

118TH CONGRESS
1ST SESSION

H. R. 1757

To provide enhanced student loan relief to educators.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2023

Ms. LEGER FERNANDEZ (for herself, Mrs. HAYES, Mr. GRIJALVA, Mr. PETERS, Mr. BOWMAN, Ms. CHU, Mr. DESAULNIER, Mr. BLUMENAUER, Ms. JAYAPAL, Mr. CARBAJAL, Mr. TRONE, Ms. NORTON, Ms. TOKUDA, Mr. GARCÍA of Illinois, Mr. ESPAILLAT, Ms. STANSBURY, Ms. CARAVEO, Mr. VARGAS, Mr. CARTER of Louisiana, Mr. DOGGETT, Mr. JOHNSON of Georgia, Ms. TLAIB, Ms. VELÁZQUEZ, Ms. ADAMS, and Mr. CARSON) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To provide enhanced student loan relief to educators.

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 “Loan Forgiveness for
5 Educators Act”.

6 **SEC. 2. LOAN FORGIVENESS AND CANCELLATION FOR EDU-**
7 **CATORS.**

8 (a) ENHANCED TEACHER LOAN FORGIVENESS
9 UNDER THE FFEL PROGRAM.—Section 428J of the

1 Higher Education Act of 1965 (20 U.S.C. 1078–10) is
2 amended to read as follows:

3 **“SEC. 428J. LOAN FORGIVENESS FOR EDUCATORS.**

4 “(a) PURPOSE.—It is the purpose of this section to
5 enhance student access to a well-prepared, diverse, and
6 stable educator workforce by eliminating debt burdens for
7 educators in return for service teaching and leading in
8 high-need schools or early childhood education programs.

9 “(b) PROGRAM AUTHORIZED.—Not later than 270
10 days after the date of enactment of the Loan Forgiveness
11 for Educators Act, the Secretary shall carry out a pro-
12 gram, through the holder of the loan, of assuming, as re-
13 quired under subsection (c), the obligation to repay a cov-
14 ered loan for qualifying educators engaged in qualifying
15 service. A qualifying educator may apply for the program
16 under this section after the Secretary has begun carrying
17 out the program.

18 “(c) FORGIVENESS OF COVERED LOANS.—

19 “(1) FORGIVENESS OF LOANS UPON COMPLE-
20 TION OF QUALIFYING SERVICE.—

21 “(A) IN GENERAL.—For each qualifying
22 educator who has completed 5 years of quali-
23 fying service (including any qualifying service,
24 as defined under this section as in effect after
25 the date of implementation of the Loan For-

1 givenness for Educators Act, that may have been
2 completed or performed before or after such
3 date of implementation, or a combination of
4 qualifying service), the Secretary shall assume
5 the obligation to repay an amount equal to 100
6 percent of the aggregate of the loan obligations
7 (including interest and fees) on all covered
8 loans that are outstanding as of the date of
9 completion of such fifth year of qualifying serv-
10 ice.

11 “(B) TIMING.—The years of qualifying
12 service required under subparagraph (A) may
13 be consecutive or nonconsecutive, and the quali-
14 fying educator may elect which years of quali-
15 fying service to use for purposes of subpara-
16 graph (A).

17 “(2) MONTHLY LOAN FORGIVENESS.—Upon ap-
18 plication by any qualifying educator who has a cov-
19 ered loan and who is engaged in qualifying service,
20 and in addition to any loan forgiveness under para-
21 graph (1), the Secretary shall enter into an agree-
22 ment with such qualifying educator, under which—

23 “(A) during the period of qualifying service
24 (for qualifying service that occurs after the date
25 of implementation of this Act), the Secretary

1 agrees to assume the obligation to repay the
2 minimum monthly obligation on all covered
3 loans of the qualifying educator, based on the
4 repayment plan selected by the qualifying edu-
5 cator, for—

6 “(i) each month of qualifying service;

7 and

8 “(ii) any summer or other school or
9 program year calendar breaks scheduled by
10 a high-need school or early childhood edu-
11 cation program during a school or program
12 year in which the qualifying educator is en-
13 gaged in qualifying service;

14 “(B) during the period of qualifying serv-
15 ice, the assumption of the monthly loan obliga-
16 tion provided will serve as a monthly payment,
17 considered paid in full by the qualifying educa-
18 tor, based on the repayment plan selected by
19 the qualifying educator (which, if the qualifying
20 educator chooses, shall include any income driv-
21 en repayment plan); and

22 “(C) during the period of qualifying serv-
23 ice, each monthly obligation that is repaid by
24 the Secretary under this paragraph on a cov-
25 ered loan shall be deemed to be a qualifying

1 monthly payment made by the qualifying educa-
2 tor for purposes of the loan forgiveness pro-
3 gram under section 455(m), if applicable.

