

117TH CONGRESS
2D SESSION

H. R. 8856

To provide enhanced student loan relief to educators.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 15, 2022

Ms. LEGER FERNANDEZ (for herself, Mrs. HAYES, Mr. GRIJALVA, Mr. GOTTHEIMER, Mr. GALLEGO, Mr. BOWMAN, Ms. CHU, Mr. DESAULNIER, Mr. KHANNA, and Mr. SOTO) introduced the following bill; which was referred to the Committee on Education and Labor

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 of 2022”.

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

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

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

7 “(b) PROGRAM AUTHORIZED.—Not later than 270
8 days after the date of enactment of the Loan Forgiveness
9 for Educators Act of 2022, the Secretary shall carry out
10 a program, through the holder of the loan, of assuming,
11 as required under subsection (c), the obligation to repay
12 a covered loan for qualifying educators engaged in quali-
13 fying service. A qualifying educator may apply for the pro-
14 gram under this section after the Secretary has begun car-
15 rying out the program.

16 “(c) FORGIVENESS OF COVERED LOANS.—

17 “(1) FORGIVENESS OF LOANS UPON COMPLE-
18 TION OF QUALIFYING SERVICE.—

19 “(A) IN GENERAL.—For each qualifying
20 educator who has completed 5 years of quali-
21 fying service (including any qualifying service,
22 as defined under this section as in effect after
23 the date of implementation of the Loan For-
24 giveness for Educators Act of 2022, that may
25 have been completed or performed before or
26 after such date of implementation, or a com-

1 bination of qualifying service), the Secretary
2 shall assume the obligation to repay an amount
3 equal to 100 percent of the aggregate of the
4 loan obligations (including interest and fees) on
5 all covered loans that are outstanding as of the
6 date of completion of such fifth year of quali-
7 fying service.

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

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

20 “(A) during the period of qualifying service
21 (for qualifying service that occurs after the date
22 of implementation of this Act), the Secretary
23 agrees to assume the obligation to repay the
24 minimum monthly obligation on all covered
25 loans of the qualifying educator, based on the

1 repayment plan selected by the qualifying edu-
2 cator, for—

3 “(i) each month of qualifying service;
4 and

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

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

19 “(C) during the period of qualifying serv-
20 ice, each monthly obligation that is repaid by
21 the Secretary under this paragraph on a cov-
22 ered loan shall be deemed to be a qualifying
23 monthly payment made by the qualifying educa-
24 tor for purposes of the loan forgiveness pro-
25 gram under section 455(m), if applicable.

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

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

10 “(B) include any certification requirements
11 that the Secretary determines are necessary to
12 verify qualifying service; and

13 “(C) allow for the verification of the quali-
14 fying service—

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

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

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

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

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

1 lic Child Care Resources and Referral
2 website, or proof of participation in a Fed-
3 eral child care or preschool subsidy pro-
4 gram.

5 “(4) PARENT PLUS LOANS.—

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

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

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

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

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

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

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

23 “(e) CONSTRUCTION.—Nothing in this section shall
24 be construed to authorize any refunding of any repayment
25 of a loan.

1 “(f) LIST.—

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

3 “(A) as soon as practicable, produce and
4 make publicly available a list of high need
5 schools for purposes of this section; and

6 “(B) annually update such list.

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

15 “(g) ADDITIONAL ELIGIBILITY PROVISIONS.—

16 “(1) CONTINUED ELIGIBILITY.—Any qualifying
17 educator who performs qualifying service in a school
18 that—

19 “(A) is a high need school in any school
20 year during such service; and

21 “(B) in a subsequent school year fails to
22 meet the definition of a high need school,
23 may continue to serve in such school and shall be el-
24 igible for loan forgiveness pursuant to subsection
25 (b).

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

4 “(A) section 428K; or

5 “(B) subtitle D of title I of the National
6 and Community Service Act of 1990 (42 U.S.C.
7 12601 et seq.).

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

19 “(h) DEFINITIONS.—In this section:

20 “(1) BUREAU OF INDIAN EDUCATION FUNDED
21 ELEMENTARY OR SECONDARY SCHOOL.—The term
22 ‘Bureau of Indian Education funded elementary or
23 secondary school’ means—

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

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

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

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

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

19 “(B) an early childhood education program
20 operated or funded by the Bureau of Indian
21 Education (including Family and Child Edu-
22 cation programs at schools funded by the Bu-
23 reau of Indian Education authorized under sec-
24 tion 1121 of the Education Amendments of
25 1978 (25 U.S.C. 2001)).

