules prescribing comprehensive examinations for each class of certificate issued by the board. The board shall determine the satisfactory level of performance required for each certification examination. For the issuance of a generalist certificate, the board shall require a satisfactory level of examination performance in each core subject covered by the examination.
- (a-1) The board may not require that more than 45 days elapse before a person may retake an examination.
- (b) The board may not administer a written examination to determine the competence or level of performance of an educator who has a hearing impairment unless the examination has been field tested to determine its appropriateness, reliability, and validity as applied to, and minimum acceptable performance scores for, persons with hearing impairments.
- (c) An educator who has a hearing impairment is exempt from taking a written examination for a period ending on the first anniversary of the date on which the board determines, on the basis of appropriate field tests, that the examination complies with the standards specified in Subsection (b). On application to the board, the board shall issue a temporary exemption certificate to a person entitled to an exemption under this subsection.
- (c-1) The results of an examination administered under this section are confidential and are not subject to disclosure under Chapter 552, Government Code, unless:
- (1) the disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Section 21.057; or
  - (2) the educator has failed the examination more than five times.

- (d) In this section:
- (1) "Hearing impairment" means a hearing impairment so severe that the person cannot process linguistic information with or without amplification.
  - (2) "Reliability" means the extent to which an experiment, test, or measuring procedure yields the same results on repeated trials.
  - (3) "Validity" means being:
    - (A) well-grounded or justifiable;
    - (B) relevant and meaningful;
    - (C) correctly derived from premises or inferences; and
    - (D) supported by objective truth or generally accepted authority.

**Texas Education Code, §21.050, Academic Degree Required for Teaching Certificate; Internship:**

- (a) A person who applies for a teaching certificate for which board rules require a bachelor's degree must possess a bachelor's degree received with an academic major or interdisciplinary academic major, including reading, other than education, that is related to the curriculum as prescribed under Subchapter A, Chapter 28.
- (b) The board may not require more than 18 semester credit hours of education courses at the baccalaureate level for the granting of a teaching certificate. The board shall provide for a minimum number of semester credit hours of internship to be included in the hours needed for certification. The board may propose rules requiring additional credit hours for certification in bilingual education, English as a second language, early childhood education, or special education.
- (c) A person who receives a bachelor's degree required for a teaching certificate on the basis of higher education coursework completed while receiving an exemption from tuition and fees under Section 54.363 may not be required to participate in any field experience or internship consisting of student teaching to receive a teaching certificate.

**Texas Education Code, §22.082, Access to Criminal History Records by State Board for Educator Certification:**

The State Board for Educator Certification shall subscribe to the criminal history clearinghouse as provided by Section 411.0845, Government Code, and may obtain from any law enforcement or criminal justice agency all criminal history record information and all records contained in any closed criminal investigation file that relate to a specific applicant for or holder of a certificate issued under Subchapter B, Chapter 21.

**Texas Government Code, §2001.021, Petition for Adoption of Rules:**

- (a) An interested person by petition to a state agency may request the adoption of a rule.
- (b) A state agency by rule shall prescribe the form for a petition under this section and the procedure for its submission, consideration, and disposition.
- (c) Not later than the 60th day after the date of submission of a petition under this section, a state agency shall:
  - (1) deny the petition in writing, stating its reasons for the denial; or

- (2) initiate a rulemaking proceeding under this subchapter.