4 “(3) APPLICATION.—The Secretary shall de-
5 velop and make publicly available an application for
6 qualifying educators who wish to receive loan for-
7 giveness under this subsection. The application
8 shall—

9 “(A) be available for qualifying educators
10 to file for loan forgiveness under paragraph (1)
11 and for monthly loan forgiveness under para-
12 graph (2);

13 “(B) include any certification requirements
14 that the Secretary determines are necessary to
15 verify qualifying service; and

16 “(C) allow for the verification of the quali-
17 fying service—

18 “(i) in the case of an early childhood
19 educator or an elementary or secondary
20 school teacher serving in a high-need
21 school, by a school leader or the adminis-
22 trator of a local educational agency, edu-
23 cational service agency, Bureau of Indian
24 Education, Native Hawaiian education sys-
25 tem, or State educational agency that

1 serves the school (or the administrator’s
2 designee);

3 “(ii) in the case of an early childhood
4 educator serving in an early childhood edu-
5 cation program, by the director of that
6 program (or the director’s designee);

7 “(iii) in the case of a school leader
8 serving in a high-need school, by the ad-
9 ministrator of a local educational agency,
10 educational service agency, Bureau of In-
11 dian Education, Native Hawaiian edu-
12 cation system, or State educational agency
13 that serves the school (or the administra-
14 tor’s designee);

15 “(iv) in the case of a director of an
16 early childhood education program, a lead-
17 er of the entity overseeing the early child-
18 hood education program; and

19 “(v) in the case of a family child care
20 provider or the director of an early child-
21 hood education program that operates as a
22 standalone center-based program (for ex-
23 ample, a case in which the center is not
24 part of a larger company) that is an early
25 childhood education program, by self-cer-

1 tification with supporting documents, such
2 as a business license, a listing with a pub-
3 lic Child Care Resources and Referral
4 website, or proof of participation in a Fed-
5 eral child care or preschool subsidy pro-
6 gram.

7 “(4) PARENT PLUS LOANS.—

8 “(A) PARENT PLUS LOAN ON BEHALF OF
9 A STUDENT WHO IS A QUALIFYING EDUCA-
10 TOR.—A borrower of a parent loan under sec-
11 tion 428B issued on behalf of a student who is
12 a qualifying educator shall qualify for loan for-
13 giveness and any other benefits under this sec-
14 tion for the qualifying service of the student in
15 the same manner and to the same extent as the
16 student borrower qualifies for such loan forgive-
17 ness and other benefits.

18 “(B) PARENT PLUS LOAN BORROWED BY A
19 PARENT WHO IS A QUALIFYING EDUCATOR.—
20 The borrower of a parent loan under section
21 428B issued on behalf of a student who is not
22 a qualifying educator shall also qualify for loan
23 forgiveness and any other benefits under this
24 section for qualifying service if that parent bor-

1 rower is engaged in qualifying service and
2 meets the requirements of this section.

3 “(5) RECIPIENTS OF PRIOR FORGIVENESS.—A
4 qualifying educator who received loan forgiveness
5 under this section as in effect before the date of en-
6 actment of the Loan Forgiveness for Educators Act
7 of 2022—

8 “(A) shall be eligible for loan forgiveness
9 of covered loans in accordance with paragraph
10 (1), including any remaining covered loans; and

11 “(B) may count the service completed that
12 qualified the qualifying educator for previous
13 loan forgiveness as qualifying service for pur-
14 poses of paragraph (1).

15 “(6) PROHIBITION ON REQUIRING REPAY-
16 MENT.—A qualifying educator shall not be required
17 to repay any amounts paid under this subsection if
18 that qualifying educator who engages in qualifying
19 service ends the qualifying service before the end of
20 a school or program year, or before the end of the
21 5-year period described in paragraph (1).

22 “(d) REGULATIONS.—The Secretary is authorized to
23 issue such regulations as may be necessary to carry out
24 the provisions of this section.

1 “(e) CONSTRUCTION.—Nothing in this section shall
2 be construed to authorize any refunding of any repayment
3 of a loan.

4 “(f) LIST.—

5 “(1) IN GENERAL.—The Secretary, shall—

6 “(A) as soon as practicable, produce and
7 make publicly available a list of high-need
8 schools for purposes of this section; and

9 “(B) annually update such list.

10 “(2) LIST FROM PREVIOUS YEAR.—If the list of
11 high-need schools in which a qualifying educator
12 may perform qualifying service is not available be-
13 fore May 1 of any year, the Secretary may use the
14 list for the year preceding the year for which the de-
15 termination is made to make a determination about
16 whether an individual meets the requirements for
17 qualifying service.

18 “(g) ADDITIONAL ELIGIBILITY PROVISIONS.—

19 “(1) CONTINUED ELIGIBILITY.—Any qualifying
20 educator who performs qualifying service in a school
21 that—

22 “(A) is a high-need school in any school
23 year during such service; and

24 “(B) in a subsequent school year fails to
25 meet the definition of a high-need school,

1 may continue to serve in such school and shall be el-
2 ible for loan forgiveness pursuant to subsection
3 (b).

4 “(2) PREVENTION OF DOUBLE BENEFITS.—No
5 qualifying educator may, for the same service, re-
6 ceive a benefit under both this section and—

7 “(A) section 428K; or

8 “(B) subtitle D of title I of the National
9 and Community Service Act of 1990 (42 U.S.C.
10 12601 et seq.).

11 “(3) NO PENALTY FOR PROMOTIONS.—Any
12 qualifying educator who performs qualifying service
13 in an early childhood education program or high-
14 need school and who is promoted to another position
15 within that early childhood program or high-need
16 school after 1 or more years of qualifying service
17 may continue to be employed in such position in
18 such program or school and shall be eligible to count
19 the period of employment in such position as quali-
20 fying service for loan forgiveness pursuant to sub-
21 section (b).