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

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

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

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

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

14 “(D) a Bureau of Indian Education early
15 childhood development program;

16 “(E) a Native Hawaiian education system
17 early childhood education program;

18 “(F) a Tribal early childhood education
19 program; or

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

22 “(5) HIGH NEED SCHOOL.—The term ‘high
23 need school’ means—

24 “(A) a public elementary or secondary
25 school—

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

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

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

20 “(C) a public elementary or secondary
21 school identified by the State for comprehensive
22 support and improvement, targeted support and
23 improvement, or additional targeted support
24 and improvement, under section 1111 of the El-

1 elementary and Secondary Education Act of
2 1965;

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

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

7 “(F) a Native Hawaiian education system.

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

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

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

1 “(A) an elementary or secondary school
2 teacher who—

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

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

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

11 “(C) a school leader of an elementary or
12 secondary school who—

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

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

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

21 “(9) QUALIFYING SERVICE.—

22 “(A) IN GENERAL.—Subject to subpara-
23 graph (B), the term ‘qualifying service’
24 means—

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

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

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

18 “(i) the qualifying educator completed
19 at least one-half of the school or program
20 year;

21 “(ii) the employer considers the quali-
22 fying educator to have fulfilled the contract
23 requirements for the school or program
24 year for the purposes of salary increases,
25 tenure, and retirement; and

1 “(iii) the qualifying educator was un-
2 able to complete the school or program
3 year because—

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

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

13 “(III) the qualifying educator
14 was called or ordered to Federal or
15 State active duty status, or Active
16 Service as a member of a Reserve
17 Component of the Armed Forces
18 named in section 10101 of title 10,
19 United States Code, or service as a
20 member of the National Guard on
21 full-time National Guard duty, as de-
22 fined in section 101(d)(5) of title 10,
23 United States Code; or

24 “(IV) the qualifying educator re-
25 sides in or is employed in a disaster

1 area, as declared by any Federal,
2 State, or local official in connection
3 with a national emergency.

4 “(10) SCHOOL LEADER.—The term ‘school
5 leader’ has the meaning given that term in section
6 8101 of the Elementary and Secondary Education
7 Act of 1965.

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

12 “(A) An American Indian or Alaska Native
13 Head Start or Early Head Start program car-
14 ried out under the Head Start Act (42 U.S.C.
15 9831 et seq.).

16 “(B) A Tribal child care and development
17 program carried out under the Child Care and
18 Development Block Grant of 1990 (42 U.S.C.
19 9858 et seq.).

20 “(C) A program serving children from
21 birth through age 6 that—

22 “(i) receives funding support from the
23 Native American language preservation
24 and maintenance program carried out
25 under section 803C of the Native Amer-

1 ican Programs Act of 1974 (42 U.S.C.
2 2991b-3);

3 “(ii) is a Tribal prekindergarten pro-
4 gram;

5 “(iii) is a program authorized under
6 section 619 or part C of the Individuals
7 with Disabilities Education Act; or

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

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

19 “(13) YEAR.—The term ‘year’, when applied to
20 service as a qualifying educator, means a school or
21 program year as defined by the Secretary or the
22 Secretary of Health and Human Services, as appli-
23 cable.

24 “(i) SPECIAL RULE.—An educator that provides in-
25 struction or curricular development in an Alaska Native,

1 American Indian, or Native Hawaiian language or a Na-
2 tive American language as defined in the Native American
3 Languages Act (25 U.S.C. 2902) shall be considered to
4 be a qualifying educator regardless of whether the educa-
5 tor has achieved full State or Tribal certification and licen-
6 sure requirements for such employment.”.

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

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

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

17 “(b) PROGRAM AUTHORIZED.—Not later than 270
18 days after the date of enactment of the Loan Forgiveness
19 for Educators Act of 2022, the Secretary shall carry out
20 a program of canceling, as required under subsection (c),
21 the obligation to repay a covered loan for qualifying edu-
22 cators engaged in qualifying service. A qualifying educator
23 may apply for the program under this section after the
24 Secretary has begun carrying out the program.

25 “(c) CANCELLATION OF COVERED LOANS.—

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

3 “(A) IN GENERAL.—For each qualifying
4 educator who has completed 5 years of quali-
5 fying service (including any qualifying service,
6 as defined under this section as in effect after
7 the date of implementation of the Loan For-
8 giveness for Educators Act of 2022, that may
9 have been completed or performed before or
10 after such date of implementation, or a com-
11 bination of qualifying service), the Secretary
12 shall cancel an amount equal to 100 percent of
13 the aggregate of the loan obligations (including
14 interest and fees) on all covered loans that are
15 outstanding as of the date of completion of such
16 fifth year of qualifying service.