**19 TAC §250.20, Petition for Adoption of Rules or Rule Changes.**

- (a) Any interested person may petition for the adoption, amendment, or repeal of a rule of the State Board for Educator Certification (SBEC) by filing a petition on a form provided in this subsection. The petition shall be signed and submitted to the Texas Education Agency (TEA). The TEA shall evaluate the merits of the proposal to determine whether to recommend that rulemaking proceedings be initiated or that the petition be denied.  
Figure: 19 TAC §250.20(a)
- (b) In accordance with the Texas Government Code, §2001.021, the TEA must respond to the petitioner within 60 calendar days of receipt of the petition.
  - (1) Where possible, the recommendation concerning the petition shall be placed on the SBEC agenda, and the SBEC shall act on the petition within the 60-calendar-day time limit.
  - (2) Where the time required to review the petition or the scheduling of SBEC meetings will not permit the SBEC to act on the petition within the required 60 calendar days, the TEA shall respond to the petitioner within the required 60 calendar days, notifying the petitioner of the date of the SBEC meeting at which the recommendation will be presented to the SBEC for action.
- (c) The SBEC will review the petition and the recommendation and will either direct the TEA to begin the rulemaking process or deny the petition, giving reasons for the denial. The TEA will notify the petitioner of the SBEC's action related to the petition.
- (d) Without limitation to the reasons for denial in this subsection, the SBEC may deny a petition on the following grounds:
  - (1) the SBEC does not have jurisdiction or authority to propose or to adopt the petitioned rule;
  - (2) the petitioned rule conflicts with a statute, court decision, another rule proposed or adopted by the SBEC, or other law;
  - (3) the SBEC determines that a different proceeding, procedure, or act more appropriately addresses the subject matter of the petition than initiating a rulemaking proceeding; or
  - (4) the petitioner is inappropriately using the opportunity to file a rulemaking petition under this section, as evidenced by filing a petition:
    - (A) before the fourth anniversary of the SBEC's having previously considered and rejected a similar rule on the same subject matter; or
    - (B) to amend a rule proposed or adopted by the SBEC that has not yet become effective.
- (e) If the SBEC initiates rulemaking procedures in response to a petition, the rule text which the SBEC proposes may differ from the rule text proposed by the petitioner.

**ATTACHMENT II**  
**Text of 19 TAC****Chapter 230. Professional Educator Preparation and Certification****Subchapter A. General Provisions**

*Statutory Authority: The provisions of this Subchapter A issued under the Texas Education Code, §§21.041(b)(1), (2), and (4), 21.044(a), 21.048, 21.050, and 22.082, unless otherwise noted.*

**§230.1. Definitions.**

The following words and terms, when used in this chapter, Chapter 232 of this title (relating to General Certification Provisions), and Chapter 233 of this title (relating to Categories of Classroom Teaching Certificates), shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Accredited institution of higher education--An institution of higher education that at the time was accredited or otherwise approved by an accrediting organization recognized by the Texas Higher Education Coordination Board.
- (2) Appropriate--Suitable for a particular purpose. The term denotes compliance with State Board for Educator Certification (SBEC) rules and with SBEC procedures and policies posted on the Texas Education Agency website that are related to the stated particular purpose.
- (3) Certificate--Any credential issued by the State Board for Educator Certification under the authority of the Texas Education Code, Chapter 21, Subchapter B.
- (4) Classroom teacher--An educator who is employed by a school district approved by the Texas Education Agency or by an open-enrollment charter school approved by the State Board of Education and who teaches, not less than four hours each day, in an academic instructional setting or a career and technical education instructional setting. This term does not include a teacher's aide, Reserve Officers' Training Corps (ROTC) instructors, substitute, or a full-time or part-time administrator.
- (5) Continuing professional education--Professional development required for the renewal of educator and professional certificates that is designed to ensure improvement in both the performance of the educator and achievement of his or her students.
- (6) Educator--A person who is required to hold a certificate issued under the Texas Education Code, Chapter 21, Subchapter B.
- (7) Educator preparation program--An entity approved by the State Board for Educator Certification to offer training and coursework to prepare candidates for an educator certificate.
- (8) Examination--A standardized test or assessment required by statute or State Board for Educator Certification rule that governs an individual's admission to an educator preparation program, certification as an educator, continuation as an educator, or advancement as an educator.
- (9) Field supervision--An educator preparation program is responsible for the supervision of a candidate during student teaching, clinical teaching, internship, or a practicum. The supervision includes monitoring candidates and providing them with constructive feedback to improve their professional performance based on the standards associated with the certificate being sought.
- (10) Hearing impairment--As defined in the Texas Education Code, §21.048(d)(1), a hearing impairment so severe that the person cannot process linguistic information with or without amplification.
- (11) High-quality professional development--Professional development that meets the requirements of the No Child Left Behind Act of 2001, 20 United States Code, §7801 (2001, as amended) and its subsequent amendments.