22 “(h) DEFINITIONS.—In this section:

23 “(1) BUREAU OF INDIAN EDUCATION FUNDED
24 ELEMENTARY OR SECONDARY SCHOOL.—The term

1 'Bureau of Indian Education funded elementary or
2 secondary school' means—

3 “(A) an elementary or secondary school or
4 dormitory operated by the Bureau of Indian
5 Education;

6 “(B) an elementary or secondary school or
7 dormitory operated pursuant to a grant under
8 the Tribally Controlled Schools Act of 1988 (25
9 U.S.C. 2501 et seq.); and

10 “(C) an elementary or secondary school or
11 dormitory operated pursuant to a contract
12 under the Indian Self-Determination and Edu-
13 cation Assistance Act (25 U.S.C. 5301 et seq.).

14 “(2) BUREAU OF INDIAN EDUCATION EARLY
15 CHILDHOOD DEVELOPMENT PROGRAM.—The term
16 'Bureau of Indian Education early childhood devel-
17 opment program' means—

18 “(A) a program operating under a grant
19 authorized by section 1139 of the Education
20 Amendments of 1978 (25 U.S.C. 2019); or

21 “(B) an early childhood education program
22 operated or funded by the Bureau of Indian
23 Education (including Family and Child Edu-
24 cation programs at schools funded by the Bu-
25 reau of Indian Education authorized under sec-

1 tion 1121 of the Education Amendments of
2 1978 (25 U.S.C. 2001)).

3 “(3) COVERED LOAN.—The term ‘covered loan’
4 means a loan made, insured, or guaranteed under
5 this part.

6 “(4) EARLY CHILDHOOD EDUCATION PRO-
7 GRAM.—The term ‘early childhood education pro-
8 gram’ means—

9 “(A) a high-need early childhood education
10 program as defined in section 200;

11 “(B) a Head Start program (including an
12 Early Head Start program) carried out under
13 the Head Start Act (42 U.S.C. 9831 et seq.);

14 “(C) an early childhood education pro-
15 gram, as defined in section 103;

16 “(D) a Bureau of Indian Education early
17 childhood development program;

18 “(E) a Native Hawaiian education system
19 early childhood education program;

20 “(F) a Tribal early childhood education
21 program; or

22 “(G) a consortium of entities described in
23 any of subparagraphs (A) through (F).

24 “(5) HIGH-NEED SCHOOL.—The term ‘high-
25 need school’ means—

1 “(A) a public elementary or secondary
2 school—

3 “(i) with respect to which the number
4 of children meeting a measure of poverty
5 under section 1113(a)(5) of the Elemen-
6 tary and Secondary Education Act of
7 1965, exceeds 30 percent of the total num-
8 ber of children enrolled in such school; and

9 “(ii) that is served by a local edu-
10 cational agency that is eligible for assist-
11 ance pursuant to part A of title I of the
12 Elementary and Secondary Education Act
13 of 1965;

14 “(B) a public elementary or secondary
15 school or location operated by an educational
16 service agency in which the number of children
17 meeting a measure of poverty under section
18 1113(a)(5) of the Elementary and Secondary
19 Education Act of 1965 exceeds 30 percent of
20 the total number of children enrolled in such
21 school or location;

22 “(C) a public elementary or secondary
23 school identified by the State for comprehensive
24 support and improvement, targeted support and
25 improvement, or additional targeted support

1 and improvement, under section 1111 of the El-
2 elementary and Secondary Education Act of
3 1965;

4 “(D) a Bureau of Indian Education funded
5 elementary or secondary school;

6 “(E) an elementary or secondary school
7 operated by a Tribal educational agency; or

8 “(F) a Native Hawaiian education system.

9 “(6) INDIAN TRIBE.—The term ‘Indian Tribe’
10 means the recognized governing body of any Indian
11 or Alaska Native Tribe, band, nation, pueblo, village,
12 community, component band, or component reserva-
13 tion, individually identified (including parentheti-
14 cally) in the list published most recently as of the
15 date of enactment of this subtitle pursuant to sec-
16 tion 104 of the Federally Recognized Indian Tribe
17 List Act of 1994 (25 U.S.C. 5131).

18 “(7) NATIVE HAWAIIAN EDUCATION SYSTEM.—
19 The term ‘Native Hawaiian education system’ means
20 an entity eligible to receive direct grants or enter
21 into contracts with the Secretary under section 6205
22 of the Elementary and Secondary Education Act of
23 1965 (20 U.S.C. 7515) to carry out the authorized
24 activities under that section.

1 “(8) QUALIFYING EDUCATOR.—Subject to sub-
2 section (i), the term ‘qualifying educator’ means—

3 “(A) an elementary or secondary school
4 teacher who—

5 “(i) has obtained full State or Tribal
6 certification and licensure requirements for
7 such employment; and

8 “(ii) has not had such certification or
9 licensure requirements waived on an emer-
10 gency, temporary, or provisional basis;

11 “(B) an early childhood educator who pro-
12 vides care or instruction to children;

13 “(C) a school leader of an elementary or
14 secondary school who—

15 “(i) has obtained full State or Tribal
16 certification and licensure requirements for
17 such employment; and

18 “(ii) has not had such certification or
19 licensure requirements waived on an emer-
20 gency, temporary, or provisional basis; or

21 “(D) an early childhood education program
22 director (including a family child care provider).

