

119TH CONGRESS
2D SESSION

S. _____

To amend the Higher Education Act of 1965 to provide enhanced student loan relief to educators, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. LUJÁN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend the Higher Education Act of 1965 to provide enhanced student loan relief to educators, and for other purposes.

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 2026”.

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 2026, 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 2026, 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 of the qualifying educator,
5 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 of the quali-
19 fying educator; and

20 “(C) during the period of qualifying serv-
21 ice, each monthly obligation that is repaid by
22 the Secretary under this paragraph on a cov-
23 ered loan shall be deemed to be a qualifying
24 monthly payment made by the qualifying educa-
25 tor under section 455(m)(1)(A) for purposes of

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 organi-
4 zation website, or proof of participation in
5 a Federal child care or preschool subsidy
6 program.

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 effective
6 date of the Loan Forgiveness for Educators Act of
7 2026—

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 and early childhood education programs
9 for purposes of this section;

10 “(B) annually update such list; and

11 “(C) notify State educational agencies,
12 local educational agencies, educational services
13 agencies, and State agencies that oversee early
14 childhood education programs of the benefits to
15 educators employed by the entities detailed in
16 subparagraph (A).

17 “(2) LIST FROM PREVIOUS YEAR.—If the list of
18 high need schools and early childhood education pro-
19 grams in which a qualifying educator may perform
20 qualifying service is not available before May 1 of
21 any year, the Secretary may use the list for the year
22 preceding the year for which the determination is
23 made to make a determination about whether an in-
24 dividual meets the requirements for qualifying serv-
25 ice.

1 “(g) ADDITIONAL ELIGIBILITY PROVISIONS.—

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

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

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

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

15 “(A) section 428K; or

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

19 “(3) NO PENALTY FOR PROMOTIONS.—Any
20 qualifying educator who performs qualifying service
21 in an early childhood education program or high
22 need school and who is promoted to another position
23 within that early childhood program or high need
24 school after 1 or more years of qualifying service
25 may continue to be employed in such position in

1 such program or school and shall be eligible to count
2 the period of employment in such position as quali-
3 fying service for loan forgiveness pursuant to sub-
4 section (b).

5 “(h) DEFINITIONS.—In this section:

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

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

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

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

21 “(2) BUREAU OF INDIAN EDUCATION EARLY
22 CHILDHOOD DEVELOPMENT PROGRAM.—The term
23 ‘Bureau of Indian Education early childhood devel-
24 opment program’ means—

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

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

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

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

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

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

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

24 “(D) a Bureau of Indian Education early
25 childhood development program;

1 “(E) a Native Hawaiian education system
2 early childhood education program;

3 “(F) a Tribal early childhood education
4 program;

5 “(G) a provider that receives funds under
6 the Child Care and Development Block Grant
7 Act of 1990 (42 U.S.C. 9858 et seq.) (including
8 such providers that are center-based and family
9 child care providers); or

10 “(H) a consortium of entities described in
11 any of subparagraphs (A) through (G).

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

14 “(A) a public elementary or secondary
15 school—

16 “(i) with respect to which the number
17 of children meeting a measure of poverty
18 under section 1113(a)(5) of the Elemen-
19 tary and Secondary Education Act of
20 1965, exceeds 30 percent of the total num-
21 ber of children enrolled in such school; and

22 “(ii) that is served by a local edu-
23 cational agency that is eligible for assist-
24 ance pursuant to part A of title I of the

1 Elementary and Secondary Education Act
2 of 1965;

3 “(B) a public elementary or secondary
4 school or location operated by an educational
5 service agency in which the number of children
6 meeting a measure of poverty under section
7 1113(a)(5) of the Elementary and Secondary
8 Education Act of 1965 exceeds 30 percent of
9 the total number of children enrolled in such
10 school or location;

11 “(C) a public elementary or secondary
12 school identified by the State for comprehensive
13 support and improvement, targeted support and
14 improvement, or additional targeted support
15 and improvement, under section 1111 of the El-
16 ementary and Secondary Education Act of
17 1965;

18 “(D) a Bureau of Indian Education funded
19 elementary or secondary school;

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

22 “(F) a Native Hawaiian education system.