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- (12) Initial certification--The first Texas certificate issued to an individual based on participation in an approved educator preparation program.
  - (13) Internship--A one academic year (or 180 school days) supervised educator assignment at a public school accredited by the Texas Education Agency (TEA) or other school approved by the TEA for internships, which may lead to completion of a standard certificate.
  - (14) Mentor--A certified educator who is assigned by the campus administrator and who has completed, within the past three years, mentor training provided by an educator preparation program, regional education service center, campus, or school district. Responsibilities of the mentor include, but are not limited to:
    - (A) guiding, assisting, and supporting the beginning teacher in areas such as acquisition of instructional materials, classroom management, curriculum and instruction, district policy, parent involvement, and student assessment; and
    - (B) providing information to the educator preparation program regarding the progress of the beginning teacher seeking new certification.
  - (15) Private school--A non-public school whose educational program has been evaluated by a regional accrediting agency and whose program has met and is maintaining certain educational standards.
  - (16) Professional class--A term that refers to certificates for duties other than classroom teacher (e.g., superintendent, principal, school counselor, school librarian, educational diagnostician, reading specialist, and master teachers).
  - (17) State Board for Educator Certification--The State Board for Educator Certification acting through its voting members in a decision-making capacity.
  - (18) Teacher of record--An educator employed by a school district who teaches the majority of the instructional day in an academic instructional setting and is responsible for evaluating student achievement and assigning grades.
  - (19) Teacher service record--The official document used to record years of service and days used and accumulated under the state's former minimum sick leave program or the state's current personal leave program.
  - (20) Texas Education Agency staff--Staff of the Texas Education Agency assigned by the commissioner of education to perform the State Board for Educator Certification's administrative functions and services.
  - (21) Texas school district--A school district accredited and approved by the Texas Education Agency under the Texas Education Code, Chapter 11.

*Source: The provisions of this §230.1 adopted to be effective August 12, 2012, 37 TexReg 5753.*

ATTACHMENT III

Figure: 19 TAC §250.20(a)

STATE BOARD FOR EDUCATOR CERTIFICATION  
Petition for Adoption of a Rule

The Texas Government Code, §2001.021, provides that any interested person may petition an agency requesting the adoption of a rule.

Petitions should be signed and submitted to:

Office of Educator Leadership and Quality  
Texas Education Agency, 1701 North Congress Avenue, Austin, Texas 78701-1494

Name: James Faurie

Affiliation/Organization (if applicable):

Address: 8038 Hwy 79 S, Wichita Falls, Tx 76310

Telephone: 940-249-1547

Date: 12/12/2014

Proposed rule text (indicate words to be added or deleted from the current text):

Delete "Reserve Officers Training Corps (ROTC)  
instructors"

Statutory authority for the proposed rule action: SBEC Rule 230.1 (4)

Why is this rule action necessary or desirable?

Please see attached letter and enclosures.

Thank you,

(If more space is required, attach additional sheets.)

  
Petitioner's Signature



[Your Name]  
8038 State Hwy 79 S  
Wichita Falls, TX 76310  
940.249.1547  
[REDACTED]

December 11, 2014

State Board for Educator Certification  
Attn: Educator Leadership & Quality  
1701 North Congress Ave  
Austin, TX 78701

Dear State Board for Educator Certification:

This letter is to spark a change in the definition of a classroom teacher (230.1), the issuance of a Provisional Teachers Certificate for Secondary ROTC teachers, thus enabling ROTC classroom teachers to progress into administration fields in our Texas schools.

Recently I called the SBEC and asked how I may obtain a Principal Certification as a ROTC classroom teacher. I was presented with an old adage that ROTC classroom teachers do not participate in a teacher training program, preventing them from obtaining a true classroom teaching certificate. Rule 230.1 was used as the reason for denial.

My goal is to show the State Board for Educator Certification what changes the U.S. Army Cadet Command has made in the past decade and paint you a picture of my walk as a 9-year teacher of ROTC in the classroom.

#### CHANGES IN THE JUNIOR ROTC PROGRAM OVER THE PAST DECADE

- The Junior ROTC is an accredited program meeting the requirements established by the AdvancED Accreditation Commission accredited by the Southern Association of Colleges and Schools, Expiration Date: June 30, 2015 (encl A).
- Office of the Under Secretary of Defense established policy and provided guidance on the certification of retired Army personnel as JROTC Instructors. This guidance requires at a minimum of four Nationally Accredited Distance Learning Courses in Education Training, June 16, 2007 (encl B) <http://www.usarmyjrotc.com/employment/licensing>
- Chapter 102 of title 10, United States Code, Sec 2033, requires the completion of secondary education teaching certification requirements. (encl C) <http://www.gpo.gov/fdsys/pkg/USCODE-2011-title10/pdf/USCODE-2011-title10-subtitleA-partIII-chap102-sec2033.pdf>
- Headquarters, JROTC agreed to associate the learning outcomes for each of the 198 lessons in the curriculum to the Common Core State Standards (CCSS), 2012 (encl D)