23 “(9) QUALIFYING SERVICE.—

1 “(A) IN GENERAL.—Subject to subpara-
2 graph (B), the term ‘qualifying service’
3 means—

4 “(i) in the case of a qualifying educa-
5 tor described in subparagraph (A) or (C)
6 of paragraph (8), employment as a full-
7 time qualifying educator in a high-need
8 school; and

9 “(ii) in the case of a qualifying educa-
10 tor described in subparagraph (B) or (D)
11 of paragraph (8), employment as a full-
12 time qualifying educator in an early child-
13 hood education program (including school-
14 based programs).

15 “(B) EXCEPTION.—In the case of a quali-
16 fying educator who is unable to complete a full
17 school or program year of service, that year
18 may still be counted toward the required quali-
19 fying service period under paragraphs (1) and
20 (2) of subsection (c) if—

21 “(i) the qualifying educator completed
22 at least one-half of the school or program
23 year;

24 “(ii) the employer considers the quali-
25 fying educator to have fulfilled the contract

1 requirements for the school or program
2 year for the purposes of salary increases,
3 tenure, and retirement; and

4 “(iii) the qualifying educator was un-
5 able to complete the school or program
6 year because—

7 “(I) the qualifying educator re-
8 turned to postsecondary education, on
9 at least a half-time basis, in an area
10 of study directly related to the per-
11 formance of the qualifying service;

12 “(II) the qualifying educator ex-
13 perience a condition described in sec-
14 tion 102 of the Family and Medical
15 Leave Act of 1993 (29 U.S.C. 2612);

16 “(III) the qualifying educator
17 was called or ordered to Federal or
18 State active duty status, or Active
19 Service as a member of a Reserve
20 Component of the Armed Forces
21 named in section 10101 of title 10,
22 United States Code, or service as a
23 member of the National Guard on
24 full-time National Guard duty, as de-

1 fined in section 101(d)(5) of title 10,
2 United States Code; or

3 “(IV) the qualifying educator re-
4 sides in or is employed in a disaster
5 area, as declared by any Federal,
6 State, or local official in connection
7 with a national emergency.

8 “(10) SCHOOL LEADER.—The term ‘school
9 leader’ has the meaning given that term in section
10 8101 of the Elementary and Secondary Education
11 Act of 1965.

12 “(11) TRIBAL EARLY CHILDHOOD EDUCATION
13 PROGRAM.—The term ‘Tribal early childhood edu-
14 cation program’ means any of the following pro-
15 grams:

16 “(A) An American Indian or Alaska Native
17 Head Start or Early Head Start program car-
18 ried out under the Head Start Act (42 U.S.C.
19 9831 et seq.).

20 “(B) A Tribal child care and development
21 program carried out under the Child Care and
22 Development Block Grant of 1990 (42 U.S.C.
23 9858 et seq.).

24 “(C) A program serving children from
25 birth through age 6 that—

1 “(i) receives funding support from the
2 Native American language preservation
3 and maintenance program carried out
4 under section 803C of the Native Amer-
5 ican Programs Act of 1974 (42 U.S.C.
6 2991b-3);

7 “(ii) is a Tribal prekindergarten pro-
8 gram;

9 “(iii) is a program authorized under
10 section 619 or part C of the Individuals
11 with Disabilities Education Act; or

12 “(iv) is a center-based or group-based
13 early childhood learning or development
14 program that the Secretary determines
15 shall be included under this definition,
16 after receiving a request from an Indian
17 Tribe.

18 “(12) TRIBAL EDUCATIONAL AGENCY.—The
19 term ‘Tribal educational agency’ has the meaning
20 given the term (without respect to capitalization) in
21 section 6132(b) of the Elementary and Secondary
22 Education Act of 1965.

23 “(13) YEAR.—The term ‘year’, when applied to
24 service as a qualifying educator, means a school or
25 program year as defined by the Secretary or the

1 Secretary of Health and Human Services, as appli-
2 cable.

3 “(i) SPECIAL RULE.—An educator that provides in-
4 struction or curricular development in an Alaska Native,
5 American Indian, or Native Hawaiian language or a Na-
6 tive American language as defined in the Native American
7 Languages Act (25 U.S.C. 2902) shall be considered to
8 be a qualifying educator regardless of whether the educa-
9 tor has achieved full State or Tribal certification and licen-
10 sure requirements for such employment.”.

11 (b) ENHANCED TEACHER LOAN CANCELLATION
12 UNDER THE DIRECT LOAN PROGRAM.—Section 460 of
13 the Higher Education Act of 1965 (20 U.S.C. 1087j) is
14 amended to read as follows:

15 **“SEC. 460. LOAN CANCELLATION FOR EDUCATORS.**

16 “(a) PURPOSE.—It is the purpose of this section to
17 enhance student access to a well-prepared, diverse, and
18 stable educator workforce by eliminating debt burdens for
19 educators in return for service teaching and leading in
20 high-need schools or early childhood education programs.