23 “(6) INDIAN TRIBE.—The term ‘Indian Tribe’
24 means the recognized governing body of any Indian
25 or Alaska Native Tribe, band, nation, pueblo, village,

1 community, component band, or component reserva-
2 tion, individually identified (including parentheti-
3 cally) in the list published most recently as of the
4 date of enactment of this subtitle pursuant to sec-
5 tion 104 of the Federally Recognized Indian Tribe
6 List Act of 1994 (25 U.S.C. 5131).

7 “(7) NATIVE HAWAIIAN EDUCATION SYSTEM.—
8 The term ‘Native Hawaiian education system’ means
9 an entity eligible to receive direct grants or enter
10 into contracts with the Secretary under section 6205
11 of the Elementary and Secondary Education Act of
12 1965 (20 U.S.C. 7515) to carry out the authorized
13 activities under that section.

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

16 “(A) an elementary or secondary school
17 teacher who—

18 “(i) has obtained full State or Tribal
19 certification and licensure requirements for
20 such employment; and

21 “(ii) has not had such certification or
22 licensure requirements waived on an emer-
23 gency, temporary, or provisional basis;

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

1 “(C) a school leader of an elementary or
2 secondary school 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; or

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

11 “(9) QUALIFYING SERVICE.—

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

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

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

1 tion 102 of the Family and Medical
2 Leave Act of 1993 (29 U.S.C. 2612);

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

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

19 “(10) SCHOOL LEADER.—The term ‘school
20 leader’ has the meaning given that term in section
21 8101 of the Elementary and Secondary Education
22 Act of 1965.

23 “(11) TRIBAL EARLY CHILDHOOD EDUCATION
24 PROGRAM.—The term ‘Tribal early childhood edu-

1 cation program’ means any of the following pro-
2 grams:

3 “(A) An American Indian or Alaska Native
4 Head Start or Early Head Start program car-
5 ried out under the Head Start Act (42 U.S.C.
6 9831 et seq.).

7 “(B) A Tribal child care and development
8 program carried out under the Child Care and
9 Development Block Grant of 1990 (42 U.S.C.
10 9858 et seq.).

11 “(C) A program serving children from
12 birth through age 6 that—

13 “(i) receives funding support from the
14 Native American language preservation
15 and maintenance program carried out
16 under section 803C of the Native Amer-
17 ican Programs Act of 1974 (42 U.S.C.
18 2991b-3);

19 “(ii) is a Tribal prekindergarten pro-
20 gram;

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

24 “(iv) is a center-based or group-based
25 early childhood learning or development

1 program that the Secretary determines
2 shall be included under this definition,
3 after receiving a request from an Indian
4 Tribe.

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

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

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

23 (b) ENHANCED TEACHER LOAN CANCELLATION
24 UNDER THE DIRECT LOAN PROGRAM.—Section 460 of

1 the Higher Education Act of 1965 (20 U.S.C. 1087j) is
2 amended to read as follows:

3 **“SEC. 460. LOAN CANCELLATION 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 2026, the Secretary shall carry out
12 a program of canceling, as required under subsection (c),
13 the obligation to repay a covered loan for qualifying edu-
14 cators engaged in qualifying service. A qualifying educator
15 may apply for the program under this section after the
16 Secretary has begun carrying out the program.

17 “(c) CANCELLATION OF COVERED LOANS.—

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

20 “(A) IN GENERAL.—For each qualifying
21 educator who has completed 5 years of quali-
22 fying service (including any qualifying service,
23 as defined under this section as in effect after
24 the date of implementation of the Loan For-
25 giveness for Educators Act of 2026, that may

1 have been completed or performed before or
2 after such date of implementation, or a com-
3 bination of qualifying service), the Secretary
4 shall cancel an amount equal to 100 percent of
5 the aggregate of the loan obligations (including
6 interest and fees) on all covered loans that are
7 outstanding as of the date of completion of such
8 fifth year of qualifying service.

