

109TH CONGRESS
1ST SESSION

H. R. 4470

To amend the Elementary and Secondary Education Act of 1965 to extend the deadline by which State educational agencies and local educational agencies are required to ensure that an educator is highly qualified in order to account for the educator's applicable period of military service.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 7, 2005

Ms. WOOLSEY (for herself and Mr. KUHLMANN of New York) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To amend the Elementary and Secondary Education Act of 1965 to extend the deadline by which State educational agencies and local educational agencies are required to ensure that an educator is highly qualified in order to account for the educator's applicable period of military service.

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 "Educators in Military
5 Service Act of 2005".

1 **SEC. 2. TEACHERS WHO SERVED IN THE ARMED FORCES.**

2 (a) **TEACHERS GENERALLY.**—Subsection (a) of sec-
3 tion 1119 of the Elementary and Secondary Education
4 Act of 1965 (20 U.S.C. 6319) is amended—

5 (1) in paragraph (2)—

6 (A) in the matter before subparagraph (A),
7 by inserting “subject to paragraph (4),” after
8 “plan described in section 1111,”;

9 (B) in subparagraph (A), by inserting
10 “subject to paragraph (4),” before “shall in-
11 clude”;

12 (2) in paragraph (3), by striking “As part of
13 the plan” and inserting “Subject to paragraph (4),
14 as part of the plan”; and

15 (3) by adding at the end the following:

16 “(4) **TEACHERS SERVING IN THE MILITARY.**—

17 “(A) **EXTENSION.**—The date by which a
18 State educational agency is required under
19 paragraph (2) to ensure that all teachers teach-
20 ing in core academic subjects within the State
21 are highly qualified (the end of the 2005–2006
22 school year), and the date by which a local edu-
23 cational agency is required under paragraph (3)
24 to ensure that all teachers teaching within the
25 school district served by the agency are highly
26 qualified (the end of the 2005–2006 school

1 year), shall be extended to the date determined
2 under subparagraph (C) with respect to eligible
3 teachers described in subparagraph (B).

4 “(B) ELIGIBLE TEACHER.—For purposes
5 of this paragraph, the term ‘eligible teacher’
6 means an individual who—

7 “(i) is or has been a public elementary
8 school or secondary school teacher and is
9 not described in subsection (a)(1); and

10 “(ii) is on active duty as a member of
11 the Armed Forces, or is on full-time duty
12 as a member of the National Guard of a
13 State under an order to State active duty
14 under title 32, United States Code, or
15 under State law, on or after January 8,
16 2002.

17 “(C) DETERMINATION OF DATE.—The
18 date determined under this subparagraph is the
19 later of the following:

20 “(i) The first day of the first school
21 year beginning on or after the date deter-
22 mined by extending the deadline described
23 in subparagraph (A) for a period equal to
24 the number of days in the teacher’s appli-
25 cable period of military service.

1 “(ii) If the teacher was enrolled in
2 coursework or professional development
3 that would have contributed toward the
4 teacher becoming highly qualified and the
5 teacher’s applicable period of military serv-
6 ice interrupted such coursework or profes-
7 sional development, the last day of the
8 next session of equivalent coursework or
9 professional development that begins on or
10 after the date determined by extending the
11 deadline described in subparagraph (A) for
12 a period equal to the number of days in
13 the teacher’s applicable period of military
14 service.

15 “(D) APPLICABLE PERIOD OF MILITARY
16 SERVICE.—For purposes of this paragraph, the
17 term ‘applicable period of military service’
18 means, with respect to an eligible teacher, the
19 period (or sum of periods) that interrupts the
20 teacher’s employment as a public elementary
21 school or secondary school teacher and during
22 which the teacher is on active duty as a mem-
23 ber of the Armed Forces or is on full-time duty
24 as a member of the National Guard of a State

1 under an order to State active duty under title
2 32, United States Code, or under State law—

3 “(i) beginning on the later of—

4 “(I) January 8, 2002; or

5 “(II) the date on which the
6 teacher begins such period of active
7 duty or full-time duty; and

8 “(ii) ending on the earlier of—

9 “(I) the end of the 2005–2006
10 school year; or

11 “(II) the date on which the
12 teacher ceases any such active duty or
13 full-time duty.”.