21 “(b) PROGRAM AUTHORIZED.—Not later than 270
22 days after the date of enactment of the Loan Forgiveness
23 for Educators Act, the Secretary shall carry out a pro-
24 gram of canceling, as required under subsection (c), the
25 obligation to repay a covered loan for qualifying educators

1 engaged in qualifying service. A qualifying educator may
2 apply for the program under this section after the Sec-
3 retary has begun carrying out the program.

4 “(c) CANCELLATION OF COVERED LOANS.—

5 “(1) CANCELLATION OF LOANS UPON COMPLE-
6 TION OF QUALIFYING SERVICE.—

7 “(A) IN GENERAL.—For each qualifying
8 educator who has completed 5 years of quali-
9 fying service (including any qualifying service,
10 as defined under this section as in effect after
11 the date of implementation of the Loan For-
12 givenness for Educators Act, that may have been
13 completed or performed before or after such
14 date of implementation, or a combination of
15 qualifying service), the Secretary shall cancel an
16 amount equal to 100 percent of the aggregate
17 of the loan obligations (including interest and
18 fees) on all covered loans that are outstanding
19 as of the date of completion of such fifth year
20 of qualifying service.

21 “(B) TIMING.—The years of qualifying
22 service required under subparagraph (A) may
23 be consecutive or nonconsecutive, and the quali-
24 fying educator may elect which years of quali-
25 fying service to use for purposes of this section.

1 “(2) MONTHLY LOAN CANCELLATION.—Upon
2 application by any qualifying educator of a covered
3 loan who is engaged in qualifying service, and in ad-
4 dition to any loan cancellation under paragraph (1),
5 the Secretary shall enter into an agreement with
6 such qualifying educator, under which—

7 “(A) during the period of qualifying service
8 (for qualifying service that occurs after the date
9 of implementation of this Act), the Secretary
10 agrees to cancel the minimum monthly obliga-
11 tion on all covered loans of the qualifying edu-
12 cator based on the repayment plan selected by
13 the qualifying educator (which, if the educator
14 chooses, shall include any income driven repay-
15 ment plan), for—

16 “(i) each month of qualifying service;

17 and

18 “(ii) any summer or other school or
19 program year calendar breaks scheduled by
20 a qualifying school or early childhood edu-
21 cation program during a school or program
22 year in which the qualifying educator is en-
23 gaged in qualifying service;

1 “(B) during the period of qualifying serv-
2 ice, interest shall not accrue on the qualifying
3 educator’s covered loans; and

4 “(C) during the period of qualifying serv-
5 ice, each monthly obligation that is cancelled by
6 the Secretary under this paragraph on a cov-
7 ered loan shall be deemed to be a qualifying
8 monthly payment made by the qualifying educa-
9 tor for purposes of the loan forgiveness pro-
10 gram under section 455(m), if applicable.

11 “(3) APPLICATION.—The Secretary shall de-
12 velop and make publicly available an application for
13 qualifying educators who wish to receive loan can-
14 cellation under this subsection. The application
15 shall—

16 “(A) be available for qualifying educators
17 to file for loan cancellation under paragraph (1)
18 and for monthly loan cancellation under para-
19 graph (2);

20 “(B) include any certification requirements
21 that the Secretary determines are necessary to
22 verify qualifying service; and

23 “(C) allow for the verification of the quali-
24 fying service—

1 “(i) in the case of an early childhood
2 educator or an elementary or secondary
3 school teacher serving in a high-need
4 school, by a school leader or the adminis-
5 trator of a local educational agency, edu-
6 cational service agency, Bureau of Indian
7 Education, Native Hawaiian education sys-
8 tem, or State educational agency that
9 serves the school (or the administrator’s
10 designee);

11 “(ii) in the case of an early childhood
12 educator serving in a early childhood edu-
13 cation program, by the director of that
14 program (or the director’s designee);

15 “(iii) in the case of a school leader
16 serving in a high-need school, by the ad-
17 ministrator of a local educational agency,
18 educational service agency, Bureau of In-
19 dian Education, Native Hawaiian edu-
20 cation system, or State educational agency
21 that serves the school (or the administra-
22 tor’s designee);

23 “(iv) in the case of a director of an
24 early childhood education program, a lead-

1 er of the entity overseeing the early child-
2 hood education program; and

3 “(v) in the case of a family child care
4 provider or the director of an early child-
5 hood education program that operates as a
6 standalone center-based program (for ex-
7 ample, a case in which the center is not
8 part of a larger company) that is an early
9 childhood education program, by self-cer-
10 tification with supporting documents, such
11 as a business license, a listing with a pub-
12 lic Child Care Resources and Referral
13 website, or proof of participation in a Fed-
14 eral child care or preschool subsidy pro-
15 gram.

16 “(4) PARENT PLUS LOANS.—

17 “(A) PARENT PLUS LOAN ON BEHALF OF
18 A STUDENT WHO IS A QUALIFYING EDUCA-
19 TOR.—A borrower of a parent Federal Direct
20 PLUS Loan issued on behalf of a student who
21 is a qualifying educator shall qualify for loan
22 forgiveness and any other benefits under this
23 section for the qualifying service of the student
24 in the same manner and to the same extent as

1 the student borrower qualifies for such loan for-
2 giveness and other benefits.