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

14 “(2) MONTHLY LOAN CANCELLATION.—Upon
15 application by any qualifying educator of a covered
16 loan who is engaged in qualifying service, and in ad-
17 dition to any loan cancellation under paragraph (1),
18 the Secretary shall enter into an agreement with
19 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 and cancel the minimum
24 monthly obligation on all covered loans of the

1 qualifying educator based on the repayment
2 plan of the qualifying educator, 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 qualifying school or early childhood edu-
8 cation program during a school or program
9 year in which the qualifying educator is en-
10 gaged in qualifying service;

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

14 “(C) during the period of qualifying serv-
15 ice, each monthly obligation that is cancelled by
16 the Secretary under this paragraph on a cov-
17 ered loan shall be deemed to be a qualifying
18 monthly payment made by the qualifying educa-
19 tor under section 455(m)(1)(A) for purposes of
20 the loan forgiveness program under section
21 455(m), if applicable.

22 “(3) APPLICATION.—The Secretary shall de-
23 velop and make publicly available an application for
24 qualifying educators who wish to receive loan can-

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

9 “(iv) in the case of a director of an
10 early childhood education program, a lead-
11 er of the entity overseeing the early child-
12 hood education program; and

13 “(v) in the case of a family child care
14 provider or the director of an early child-
15 hood education program that operates as a
16 standalone center-based child care program
17 (for example, a case in which the center is
18 not part of a larger company) that is an
19 early childhood education program, by self-
20 certification with supporting documents,
21 such as a business license, a listing with a
22 public child care resources and referral or-
23 ganization website, or proof of participa-
24 tion in a Federal child care or preschool
25 subsidy program.

1 “(4) PARENT PLUS LOANS.—

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

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

21 “(5) RECIPIENTS OF PRIOR LOAN CANCELLA-
22 TION.—A qualifying educator who received loan can-
23 cellation under this section as in effect before the ef-
24 fective date of the Loan Forgiveness for Educators
25 Act of 2026—

1 “(A) shall be eligible for loan cancellation
2 of covered loans in accordance with subsection
3 (c)(1), including any remaining covered loans;
4 and

5 “(B) may count the service completed that
6 qualified the qualifying educator for previous
7 loan cancellation as qualifying service for pur-
8 poses of subsection (c)(1).

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

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

19 “(e) CONSTRUCTION.—Nothing in this section shall
20 be construed to authorize any refunding of any canceled
21 loan.

22 “(f) LIST.—

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

24 “(A) as soon as practicable, produce and
25 make publicly available a list of high need

1 schools and early childhood education programs
2 for purposes of this section;

3 “(B) annually update such list; and

4 “(C) notify State educational agencies,
5 local educational agencies, educational services
6 agencies, and State agencies that oversee early
7 childhood education programs of the benefits to
8 educators employed by the entities detailed in
9 subparagraph (A).

10 “(2) LIST FROM PREVIOUS YEAR.—If the list of
11 high need schools and early childhood education pro-
12 grams in which a qualifying educator may perform
13 qualifying service is not available before May 1 of
14 any year, the Secretary may use the list for the year
15 preceding the year for which the determination is
16 made to make a determination about whether an in-
17 dividual meets the requirements for qualifying serv-
18 ice.

19 “(g) ADDITIONAL ELIGIBILITY PROVISIONS.—

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

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

1 “(B) in a subsequent school year fails to
2 meet the definition of a high need school,
3 may continue to serve in such school and shall be el-
4 igible for loan cancellation pursuant to subsection
5 (b).

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

9 “(A) section 428K; or

10 “(B) subtitle D of title I of the National
11 and Community Service Act of 1990 (42 U.S.C.
12 12601 et seq.).

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

24 “(h) DEFINITIONS.—In this section:

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

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

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

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

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

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

23 “(B) an early childhood education program
24 operated or funded by the Bureau of Indian
25 Education (including Family and Child Edu-

1 cation programs at schools funded by the Bu-
2 ureau of Indian Education authorized under sec-
3 tion 1121 of the Education Amendments of
4 1978 (25 U.S.C. 2001)).