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#### JAMES FAURIE'S EXPERIENCE AS A ROTC INSTRUCTOR

- Began JROTC Instructor career in Tennessee. Met all Teaching Certification Requirements through JROTC Cadet Command Online Instruction. Completed all requirements for a Graduate Certificate in Pre-Teaching Preparation at the University of Colorado @ Colorado Springs. (encl E)
- Tennessee issued a Teachers License Endorsement Code (457) for 3 years.
- Met requirements for a Principal Certification in Tennessee
- After 3 years of teaching in Tennessee, I moved back home to Texas and begin teaching Secondary ROTC. Currently I hold an Emergency Certificate for Secondary ROTC, renewed annually.
- Unlike a substitute or teacher's aide, as a Secondary ROTC teacher I am completely responsible for all aspects of the classroom to include classroom management, discipline, lesson plans, curriculum, scheduling, before & after school tutoring, grades, parent-teacher conferences, etc.
- Offered At-Risk Coordinator/Assistant Principal position at school; meet all requirements of Rule 241.20; however SBEC representative stated I do not meet the definition of classroom teacher based on Rule 230.1
- Currently enrolled in M.Ed. & Principal Certification program

#### EXPERIENCE SUMMARY

My experiences I listed above are shared by hundreds of Secondary-ROTC teachers employed in Texas that are not allowed to move into administration positions either. Most Secondary-ROTC teachers meet all requirements as a "regular" classroom teacher except a few that do not possess a Bachelor's Degree. **These instructors are the exception, not the rule.** I am a 9-year teacher, possess a M.Ed., have been asked by my school administrators to join their team, and yet cannot move into secondary school administration due to the addition of a sentence in rule 230.1 that overwrites the Texas Education Code, 5.001(2) as required for a Principal Certificate. Let's compare:

TEC Rule 5.001(2) "Classroom teacher" means an educator who is employed by a school district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technology instructional setting. The term does not include a teacher's aide or a full-time administrator.

SBEC Rule 230.1: Classroom teacher--An educator who is employed by a school district approved by the Texas Education Agency or by an open-enrollment charter school approved by the State Board of Education and who teaches, not less than four hours each day, in an academic instructional setting or a career and technical education instructional setting. This term does not include a teacher's aide, Reserve Officers' Training Corps (ROTC) instructors, substitute, or a full-time or part-time administrator.

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#### REQUESTS & RECOMMENDATION

When I read Rule 241.20, Requirements for the Issuance of the Standard Principal Certificate, para (4) directs me to Rule 5001(2), which includes ROTC Instructors as eligible. When SBEC Rule 230.1 is applied, ROTC teachers do not meet requirements. I propose to the State Board for Educator Certification to:

1. Remove ROTC from rule 230.1.
2. Issue a Provisional Teacher Educator Certificate – Secondary ROTC to all ROTC Instructors that have a Bachelor's Degree and successfully completed the U.S. Army Cadet Command Teaching Certification Program as required by U.S. Code and the U.S. Army Cadet Command. More than 60% of Texas ROTC teachers will qualify based on information from the U.S. Army Cadet Command.
3. Any other rule changes required to reflect Secondary ROTC as a teacher – not segregated into a groups of professionals NOT required to meet classroom teacher education standards: substitutes and aides.

#### CONCLUSION

I thank the State Board of Educators for taking the time to read and review all documents presented. Texas schools need quality administrators, and Secondary ROTC teachers can fill these positions. The U.S. Army Cadet Command has passed rule & procedure changes over the past decade to provide highly qualified ROTC teachers to enter classrooms across the country. I know that Tennessee, Oklahoma, Colorado, and Georgia, allow their ROTC teachers to enter administrator fields. I am requesting & recommending changes, and welcome the opportunity to be a part of this change. I look forward to Texas adopting changes to reflect the new Secondary ROTC teachers' qualifications as a classroom teacher.

Thank you,

*Original Signed*

James Faurie

ACCREDITED

This is to certify that

*US Army Jr Reserve Officer Training Corps*

having met the requirements established by the AdvancED Accreditation Commission and Board of Trustees is hereby accredited by the Southern Association of Colleges and Schools Council on Accreditation and School Improvement.