3 “(B) PARENT PLUS LOAN BORROWED BY A
4 PARENT WHO IS A QUALIFYING EDUCATOR.—
5 The borrower of a parent Federal Direct PLUS
6 Loan issued on behalf of a student who is not
7 a qualifying educator shall also qualify for loan
8 forgiveness and any other benefits under this
9 section for qualifying service if that parent bor-
10 rower is engaged in qualifying service and
11 meets the requirements of this section.

12 “(5) RECIPIENTS OF PRIOR LOAN CANCELLA-
13 TION.—A qualifying educator who received loan can-
14 cellation under this section as in effect before the
15 date of enactment of the Loan Forgiveness for Edu-
16 cators Act—

17 “(A) shall be eligible for loan cancellation
18 of covered loans in accordance with subsection
19 (c)(1), including any remaining covered loans;
20 and

21 “(B) may count the service completed that
22 qualified the qualifying educator for previous
23 loan cancellation as qualifying service for pur-
24 poses of subsection (c)(1).

1 “(6) PROHIBITION ON REQUIRING REPAY-
2 MENT.—A qualifying educator shall not be required
3 to repay any amounts paid under this subsection if
4 that qualifying educator who engages in qualifying
5 service ends the qualifying service before the end of
6 a school or program year, or before the end of the
7 5-year period described in paragraph (1).

8 “(d) REGULATIONS.—The Secretary is authorized to
9 issue such regulations as may be necessary to carry out
10 the provisions of this section.

11 “(e) CONSTRUCTION.—Nothing in this section shall
12 be construed to authorize any refunding of any canceled
13 loan.

14 “(f) LIST.—

15 “(1) IN GENERAL.—The Secretary shall—

16 “(A) as soon as practicable, produce and
17 make publicly available a list of high-need
18 schools for purposes of this section; and

19 “(B) annually update such list.

20 “(2) LIST FROM PREVIOUS YEAR.—If the list of
21 high-need schools in which a qualifying educator
22 may perform qualifying service is not available be-
23 fore May 1 of any year, the Secretary may use the
24 list for the year preceding the year for which the de-
25 termination is made to make a determination about

1 whether an individual meets the requirements for
2 qualifying service.

3 “(g) ADDITIONAL ELIGIBILITY PROVISIONS.—

4 “(1) CONTINUED ELIGIBILITY.—Any qualifying
5 educator who performs qualifying service in a school
6 that—

7 “(A) is a high-need school in any school
8 year during such service; and

9 “(B) in a subsequent school year fails to
10 meet the definition of a high-need school,
11 may continue to serve in such school and shall be el-
12 igible for loan cancellation pursuant to subsection
13 (b).

14 “(2) PREVENTION OF DOUBLE BENEFITS.—No
15 qualifying educator may, for the same service, re-
16 ceive a benefit under both this section and—

17 “(A) section 428K; or

18 “(B) subtitle D of title I of the National
19 and Community Service Act of 1990 (42 U.S.C.
20 12601 et seq.).

21 “(3) NO PENALTY FOR PROMOTIONS.—Any
22 qualifying educator who performs qualifying service
23 in an early childhood education program or high-
24 need school and who is promoted to another position
25 within that early childhood program or high-need

1 school after 1 or more years of qualifying service
2 may continue to be employed in such position in
3 such program or school and shall be eligible to count
4 the period of employment in such position as quali-
5 fying service for loan cancellation pursuant to sub-
6 section (b).

7 “(h) DEFINITIONS.—In this section:

8 “(1) BUREAU OF INDIAN EDUCATION FUNDED
9 ELEMENTARY OR SECONDARY SCHOOL.—The term
10 ‘Bureau of Indian Education funded elementary or
11 secondary school’ means—

12 “(A) an elementary or secondary school or
13 dormitory operated by the Bureau of Indian
14 Education;

15 “(B) an elementary or secondary school or
16 dormitory operated pursuant to a grant under
17 the Tribally Controlled Schools Act of 1988 (25
18 U.S.C. 2501 et seq.); and

19 “(C) an elementary or secondary school or
20 dormitory operated pursuant to a contract
21 under the Indian Self-Determination and Edu-
22 cation Assistance Act (25 U.S.C. 5301 et seq.).

23 “(2) BUREAU OF INDIAN EDUCATION EARLY
24 CHILDHOOD DEVELOPMENT PROGRAM.—The term

1 ‘Bureau of Indian Education early childhood devel-
2 opment program’ means—

3 “(A) a program operating under a grant
4 authorized by section 1139 of the Education
5 Amendments of 1978 (25 U.S.C. 2019); or

6 “(B) an early childhood education program
7 operated or funded by the Bureau of Indian
8 Education (including Family and Child Edu-
9 cation programs at schools funded by the Bu-
10 reau of Indian Education authorized under sec-
11 tion 1121 of the Education Amendments of
12 1978 (25 U.S.C. 2001)).

13 “(3) COVERED LOAN.—The term ‘covered loan’
14 means a loan made, insured, or guaranteed under
15 this part.