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

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

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

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

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

18 “(D) a Bureau of Indian Education early
19 childhood development program;

20 “(E) a Native Hawaiian education system
21 early childhood education program;

22 “(F) a Tribal early childhood education
23 program;

24 “(G) a provider that receives funds under
25 the Child Care and Development Block Grant

1 Act of 1990 (42 U.S.C. 9858 et seq.) (including
2 such providers that are center-based and family
3 child care providers); or

4 “(H) a consortium of entities described in
5 any of subparagraphs (A) through (G).

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

8 “(A) a public elementary or secondary
9 school—

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

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

21 “(B) a public elementary or secondary
22 school or location operated by an educational
23 service agency in which the number of children
24 meeting a measure of poverty under section
25 1113(a)(5) of the Elementary and Secondary

1 Education Act of 1965 exceeds 30 percent of
2 the total number of children enrolled in such
3 school or location;

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

11 “(D) a Bureau of Indian Education funded
12 elementary or secondary school;

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

15 “(F) a Native Hawaiian education system.

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

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

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

10 “(A) an elementary or secondary school
11 teacher who—

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

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

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

20 “(C) a school leader of an elementary or
21 secondary school who—

22 “(i) has obtained full State or Tribal
23 certification and licensure requirements for
24 such employment; and

1 “(ii) has not had such certification or
2 licensure requirements waived on an emer-
3 gency, temporary, or provisional basis; or

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

6 “(9) QUALIFYING SERVICE.—

7 “(A) IN GENERAL.—Subject to subpara-
8 graph (B), the term ‘qualifying service’
9 means—

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

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

21 “(B) EXCEPTION.—In the case of a quali-
22 fying educator who is unable to complete a full
23 school or program year of service, that year
24 may still be counted toward the required quali-

1 fying service period under paragraphs (1) and
2 (2) of subsection (c) if—

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

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

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

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

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

23 “(III) the qualifying educator
24 was called or ordered to Federal or
25 State active duty status, or Active

1 Service as a member of a Reserve
2 Component of the Armed Forces
3 named in section 10101 of title 10,
4 United States Code, or service as a
5 member of the National Guard on
6 full-time National Guard duty, as de-
7 fined in section 101(d)(5) of title 10,
8 United States Code; or

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

14 “(10) SCHOOL LEADER.—The term ‘school
15 leader’ has the meaning given that term in section
16 8101 of the Elementary and Secondary Education
17 Act of 1965.

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

22 “(A) An American Indian or Alaska Native
23 Head Start or Early Head Start program car-
24 ried out under the Head Start Act (42 U.S.C.
25 9831 et seq.).

1 “(B) A Tribal child care and development
2 program carried out under the Child Care and
3 Development Block Grant of 1990 (42 U.S.C.
4 9858 et seq.).

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

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

13 “(ii) is a Tribal prekindergarten pro-
14 gram;

15 “(iii) is a program authorized under
16 section 619 or part C of the Individuals
17 with Disabilities Education Act; or

18 “(iv) is a center-based or group-based
19 early childhood learning or development
20 program that the Secretary determines
21 shall be included under this definition,
22 after receiving a request from an Indian
23 Tribe.

24 “(12) TRIBAL EDUCATIONAL AGENCY.—The
25 term ‘Tribal educational agency’ has the meaning

1 given the term (without respect to capitalization) in
2 section 6132(b) of the Elementary and Secondary
3 Education Act of 1965.

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

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

17 (c) EFFECTIVE DATE; PROGRAM NAME.—

18 (1) EFFECTIVE DATE.—The amendments made
19 by subsections (a) and (b) shall take effect on the
20 day that is 180 days after the date of enactment of
21 this Act.

22 (2) PROGRAM NAME.—The programs under sec-
23 tion 428J and 460 of the Higher Education Act of
24 1965, as amended by subsections (a) and (b), shall
25 be known as Educator Loan Forgiveness Programs.

1 (d) TECHNICAL AMENDMENT.—Section 455(m)(4) of
2 the Higher Education Act of 1965 (20 U.S.C.
3 1087e(m)(4)) is amended by striking “section 428J,
4 428K, 428L, or 460” and inserting “section 428K or
5 428L”.

6 **SEC. 3. NOTICE TO BORROWERS.**

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

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

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

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