

§ 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

the unit to a National Defense Cadet Corps (NDCC) program unit in lieu of closing the unit.

(b) FLEXIBILITY IN ADMINISTRATION OF INSTRUCTORS.—

(1) IN GENERAL.—The Secretaries of the military departments may, without regard to any other provision of this chapter, undertake initiatives designed to promote flexibility in the hiring and compensation of instructors for the Junior Reserve Officers' Training Corps program under the jurisdiction of such Secretaries.

(2) ELEMENTS.—The initiatives undertaken pursuant to this subsection may provide for one or more of the following:

(A) Termination of the requirement for a waiver as a condition of the hiring of well-qualified non-commissioned officers with a bachelor's degree for senior instructor positions within the Junior Reserve Officers' Training Corps.

(B) Specification of a single instructor as the minimum number of instructors required to found and operate a Junior Reserve Officers' Training Corps unit.

(C) Authority for Junior Reserve Officers' Training Corps instructors to undertake school duties, in addition to Junior Reserve Officers' Training Corps duties, at small schools.

(D) Authority for the payment of instructor compensation for a limited number of Junior Reserve Officers' Training Corps instructors on a 10-month per year basis rather than a 12-month per year basis.

(E) Such other actions as the Secretaries of the military departments consider appropriate.

(c) FLEXIBILITY IN ALLOCATION AND USE OF TRAVEL FUNDING.—The Secretaries of the military departments shall take appropriate actions to provide so-called regional directors of the Junior Reserve Officers' Training Corps programs located at remote rural schools enhanced discretion in the allocation and use of funds for travel in connection with Junior Reserve Officers' Training Corps activities.

(d) STANDARDIZATION OF PROGRAM DATA.—The Secretary of Defense shall take appropriate actions to standardize the data collected and maintained on the Junior Reserve Officers' Training Corps programs in order to facilitate and enhance the collection and analysis of such data. Such actions shall include a requirement for the use of the National Center for Education Statistics (NCES) identification code for each school with a unit under a Junior Reserve Officers' Training Corps program in order to facilitate identification of such schools and their units under the Junior Reserve Officers' Training Corps programs.

(Added Pub. L. 115-232, div. A, title V, § 557(a)(1), Aug. 13, 2018, 132 Stat. 1773.)

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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,