16 “(4) EARLY CHILDHOOD EDUCATION PRO-
17 GRAM.—The term ‘early childhood education pro-
18 gram’ means—

19 “(A) a high-need early childhood education
20 program as defined in section 200;

21 “(B) a Head Start program (including an
22 Early Head Start program) carried out under
23 the Head Start Act (42 U.S.C. 9831 et seq.);

24 “(C) an early childhood education pro-
25 gram, as defined in section 103;

1 “(D) a Bureau of Indian Education early
2 childhood development program;

3 “(E) a Native Hawaiian education system
4 early childhood education program;

5 “(F) a Tribal early childhood education
6 program; or

7 “(G) a consortium of entities described in
8 any of subparagraphs (A) through (F).

9 “(5) HIGH-NEED SCHOOL.—The term ‘high-
10 need school’ means—

11 “(A) a public elementary or secondary
12 school—

13 “(i) with respect to which the number
14 of children meeting a measure of poverty
15 under section 1113(a)(5) of the Elemen-
16 tary and Secondary Education Act of
17 1965, exceeds 30 percent of the total num-
18 ber of children enrolled in such school; and

19 “(ii) that is served by a local edu-
20 cational agency that is eligible for assist-
21 ance pursuant to part A of title I of the
22 Elementary and Secondary Education Act
23 of 1965;

24 “(B) a public elementary or secondary
25 school or location operated by an educational

1 service agency in which the number of children
2 meeting a measure of poverty under section
3 1113(a)(5) of the Elementary and Secondary
4 Education Act of 1965 exceeds 30 percent of
5 the total number of children enrolled in such
6 school or location;

7 “(C) a public elementary or secondary
8 school identified by the State for comprehensive
9 support and improvement, targeted support and
10 improvement, or additional targeted support
11 and improvement, under section 1111 of the El-
12 elementary and Secondary Education Act of
13 1965;

14 “(D) a Bureau of Indian Education funded
15 elementary or secondary school;

16 “(E) an elementary or secondary school
17 operated by a Tribal educational agency; or

18 “(F) a Native Hawaiian education system.

19 “(6) INDIAN TRIBE.—The term ‘Indian Tribe’
20 means the recognized governing body of any Indian
21 or Alaska Native Tribe, band, nation, pueblo, village,
22 community, component band, or component reserva-
23 tion, individually identified (including parentheti-
24 cally) in the list published most recently as of the
25 date of enactment of this subtitle pursuant to sec-

1 tion 104 of the Federally Recognized Indian Tribe
2 List Act of 1994 (25 U.S.C. 5131).

3 “(7) NATIVE HAWAIIAN EDUCATION SYSTEM.—
4 The term ‘Native Hawaiian education system’ means
5 an entity eligible to receive direct grants or enter
6 into contracts with the Secretary under section 6205
7 of the Elementary and Secondary Education Act of
8 1965 (20 U.S.C. 7515) to carry out the authorized
9 activities under that section.

10 “(8) QUALIFYING EDUCATOR.—Subject to sub-
11 section (i), the term ‘qualifying educator’ means—

12 “(A) an elementary or secondary school
13 teacher who—

14 “(i) has obtained full State or Tribal
15 certification and licensure requirements for
16 such employment; and

17 “(ii) has not had such certification or
18 licensure requirements waived on an emer-
19 gency, temporary, or provisional basis;

20 “(B) an early childhood educator who pro-
21 vides care or instruction to children;

22 “(C) a school leader of an elementary or
23 secondary school who—

1 “(i) has obtained full State or Tribal
2 certification and licensure requirements for
3 such employment; and

4 “(ii) has not had such certification or
5 licensure requirements waived on an emer-
6 gency, temporary, or provisional basis; or

7 “(D) an early childhood education program
8 director (including a family child care provider).

9 “(9) QUALIFYING SERVICE.—

10 “(A) IN GENERAL.—Subject to subpara-
11 graph (B), the term ‘qualifying service’
12 means—

13 “(i) in the case of a qualifying educa-
14 tor described in subparagraph (A) or (C)
15 of paragraph (8), employment as a full-
16 time qualifying educator in a high-need
17 school; and

18 “(ii) in the case of a qualifying educa-
19 tor described in subparagraph (B) or (D)
20 of paragraph (8), employment as a full-
21 time qualifying educator in an early child-
22 hood education program (including school-
23 based programs).

24 “(B) EXCEPTION.—In the case of a quali-
25 fying educator who is unable to complete a full

1 school or program year of service, that year
2 may still be counted toward the required quali-
3 fying service period under paragraphs (1) and
4 (2) of subsection (c) if—

5 “(i) the qualifying educator completed
6 at least one-half of the school or program
7 year;

8 “(ii) the employer considers the quali-
9 fying educator to have fulfilled the contract
10 requirements for the school or program
11 year for the purposes of salary increases,
12 tenure, and retirement; and

13 “(iii) the qualifying educator was un-
14 able to complete the school or program
15 year because—

16 “(I) the qualifying educator re-
17 turned to postsecondary education, on
18 at least a half-time basis, in an area
19 of study directly related to the per-
20 formance of the qualifying service;

21 “(II) the qualifying educator ex-
22 perience a condition described in sec-
23 tion 102 of the Family and Medical
24 Leave Act of 1993 (29 U.S.C. 2612);

1 “(III) the qualifying educator
2 was called or ordered to Federal or
3 State active duty status, or Active
4 Service as a member of a Reserve
5 Component of the Armed Forces
6 named in section 10101 of title 10,
7 United States Code, or service as a
8 member of the National Guard on
9 full-time National Guard duty, as de-
10 fined in section 101(d)(5) of title 10,
11 United States Code; or

12 “(IV) the qualifying educator re-
13 sides in or is employed in a disaster
14 area, as declared by any Federal,
15 State, or local official in connection
16 with a national emergency.