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

22 “(2) MONTHLY LOAN CANCELLATION.—Upon
23 application by any qualifying educator of a covered
24 loan who is engaged in qualifying service, and in ad-
25 dition to any loan cancellation under paragraph (1),

1 the Secretary shall enter into an agreement with
2 such qualifying educator, under which—

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

12 “(i) each month of qualifying service;

13 and

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

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

23 “(C) during the period of qualifying serv-
24 ice, each monthly obligation that is cancelled by
25 the Secretary under this paragraph on a cov-

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

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

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

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

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

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

1 tem, or State educational agency that
2 serves the school (or the administrator’s
3 designee);

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

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

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

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

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

8 “(4) PARENT PLUS LOANS.—

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

19 “(B) PARENT PLUS LOAN BORROWED BY A
20 PARENT WHO IS A QUALIFYING EDUCATOR.—
21 The borrower of a parent Federal Direct PLUS
22 Loan issued on behalf of a student who is not
23 a qualifying educator shall also qualify for loan
24 forgiveness and any other benefits under this
25 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 LOAN CANCELLA-
4 TION.—A qualifying educator who received loan can-
5 cellation under this section as in effect before the
6 date of enactment of the Loan Forgiveness for Edu-
7 cators Act of 2022—

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

12 “(B) may count the service completed that
13 qualified the qualifying educator for previous
14 loan cancellation as qualifying service for pur-
15 poses of subsection (c)(1).

16 “(6) PROHIBITION ON REQUIRING REPAY-
17 MENT.—A qualifying educator shall not be required
18 to repay any amounts paid under this subsection if
19 that qualifying educator who engages in qualifying
20 service ends the qualifying service before the end of
21 a school or program year, or before the end of the
22 5-year period described in paragraph (1).

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

1 “(e) CONSTRUCTION.—Nothing in this section shall
2 be construed to authorize any refunding of any canceled
3 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 cancellation 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 cancellation 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 (c) EFFECTIVE DATE; PROGRAM NAME.—

12 (1) EFFECTIVE DATE.—The amendments made
13 by subsections (a) and (b) shall take effect on the
14 day that is 180 days after the date of enactment of
15 this Act.

16 (2) PROGRAM NAME.—The programs under sec-
17 tion 428J and 460 of the Higher Education Act of
18 1965, as amended by subsections (a) and (b), shall
19 be known as Educator Loan Forgiveness Programs.

20 (d) TECHNICAL AMENDMENT.—Section 455(m)(4) of
21 the Higher Education Act of 1965 (20 U.S.C.
22 1087e(m)(4)) is amended by striking “section 428J,
23 428K, 428L, or 460” and inserting “section 428K or
24 428L”.

1 SEC. 3. NOTICE TO BORROWERS.

2 Not later than 180 days after the Secretary of Edu-
3 cation implements the programs under this Act, the Sec-
4 retary, in coordination with the Secretary of Health and
5 Human Services, shall take such steps as may be nec-
6 essary to inform high need schools and early childhood
7 education programs (as defined in section 460 of the
8 Higher Education Act of 1965, as amended by this Act),
9 Head Start programs (including Early Head Start pro-
10 grams) carried out under the Head Start Act (42 U.S.C.
11 9831 et seq.), early childhood educators and program di-
12 rectors (including family child care providers and program
13 directors), public school teachers, public school leaders,
14 Bureau of Indian Education school teachers, Bureau of
15 Indian Education school leaders, Native Hawaiian edu-
16 cation system school teachers, Native Hawaiian education
17 system school leaders, local educational agency leaders
18 (such as superintendents), local educational agencies, edu-
19 cational service agencies, educational service agency lead-
20 ers, chief State school officers, State educational agencies,
21 students attending institutions of higher education, and
22 other student loan borrowers, of the amendments made
23 by this Act to the loan forgiveness and loan cancellation
24 programs under sections 428J and 460 of the Higher
25 Education Act of 1965 (20 U.S.C. 1078–10; 1087j), in-
26 cluding an explanation of how loans accrued before the

1 date of enactment of this Act may qualify for loan forgive-
2 ness or loan cancellation under such sections, as amended
3 by this Act, and an explanation of how service performed
4 before the date of enactment of this Act may count toward
5 qualifying service requirements for purposes of such sec-
6 tions, as amended by this Act.

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

8 In carrying out this Act and any amendments made
9 by this Act, or any regulations promulgated under this Act
10 or under such amendments, the Secretary of Education
11 may waive the application of negotiated rulemaking under
12 section 492 of the Higher Education Act of 1965 (20
13 U.S.C. 1098a).

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