Expiration Date: June 30, 2015



*Mark A. Elgart*  
Mark A. Elgart, Ed.D.  
President/Chief Executive Officer  
AdvancED

North Central Association Commission on Accreditation and School Improvement (NCA CASI) and the Southern Association of Colleges and Schools Council on Accreditation and School Improvement (SACS CASI) are accreditation divisions of AdvancED®.



PERSONNEL AND  
READINESSOFFICE OF THE UNDER SECRETARY OF DEFENSE  
4000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-4000

JUN 15 2007

## MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

SUBJECT: Junior Reserve Officer Training Corps (JROTC) Instructor Certification

This directive-type memorandum establishes policy and provides guidance on the certification of retired officers and noncommissioned officers as JROTC instructors.

In 2001, the "No Child Left Behind" Act (NCLB) established a new definition of "highly qualified teachers" which caused some discussion as to how JROTC instructors fit into the redefined standards. As a result of those discussions between the Departments of Defense and Education, additional legislative language was proposed and included in the 2007 National Defense Authorization Act (NDAA) further clarifying JROTC instructor qualifications. Section 539 of NDAA 2007, attached, provides an outline of the credentials required of both Senior and Non-Senior Military Instructors and levies on the Secretaries of the Military Departments the authority to further determine the requirements and award certification. This certification will then be equal to that awarded by the states under NCLB for the teaching of JROTC and embedded subject areas such as physical education, health/wellness, and civics.

In conjunction with input from the Services, we have established the following standards for JROTC instructor base certification and subsequent recertification (every 5 years):

Senior Military Instructor (retired officer)

- Bachelor's Degree
- Completion of Service-specific JROTC Instructor Training Curriculum
- Service-specific Basic Skills Requirement
- Nationally Accredited Distance Learning courses, to include but not limited to, Classroom Management, Learning and the Brain, Education Psychology, and Secondary Methods
- Completion of Computer Literacy Training
- Award of Advanced Certification by the Military Department concerned IAW title 10, chapter 102 and these criteria

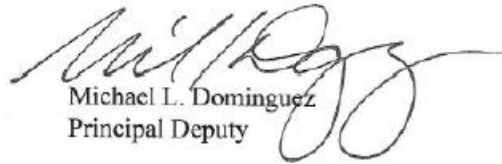
Non-Senior Military Instructor (retired noncommissioned officer)

- Associate's Degree within 5 years of employment (or from the date of this policy letter, whichever is later)
- Same additional requirements as for Senior Instructors



This memorandum is effective immediately. The guidance in this directive-type memorandum shall be incorporated in DoD Instruction 1215.13, "Junior Reserve Officers' Training Corps (JROTC) Program" at the next opportunity.

My POC for this issue is Lt Col Brenda Leong, USAF; she can be reached at DSN 225-5529, commercial (703) 695-5529, or [brenda.leong@osd.mil](mailto:brenda.leong@osd.mil).

  
Michael L. Dominguez  
Principal Deputy

Attachment:  
As stated



“(a) **PLAN FOR INCREASE.**—The Secretary of Defense, in consultation with the Secretaries of the military departments, shall develop and implement a plan to establish and support, not later than September 30, 2020, not less than 3,700 units of the Junior Reserve Officers’ Training Corps.

“(b) **EXCEPTIONS.**—The requirement imposed in subsection (a) shall not apply—

“(1) if the Secretary fails to receive an adequate number or requests for Junior Reserve Officers’ Training Corps units by public and private secondary educational institutions; or

“(2) during a time of national emergency when the Secretaries of the military departments determine that funding must be allocated elsewhere.

“(c) **COOPERATION.**—The Secretary of Defense, as part of the plan to establish and support additional Junior Reserve Officers’ Training Corps units, shall work with local educational agencies to increase the employment in Junior Reserve Officers’ Training Corps units of retired members of the Armed Forces who are retired under chapter 61 of title 10, United States Code, especially members who were wounded or injured while deployed in a contingency operation.

“(d) **REPORT ON PLAN.**—Upon completion of the plan, the Secretary of Defense shall provide a report to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] containing, at a minimum, the following:

“(1) A description of how the Secretaries of the military departments expect to achieve the number of units of the Junior Reserve Officers’ Training Corps specified in subsection (a), including how many units will be established per year by each service.

