

108TH CONGRESS  
1ST SESSION

# H. R. 438

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IN THE SENATE OF THE UNITED STATES

JULY 10, 2003

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

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## 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 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.*