17 “(10) SCHOOL LEADER.—The term ‘school
18 leader’ has the meaning given that term in section
19 8101 of the Elementary and Secondary Education
20 Act of 1965.

21 “(11) TRIBAL EARLY CHILDHOOD EDUCATION
22 PROGRAM.—The term ‘Tribal early childhood edu-
23 cation program’ means any of the following pro-
24 grams:

1 “(A) An American Indian or Alaska Native
2 Head Start or Early Head Start program car-
3 ried out under the Head Start Act (42 U.S.C.
4 9831 et seq.).

5 “(B) A Tribal child care and development
6 program carried out under the Child Care and
7 Development Block Grant of 1990 (42 U.S.C.
8 9858 et seq.).

9 “(C) A program serving children from
10 birth through age 6 that—

11 “(i) receives funding support from the
12 Native American language preservation
13 and maintenance program carried out
14 under section 803C of the Native Amer-
15 ican Programs Act of 1974 (42 U.S.C.
16 2991b-3);

17 “(ii) is a Tribal prekindergarten pro-
18 gram;

19 “(iii) is a program authorized under
20 section 619 or part C of the Individuals
21 with Disabilities Education Act; or

22 “(iv) is a center-based or group-based
23 early childhood learning or development
24 program that the Secretary determines
25 shall be included under this definition,

1 after receiving a request from an Indian
2 Tribe.

3 “(12) TRIBAL EDUCATIONAL AGENCY.—The
4 term ‘Tribal educational agency’ has the meaning
5 given the term (without respect to capitalization) in
6 section 6132(b) of the Elementary and Secondary
7 Education Act of 1965.

8 “(13) YEAR.—The term ‘year’, when applied to
9 service as a qualifying educator, means a school or
10 program year as defined by the Secretary or the
11 Secretary of Health and Human Services, as appli-
12 cable.

13 “(i) SPECIAL RULE.—An educator that provides in-
14 struction or curricular development in an Alaska Native,
15 American Indian, or Native Hawaiian language or a Na-
16 tive American language as defined in the Native American
17 Languages Act (25 U.S.C. 2902) shall be considered to
18 be a qualifying educator regardless of whether the educa-
19 tor has achieved full State or Tribal certification and licen-
20 sure requirements for such employment.”.

21 (c) EFFECTIVE DATE; PROGRAM NAME.—

22 (1) EFFECTIVE DATE.—The amendments made
23 by subsections (a) and (b) shall take effect on the
24 day that is 180 days after the date of enactment of
25 this Act.

1 (2) PROGRAM NAME.—The programs under sec-
2 tion 428J and 460 of the Higher Education Act of
3 1965, as amended by subsections (a) and (b), shall
4 be known as Educator Loan Forgiveness Programs.

5 (d) TECHNICAL AMENDMENT.—Section 455(m)(4) of
6 the Higher Education Act of 1965 (20 U.S.C.
7 1087e(m)(4)) is amended by striking “section 428J,
8 428K, 428L, or 460” and inserting “section 428K or
9 428L”.

10 **SEC. 3. NOTICE TO BORROWERS.**

11 Not later than 180 days after the Secretary of Edu-
12 cation implements the programs under this Act, the Sec-
13 retary, in coordination with the Secretary of Health and
14 Human Services, shall take such steps as may be nec-
15 essary to inform high-need schools and early childhood
16 education programs (as defined in section 460 of the
17 Higher Education Act of 1965, as amended by this Act),
18 Head Start programs (including Early Head Start pro-
19 grams) carried out under the Head Start Act (42 U.S.C.
20 9831 et seq.), early childhood educators and program di-
21 rectors (including family child care providers and program
22 directors), public school teachers, public school leaders,
23 Bureau of Indian Education school teachers, Bureau of
24 Indian Education school leaders, Native Hawaiian edu-
25 cation system school teachers, Native Hawaiian education

1 system school leaders, local educational agency leaders
2 (such as superintendents), local educational agencies, edu-
3 cational service agencies, educational service agency lead-
4 ers, chief State school officers, State educational agencies,
5 students attending institutions of higher education, and
6 other student loan borrowers, of the amendments made
7 by this Act to the loan forgiveness and loan cancellation
8 programs under sections 428J and 460 of the Higher
9 Education Act of 1965 (20 U.S.C. 1078–10; 1087j), in-
10 cluding an explanation of how loans accrued before the
11 date of enactment of this Act may qualify for loan forgive-
12 ness or loan cancellation under such sections, as amended
13 by this Act, and an explanation of how service performed
14 before the date of enactment of this Act may count toward
15 qualifying service requirements for purposes of such sec-
16 tions, as amended by this Act.

17 **SEC. 4. WAIVER OF NEGOTIATED RULEMAKING.**

18 In carrying out this Act and any amendments made
19 by this Act, or any regulations promulgated under this Act
20 or under such amendments, the Secretary of Education
21 may waive the application of negotiated rulemaking under
22 section 492 of the Higher Education Act of 1965 (20
23 U.S.C. 1098a).

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