“(2) The annual funding necessary to support the increase in units, including the personnel costs associated.

“(3) The number of qualified private and public schools, if any, who have requested a Junior Reserve Officers’ Training Corps unit that are on a waiting list.

“(4) Efforts to improve the increased distribution of units geographically across the United States.

“(5) Efforts to increase distribution of units in educationally and economically deprived areas.

“(6) Efforts to enhance employment opportunities for qualified former military members retired for disability, especially those wounded while deployed in a contingency operation.

“(e) **TIME FOR SUBMISSION.**—The plan required under subsection (a), along with the report required by subsection (d), shall be submitted to the congressional defense committees [Committees on Armed Services and Appropriations of the Senate and the House of Representatives] not later than March 31, 2009. The Secretary of Defense shall submit an up-dated [sic] report annually thereafter until the minimum number of units of the Junior Reserve Officers’ Training Corps specified in subsection (a) is achieved.”

**EXPANSION OF JUNIOR RESERVE OFFICERS’ TRAINING CORPS PROGRAM**

Pub. L. 109-364, div. A, title V, §541, Oct. 17, 2006, 120 Stat. 2212, provided that:

“(a) **IN GENERAL.**—The Secretaries of the military departments shall take appropriate actions to increase the number of secondary educational institutions at which a unit of the Junior Reserve Officers’ Training Corps is organized under chapter 102 of title 10, United States Code.

“(b) **EXPANSION TARGETS.**—In increasing under subsection (a) the number of secondary educational institutions at which a unit of the Junior Reserve Officers’ Training Corps is organized, the Secretaries of the military departments shall seek to organize units at an additional number of institutions as follows:

“(1) In the case of Army units, 15 institutions.

“(2) In the case of Navy units, 10 institutions.

“(3) In the case of Marine Corps units, 15 institutions.

“(4) In the case of Air Force units, 10 institutions.”

**REDUCTION IN NUMBER OF STUDENTS REQUIRED TO BE IN JUNIOR RESERVE OFFICERS’ TRAINING CORPS UNITS FOR PERIOD OF SEPTEMBER 1, 1980, TO AUGUST 31, 1984**

Pub. L. 96-342, title VI, §602, Sept. 8, 1980, 94 Stat. 1087, as amended by Pub. L. 97-86, title VII, §702(a), Dec. 1, 1981, 95 Stat. 1111; Pub. L. 97-252, title VII, §702, Sept. 8, 1982, 96 Stat. 728; Pub. L. 98-94, title VII, §702, Sept. 24, 1983, 97 Stat. 634, authorized the Secretary of any military department, during the period beginning on Sept. 1, 1980, and ending on Aug. 31, 1984, to maintain a unit of the Junior Reserve Officers’ Training Corps at any public or private secondary educational institution.

**§ 2032. Responsibility of the Secretaries of the military departments to maximize enrollment and enhance efficiency**

(a) **COORDINATION.**—The Secretary of each military department, in establishing, maintaining, transferring, and terminating Junior Reserve Officers’ Training Corps units under section 2031 of this title, shall do so in a coordinated manner that is designed to maximize enrollment in the Corps and to enhance administrative efficiency in the management of the Corps.

(b) **CONSIDERATION OF NEW SCHOOL OPENINGS AND CONSOLIDATIONS.**—In carrying out subsection (a), the Secretary of a military department shall take into consideration—

(1) openings of new schools;

(2) consolidations of schools; and

(3) the desirability of continuing the opportunity for participation in the Corps by participants whose continued participation would otherwise be adversely affected by new school openings and consolidations of schools.

(Added Pub. L. 105-85, div. A, title V, §546(a), Nov. 18, 1997, 111 Stat. 1746.)

**§ 2033. Instructor qualifications**

(a) **IN GENERAL.**—In order for a retired officer or noncommissioned officer to be employed as an instructor in the program, the officer must be certified by the Secretary of the military department concerned as a qualified instructor in leadership, wellness and fitness, civics, and other courses related to the content of the program, according to the qualifications set forth in subsection (b)(2) or (c)(2), as appropriate.

(b) **SENIOR MILITARY INSTRUCTORS.**—

(1) **ROLE.**—Senior military instructors shall be retired officers of the armed forces and shall serve as instructional leaders who oversee the program.

(2) **QUALIFICATIONS.**—A senior military instructor shall have the following qualifications:

(A) Professional military qualification, as determined by the Secretary of the military department concerned.

