

§ 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 instruc-

tional 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.

§ 2034. Educational institutions not maintaining units of Junior Reserve Officers' Training Corps: issuance of arms, tentage, and equipment

The Secretary of a military department may issue arms, tentage, and equipment to an educational institution at which no unit of the Junior Reserve Officers' Training Corps is maintained if the educational institution—

- (1) offers a course in military training prescribed by that Secretary; and
- (2) has a student body of at least 50 students who are in a grade above the eighth grade.

(Added Pub. L. 112-239, div. A, title V, §552(a), Jan. 2, 2013, 126 Stat. 1741.)

§ 2035. Flexibility in authorities for management of programs and units

(a) **AUTHORITY TO CONVERT OTHERWISE CLOSING UNITS TO NATIONAL DEFENSE CADET CORPS PROGRAM UNITS.**—If the Secretary of a military department is notified by a local educational agency of the intent of the agency to close its Junior Reserve Officers' Training Corps, the Secretary shall offer the agency the option of converting