

117TH CONGRESS  
2D SESSION

# S. 4867

To provide enhanced student loan relief to educators.

---

## IN THE SENATE OF THE UNITED STATES

SEPTEMBER 15, 2022

Mr. LUJÁN (for himself, Mr. MENENDEZ, Mrs. FEINSTEIN, Mr. MERKLEY, Mr. WYDEN, Mr. CASEY, Mr. PADILLA, Mr. VAN HOLLEN, Mr. BOOKER, Ms. BALDWIN, Mr. REED, Mr. HEINRICH, Mr. BLUMENTHAL, Mr. MARKEY, Mr. KELLY, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

---

## 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

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 of 2022, the Secretary shall carry out  
 12 a program, through the holder of the loan, of assuming,  
 13 as required under subsection (c), the obligation to repay  
 14 a covered loan for qualifying educators engaged in quali-  
 15 fying service. A qualifying educator may apply for the pro-  
 16 gram under this section after the Secretary has begun car-  
 17 rying 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 of 2022, that may  
2           have been completed or performed before or  
3           after such date of implementation, or a com-  
4           bination of qualifying service), the Secretary  
5           shall assume the obligation to repay an amount  
6           equal to 100 percent of the aggregate of the  
7           loan obligations (including interest and fees) on  
8           all covered loans that are outstanding as of the  
9           date of completion of such fifth year of quali-  
10          fying service.

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 of 2022, the Secretary shall carry out  
24 a program of canceling, as required under subsection (c),  
25 the obligation to repay a covered loan for qualifying edu-

1 cators engaged in qualifying service. A qualifying educator  
2 may apply for the program under this section after the  
3 Secretary 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 of 2022, that may  
13 have been completed or performed before or  
14 after such date of implementation, or a com-  
15 bination of qualifying service), the Secretary  
16 shall cancel an amount equal to 100 percent of  
17 the aggregate of the loan obligations (including  
18 interest and fees) on all covered loans that are  
19 outstanding as of the date of completion of such  
20 fifth year 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 of 2022—

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).

○