(B) Award of a baccalaureate degree from an institution of higher learning.

(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

- (i) accumulated points for professional activities, services to the profession, awards, and recognitions;
- (ii) professional development to meet content knowledge and instructional skills; and
- (iii) performance evaluation of competencies and standards within the program through site visits and inspections.

(c) NON-SENIOR MILITARY INSTRUCTORS.—

(1) **ROLE.**—Non-senior military instructors shall be retired noncommissioned officers of the armed forces and shall serve as instructional leaders and teach independently of, but share program responsibilities with, senior military instructors.

(2) **QUALIFICATIONS.**—A non-senior military instructor shall demonstrate a depth of experience, proficiency, and expertise in coaching, mentoring, and practical arts in executing the program, and shall have the following qualifications:

(A) Professional military qualification, as determined by the Secretary of the military department concerned.

(B) Award of an associates degree from an institution of higher learning within five years of employment.

(C) Completion of secondary education teaching certification requirements for the program as established by the Secretary of the military department concerned.

(D) Award of an advanced certification by the Secretary of the military department concerned in core content areas based on—

- (i) accumulated points for professional activities, services to the profession, awards, and recognitions;
- (ii) professional development to meet content knowledge and instructional skills; and
- (iii) performance evaluation of competencies and standards within the program through site visits and inspections.

(Added Pub. L. 109-364, div. A, title V, §539(a), Oct. 17, 2006, 120 Stat. 2210.)

PRIOR PROVISIONS

A prior section 2033, added Pub. L. 106-65, div. A, title V, §547(a)(1), Oct. 5, 1999, 113 Stat. 608; amended Pub. L. 106-398, §1 [(div. A), title V, §577(d)], Oct. 30, 2000, 114 Stat. 1654, 1654A-140, provided that certain excess amounts appropriated for the National Guard Challenge Program were to be made available for the Junior Reserve Officers' Training Corps program, prior to repeal by Pub. L. 107-107, div. A, title V, §596(c)(1), (3), Dec. 28, 2001, 115 Stat. 1127, effective Oct. 1, 2002.

CHAPTER 103—SENIOR RESERVE OFFICERS' TRAINING CORPS

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| <p>Sec.<br/>2101.<br/>2102.<br/>2103.<br/>2103a.<br/>2104.<br/>2105.<br/>2106.<br/>2107.</p> | <p>Definitions.<br/>Establishment.<br/>Eligibility for membership.<br/>Students not eligible for advanced training: commitment to military service.<br/>Advanced training; eligibility for.<br/>Advanced training; failure to complete or to accept commission.<br/>Advanced training; commission on completion.<br/>Financial assistance program for specially selected members.</p> |
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| <p>Sec.<br/>2107a.<br/><br/>2108.<br/><br/>2109.<br/>2110.<br/>2111.<br/>2111a.<br/>2111b.</p> | <p>Financial assistance program for specially selected members: Army Reserve and Army National Guard.<br/>Advanced standing; interruption of training; delay in starting obligated service; release from program.<br/>Practical military training.<br/>Logistical support.<br/>Personnel: administrators and instructors.<br/>Support for senior military colleges.<br/>Senior military colleges: Department of Defense international student program.</p> |
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AMENDMENTS

- 2003—Pub. L. 108-136, div. A, title V, §523(b)(2), Nov. 24, 2003, 117 Stat. 1464, added item 2103a.
- 1999—Pub. L. 106-65, div. A, title V, §541(a)(2), Oct. 5, 1999, 113 Stat. 606, added item 2111b.
- 1997—Pub. L. 105-85, div. A, title V, §544(f)(2), Nov. 18, 1997, 111 Stat. 1746, substituted "Support for" for "Detail of officers to" in item 2111a.
- 1996—Pub. L. 104-106, div. A, title V, §545(b), Feb. 10, 1996, 110 Stat. 318, added item 2111a.
- 1991—Pub. L. 102-190, div. A, title V, §522(b)(2), Dec. 5, 1991, 105 Stat. 1362, substituted "Army Reserve and Army National Guard" for "military junior colleges" in item 2107a.
- 1988—Pub. L. 100-456, div. A, title VI, §633(a)(3)(B), Sept. 29, 1988, 102 Stat. 1986, substituted "Practical military training" for "Field training; practice cruises" in item 2109.
- 1980—Pub. L. 96-357, §1(c)(2), Sept. 24, 1980, 94 Stat. 1180, added item 2107a.
- 1964—Pub. L. 88-647, title II, §201(1), Oct. 13, 1964, 78 Stat. 1064, added chapter heading and items 2101 to 2111.

