

108TH CONGRESS
1ST SESSION

H. R. 438

IN THE SENATE OF THE UNITED STATES

JULY 10, 2003

Received; read twice and referred to the Committee on Health, Education,
Labor, and Pensions

AN ACT

To increase the amount of student loans that may be forgiven for teachers in mathematics, science, and special education.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Teacher Recruitment
3 and Retention Act of 2003”.

4 **SEC. 2. INCREASED QUALIFIED LOAN AMOUNTS.**

5 (a) FFEL LOANS.—Section 428J(c) of the Higher
6 Education Act of 1965 (20 U.S.C. 1078–10(c)) is amend-
7 ed by adding at the end the following new paragraph:

8 “(3) INCREASED AMOUNTS FOR TEACHERS IN
9 MATHEMATICS, SCIENCE, OR SPECIAL EDUCATION.—

10 “(A) SERVICE QUALIFYING FOR IN-
11 CREASED AMOUNTS.—Notwithstanding the
12 amount specified in paragraph (1), the aggre-
13 gate amount that the Secretary shall repay
14 under this section shall not be more than
15 \$17,500 in the case of—

16 “(i) a secondary school teacher—

17 “(I) who meets the requirements
18 of subsection (b), subject to subpara-
19 graph (D) of this paragraph; and

20 “(II) whose qualifying employ-
21 ment for purposes of such subsection
22 has been teaching mathematics or
23 science on a full-time basis;

24 “(ii) an elementary or secondary
25 school teacher—

1 “(I) who meets the requirements
2 of subsection (b), subject to subpara-
3 graph (D) of this paragraph;

4 “(II) whose qualifying employ-
5 ment for purposes of such subsection
6 has been as a special education teach-
7 er whose primary responsibility is to
8 provide special education to children
9 with disabilities (as those terms are
10 defined in section 602 of the Individ-
11 uals with Disabilities Act); and

12 “(III) who, as certified by the
13 chief administrative officer of the pub-
14 lic or nonprofit private elementary or
15 secondary school in which the bor-
16 rower is employed, is teaching chil-
17 dren with disabilities that correspond
18 with the borrower’s special education
19 training and has demonstrated knowl-
20 edge and teaching skills in the content
21 areas of the elementary or secondary
22 school curriculum that the borrower is
23 teaching; and

1 “(iii) an elementary or secondary
2 school teacher who primarily teaches read-
3 ing and—

4 “(I) who meets the requirements
5 of subsection (b), subject to subpara-
6 graph (D) of this paragraph;

7 “(II) who has obtained a sepa-
8 rate reading instruction credential
9 from the State in which the teacher is
10 employed; and

11 “(III) who is certified by the
12 chief administrative officer of the pub-
13 lic or nonprofit private elementary or
14 secondary school in which the bor-
15 rower is employed to teach reading—

16 “(aa) as being proficient in
17 teaching the essential compo-
18 nents of reading instruction as
19 defined in section 1208 of the El-
20 elementary and Secondary Edu-
21 cation Act of 1965; and

22 “(bb) as having such creden-
23 tial.

24 “(B) ACCELERATED PAYMENT.—Notwith-
25 standing the requirements of subsection (b)(1)

1 and paragraph (1) of this subsection that 5
2 consecutive complete years of service have been
3 completed prior to the receipt of loan forgive-
4 ness, in the case of service described in sub-
5 paragraph (A) of this paragraph, the Secretary
6 shall repay a portion of a borrower's loan obli-
7 gation outstanding at the commencement of the
8 qualifying service under this subsection, not to
9 exceed a total of \$17,500, in the following in-
10 crements:

11 “(i) up to \$1,750, or 10 percent of
12 such outstanding loan obligation, which-
13 ever is less, at the completion of the second
14 year of such service;

15 “(ii) up to \$2,625, or 15 percent of
16 such outstanding loan obligation, which-
17 ever is less, at the completion of the third
18 year of such service;

19 “(iii) up to \$4,375, or 25 percent of
20 such outstanding loan obligation, which-
21 ever is less, at the completion of the fourth
22 year of such service; and

23 “(iv) up to \$8,750, or 50 percent of
24 such outstanding loan obligation, which-

1 ever is less, at the completion of the fifth
2 year of such service.