14 (b) NEW SPECIAL EDUCATION TEACHERS.—Clause
15 (iii) of section 602(10)(D) of the Individuals with Disabil-
16 ities Education Act (20 U.S.C. 1401(10)(D)) is amended
17 to read as follows:

18 “(iii) in the case of a new special edu-
19 cation teacher who teaches multiple sub-
20 jects and who is highly qualified in mathe-
21 matics, language arts, or science, dem-
22 onstrate competence in the other core aca-
23 demic subjects in which the teacher teach-
24 es in the same manner as is required for
25 an elementary, middle, or secondary school

1 teacher under section 9101(23)(C)(ii) of
2 such Act, which may include a single, high
3 objective uniform State standard of evalua-
4 tion covering multiple subjects—

5 “(I) not later than 2 years after
6 the date of employment; or

7 “(II) in the case of such a new
8 special education teacher who begins a
9 period during which the teacher is on
10 active duty as a member of the Armed
11 Forces or is on full-time duty as a
12 member of the National Guard of a
13 State under an order to State active
14 duty under title 32, United States
15 Code, or under State law, within 2
16 years of such date of employment as
17 a special education teacher, not later
18 than the end of the period that is 2
19 years plus the number of days of such
20 active duty or full-time duty after
21 such date of employment.”.

1 **SEC. 3. PARAPROFESSIONALS WHO SERVED IN THE ARMED**
2 **FORCES.**

3 Subsection (d) of section 1119 of the Elementary and
4 Secondary Education Act of 1965 (20 U.S.C. 6319) is
5 amended—

6 (1) by striking “Each local” and inserting the
7 following:

8 “(1) IN GENERAL.—Subject to paragraph (2),
9 each local”; and

10 (2) by adding at the end the following:

11 “(2) PARAPROFESSIONALS SERVING IN THE
12 MILITARY.—

13 “(A) EXTENSION.—The date by which a
14 local educational agency is required under para-
15 graph (1) to ensure that all paraprofessionals
16 described in such paragraph satisfy the require-
17 ments of subsection (c) shall be extended to the
18 date determined under subparagraph (C) with
19 respect to eligible paraprofessionals described in
20 subparagraph (B).

21 “(B) ELIGIBLE PARAPROFESSIONAL.—For
22 purposes of this paragraph, the term ‘eligible
23 paraprofessional’ means an individual who—

24 “(i) is a paraprofessional described in
25 paragraph (1); and

1 “(ii) is on active duty as a member of
2 the Armed Forces, or is on full-time duty
3 as a member of the National Guard of a
4 State under an order to State active duty
5 under title 32, United States Code, or
6 under State law, on or after January 8,
7 2002.

8 “(C) DETERMINATION OF DATE.—The
9 date determined under this subparagraph is the
10 later of the following:

11 “(i) The first day of the first school
12 year beginning on or after the date deter-
13 mined by extending the deadline described
14 in subparagraph (A) for a period equal to
15 the number of days in the paraprofes-
16 sional’s applicable period of military serv-
17 ice.

18 “(ii) If the paraprofessional was en-
19 rolled in coursework or professional devel-
20 opment that would have contributed to-
21 ward the paraprofessional becoming highly
22 qualified and the paraprofessional’s appli-
23 cable period of military service interrupted
24 such coursework or professional develop-
25 ment, the last day of the next session of

1 equivalent coursework or professional de-
2 velopment that begins on or after the date
3 determined by extending the deadline de-
4 scribed in subparagraph (A) for a period
5 equal to the number of days in the para-
6 professional's applicable period of military
7 service.

8 “(D) APPLICABLE PERIOD OF MILITARY
9 SERVICE.—For purposes of this paragraph, the
10 term ‘applicable period of military service’
11 means, with respect to an eligible paraprofes-
12 sional, the period (or sum of periods) that
13 interrupts the paraprofessional's employment in
14 a public elementary school or secondary school
15 and during which the paraprofessional is on ac-
16 tive duty as a member of the Armed Forces or
17 is on full-time duty as a member of the Na-
18 tional Guard of a State under an order to State
19 active duty under title 32, United States Code,
20 or under State law—

21 “(i) beginning on the later of—

22 “(I) January 8, 2002; or

23 “(II) the date on which the para-
24 professional begins such period of ac-
25 tive duty or full-time duty; and

1 “(ii) ending on the earlier of—
2 “(I) the end of the 2005–2006
3 school year; or
4 “(II) the date on which the para-
5 professional ceases any such active
6 duty or full-time duty.”.

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