§ 2101. Definitions

In this chapter:

(1) The term "program" means the Senior Reserve Officers' Training Corps of an armed force.

(2) The term "member of the program" means a student who is enrolled in the Senior Reserve Officers' Training Corps of an armed force.

(3) The term "advanced training" means the training and instruction offered in the Senior Reserve Officers' Training Corps to students enrolled in an advanced education program beyond the baccalaureate degree level or to students in the third and fourth years of a four-year Senior Reserve Officers' Training Corps course, or the equivalent period of training in an approved two-year Senior Reserve Officers' Training Corps course (except that, in the case of a student enrolled in an academic program which has been approved by the Secretary of the military department concerned and which requires more than four academic years for completion of baccalaureate degree requirements, including elective requirements of the Senior Reserve Officers' Training Corps course, such term includes a fifth academic year or a combination of a part of a fifth academic year and summer sessions).

(Added Pub. L. 88-647, title II, §201(1), Oct. 13, 1964, 78 Stat. 1064; amended Pub. L. 98-94, title X, §1003(a)(1), title XII, §1268(11), Sept. 24, 1983, 97 Stat. 656, 706; Pub. L. 100-180, div. A, title XII, §1231(17), Dec. 4, 1987, 101 Stat. 1161; Pub. L. 104-201, div. A, title V, §553(b), Sept. 23, 1996, 110 Stat. 2526.)

AMENDMENTS

- 1996—Par. (3). Pub. L. 104-201 inserted "students enrolled in an advanced education program beyond the





# Your Unofficial Transcript

## Faurie, James E.

REPORT DATE: 08/09/2008

YOUR STUDENT NUMBER: XXXXXXXXXX

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      COURSE TITLE              CRSE NR          HRS GRADE      PNTS
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----- FALL SEM 2007      COLO SPRINGS EXTENDED STUDIES -----
      NON-DEGREE                      NON-DEGREE STUDENT W/DEGREE
      SPC TOP CURR:              CURR 5599        3.0  A         12.0
                                THINKING MAPS
      WORKSHOP IN LEADERSHIP: LEAD 553          3.0  A         12.0
                                NEW INSTRUCTOR TRAINING
      CONTEMP AMER EDUCATION    T ED 500         3.0  A         12.0
      EDUCATIONAL PSYCHOLOGY   T ED 552         3.0  A         12.0
      METHODS FOR SECONDARY ED T ED 571        3.0  A         12.0
      ATT 15.0 EARNED 15.0 GPAHRS 15.0 GPAPTS 60.00 GPA 4.000

----- SPRING SEM 2008    COLO SPRINGS EXTENDED STUDIES -----
      NON-DEGREE                      NON-DEGREE STUDENT W/DEGREE
      SPC TOP CURR: LEARNING    CURR 5598        3.0  A         12.0
                                AND THE BRAIN
      CLASSROOM MANAGEMENT     T ED 598         3.0  A         12.0
      ATT 6.0 EARNED 6.0 GPAHRS 6.0 GPAPTS 24.00 GPA 4.000

----- SUMMER SEM 2008    COLO SPRINGS EXTENDED STUDIES -----
      NON-DEGREE                      NON-DEGREE STUDENT W/DEGREE
      SPC TOP CURR:              CURR 5599        ( 3.0) ***      0.0
                                EMOTIONAL INTELLIGENCE
      WRKSHP LEAD:NEFE & BRAIN LEAD 553      ( 3.0) ***      0.0
                                COMPATIBLE LEARNING
      ATT 6.0 EARNED 0.0 GPAHRS 0.0 GPAPTS 0.00 GPA 0.000
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                                CUMULATIVE CREDITS:
      TR HRS  CU HRS  TOT HRS  QUAL HRS  QUAL PTS  GPA
      GNON SEM  0.0   21.0   21.0    21.0    84.00   4.000
    
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REQUIREMENTS COMPLETED FOR  
GRADUATE CERTIFICATE:  
PRE-TEACHING PREPARATION  
ON 05-19-08.

\*\*\* END OF ACADEMIC RECORD \*\*\*