3 “(C) PROMISE TO COMPLETE SERVICE RE-
4 QUIRED FOR ACCELERATED PAYMENT.—Any
5 borrower who receives accelerated payment
6 under this paragraph shall enter into an agree-
7 ment to continue in the qualifying service for
8 not less than 5 consecutive complete school
9 years, or, upon a failure to complete such 5
10 years, to repay the United States, in accordance
11 with regulations prescribed by the Secretary,
12 the amount of the loans repaid by the Secretary
13 under this paragraph, together with interest
14 thereon and, to the extent required in such reg-
15 ulations, the reasonable costs of collection. Such
16 regulations may provide for waiver by the Sec-
17 retary of such repayment obligations upon proof
18 of economic hardship as specified in such regu-
19 lations.

20 “(D) HIGHER POVERTY ENROLLMENT RE-
21 QUIRED.—In order to qualify for an increased
22 repayment amount under this paragraph, sec-
23 tion 465(a)(2)(A) shall, for purposes of sub-
24 section (b)(1)(A) of this section, be applied by

1 substituting ‘40 percent of the total enrollment’
2 for ‘30 percent of the total enrollment’.”.

3 (b) DIRECT LOANS.—Section 460(c) of the Higher
4 Education Act of 1965 (20 U.S.C. 1087j(c)) is amended
5 by adding at the end the following new paragraph:

6 “(3) INCREASED AMOUNTS FOR TEACHERS IN
7 MATHEMATICS, SCIENCE, OR SPECIAL EDUCATION.—

8 “(A) SERVICE QUALIFYING FOR IN-
9 CREASED AMOUNTS.—Notwithstanding the
10 amount specified in paragraph (1), the aggre-
11 gate amount that the Secretary shall repay
12 under this section shall not be more than
13 \$17,500 in the case of—

14 “(i) a secondary school teacher—

15 “(I) who meets the requirements
16 of subsection (b)(1), subject to sub-
17 paragraph (D) of this paragraph; and

18 “(II) whose qualifying employ-
19 ment for purposes of such subsection
20 has been teaching mathematics or
21 science on a full-time basis;

22 “(ii) an elementary or secondary
23 school teacher—

1 “(I) who meets the requirements
2 of subsection (b)(1), subject to sub-
3 paragraph (D) of this paragraph;

4 “(II) whose qualifying employ-
5 ment for purposes of such subsection
6 has been as a special education teach-
7 er whose primary responsibility is to
8 provide special education to children
9 with disabilities (as those terms are
10 defined in section 602 of the Individ-
11 uals with Disabilities Act); and

12 “(III) who, as certified by the
13 chief administrative officer of the pub-
14 lic or nonprofit private elementary or
15 secondary school in which the bor-
16 rower is employed, is teaching chil-
17 dren with disabilities that correspond
18 with the borrower’s special education
19 training and has demonstrated knowl-
20 edge and teaching skills in the content
21 areas of the elementary or secondary
22 school curriculum that the borrower is
23 teaching; and

1 “(iii) an elementary or secondary
2 school teacher who primarily teaches read-
3 ing and—

4 “(I) who meets the requirements
5 of subsection (b), subject to subpara-
6 graph (D) of this paragraph;

7 “(II) who has obtained a sepa-
8 rate reading instruction credential
9 from the State in which the teacher is
10 employed; and

11 “(III) who is certified by the
12 chief administrative officer of the pub-
13 lic or nonprofit private elementary or
14 secondary school in which the bor-
15 rower is employed to teach reading—

16 “(aa) as being proficient in
17 teaching the essential compo-
18 nents of reading instruction as
19 defined in section 1208 of the El-
20 elementary and Secondary Edu-
21 cation Act of 1965; and

22 “(bb) as having such creden-
23 tial.

24 “(B) ACCELERATED PAYMENT.—Notwith-
25 standing the requirements of subsection

1 (b)(1)(A) and paragraph (1) of this subsection
2 that 5 consecutive complete years of service
3 have been completed prior to the receipt of loan
4 forgiveness, in the case of service described in
5 subparagraph (A) of this paragraph, the Sec-
6 retary shall repay a portion of a borrower's loan
7 obligation outstanding at the commencement of
8 the qualifying service under this subsection, not
9 to exceed a total of \$17,500, in the following in-
10 crements:

11 “(i) up to \$1,750, or 10 percent of
12 such outstanding loan obligation, which-
13 ever is less, at the completion of the second
14 year of such service;

15 “(ii) up to \$2,625, or 15 percent of
16 such outstanding loan obligation, which-
17 ever is less, at the completion of the third
18 year of such service;

19 “(iii) up to \$4,375, or 25 percent of
20 such outstanding loan obligation, which-
21 ever is less, at the completion of the fourth
22 year of such service; and

23 “(iv) up to \$8,750, or 50 percent of
24 such outstanding loan obligation, which-

1 ever is less, at the completion of the fifth
2 year of such service.

3 “(C) PROMISE TO COMPLETE SERVICE RE-
4 QUIRED FOR ACCELERATED PAYMENT.—Any
5 borrower who receives accelerated payment
6 under this paragraph shall enter into an agree-
7 ment to continue in the qualifying service for
8 not less than 5 consecutive complete school
9 years, or, upon a failure to complete such 5
10 years, to repay the United States, in accordance
11 with regulations prescribed by the Secretary,
12 the amount of the loans repaid by the Secretary
13 under this paragraph, together with interest
14 thereon and, to the extent required in such reg-
15 ulations, the reasonable costs of collection. Such
16 regulations may provide for waiver by the Sec-
17 retary of such repayment obligations upon proof
18 of economic hardship as specified in such regu-
19 lations.

20 “(D) HIGHER POVERTY ENROLLMENT RE-
21 QUIRED.—In order to qualify for an increased
22 repayment amount under this paragraph, sec-
23 tion 465(a)(2)(A) shall, for purposes of sub-
24 section (b)(1)(A)(i) of this section, be applied

1 by substituting ‘40 percent of the total enroll-
2 ment’ for ‘30 percent of the total enrollment’.”.

3 **SEC. 3. IMPLEMENTING HIGHLY QUALIFIED TEACHER RE-**
4 **QUIREMENTS.**

5 (a) AMENDMENTS.—

6 (1) FFEL LOANS.—Section 428J(b)(1) of the
7 Higher Education Act of 1965 (20 U.S.C. 1078–
8 10(b)(1)) is amended—

9 (A) by inserting “and” after the semicolon
10 at the end of subparagraph (A); and

11 (B) by striking subparagraphs (B) and (C)
12 and inserting the following:

13 “(B) if employed as an elementary or sec-
14 ondary school teacher, is highly qualified as de-
15 fined in section 9101(23) of the Elementary
16 Secondary Education Act of 1965; and”.

17 (2) DIRECT LOANS.—Section 460(b)(1)(A) of
18 such Act (20 U.S.C. 1087j(b)(1)(A)) is amended—

19 (A) by inserting “and” after the semicolon
20 at the end of clause (i); and

21 (B) by striking clauses (ii) and (iii) and in-
22 serting the following:

23 “(ii) if employed as an elementary or
24 secondary school teacher, is highly quali-
25 fied as defined in section 9101(23) of the

1 Elementary Secondary Education Act of
2 1965; and”.

3 (b) TRANSITION RULE.—

4 (1) RULE.—The amendments made by sub-
5 section (a) of this section to sections 428J(b)(1) and
6 460(b)(1)(A) of the Higher Education Act of 1965
7 shall not be applied to disqualify any individual who,
8 before the date of enactment of this Act, commenced
9 service that met and continues to meet the require-
10 ments of such sections as in effect before such date
11 of enactment.

12 (2) RULE NOT APPLICABLE TO INCREASED
13 QUALIFIED LOAN AMOUNTS.—Paragraph (1) of this
14 subsection shall not apply for purposes of obtaining
15 increased qualified loan amounts under sections
16 428J(b)(3) and 460(b)(3) of the Higher Education
17 Act of 1965 as added by section 2 of this Act.

18 **SEC. 4. INFORMATION ON BENEFITS TO RURAL SCHOOL**
19 **DISTRICTS.**

20 The Secretary shall—

21 (1) notify local educational agencies eligible to
22 participate in the Small Rural Achievement Program
23 authorized under subpart 1 of part B of title VI of
24 the Elementary and Secondary Education Act of

1 1965 of the benefits available under the amendments
2 made by this Act; and

3 (2) encourage such agencies to notify their
4 teachers of such benefits.

Passed the House of Representatives July 9, 2003.

Attest: JEFF TRANDAHL,
Clerk.