

NCHER Comments

Proposed Changes: Federal Direct Loan Program and Federal Family Education Loan Program Teacher Loan Forgiveness Forms
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U.S. Department of Education's Responses
05/22/2014

Substantive comments are those with bold and highlight in the left column.

Recommendations				
#	Section	Comment	Proposed Language	Rationale
Teacher Loan Forgiveness Application Form				
1.	Header	Revise as noted	<p>TEACHER LOAN FORGIVENESS APPLICATION William D. Ford Federal Direct Loan Program Federal Family Education Loan Program</p> <p><u>You may qualify for loan forgiveness only if you had no outstanding balance on a Direct Loan or FFEL program loan on October 1, 1998, or on the date that you obtained a Direct Loan or FFEL program loan after October 1, 1998.</u></p> <p>WARNING: Any person who knowingly makes a false statement or misrepresentation on this form or on any accompanying document is subject to penalties that may include fines, imprisonment, or both, under the U.S. Criminal Code and 20 U.S.C. 1097.</p>	Although this information is in Section 7, adding it upfront in the header aids borrower awareness of what a 'new borrower' is for the purposes of TLF.
ED RESPONSE:		Because the reformatting of the TLF application increased the number of pages (due to the use of a larger font and more spacing between paragraphs), we removed this text from the first page to save space. As time goes on the "new borrower" limitation applies to fewer and fewer borrowers, so at this point we believe it's sufficient to present this information only in the terms and conditions section of the form.		
2.	Section 2, paragraph 1, sentence 1	Revise as noted	READ SECTIONS 7 THROUGH 10 BEFORE YOU BEGIN COMPLETING THE FORM.	<p>Sections 8 through 10 also contain very important information borrowers must be aware of before completing the form.</p> <p>Striking "YOU BEGIN" makes the language consistent with other common forms and provides a better flow.</p>
ED RESPONSE:		Agree.		
3.	Section 2, paragraph 2	Revise as noted	<p>I request forgiveness of <u>on</u> my Direct Loan and/or FFEL program loan(s) based on my employment as a full-time teacher for at least five consecutive, complete academic years.</p> <p>NOTE: School librarians, guidance counselors, and other administrative staff are not considered teachers for the purposes of this loan forgiveness program.</p> <p>During the period that qualifies me for loan forgiveness –</p>	<p>Clarity. Using the word "on" more directly indicates that a loan may be only partially forgiven rather than fully forgiven, which is usually the case. The word "on" was used on all prior versions of this form for this reason.</p> <p>Although this information is in the</p>

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				definition of a teacher in Section 8, adding the note about school staff that are <i>not</i> considered teachers upfront aids borrower awareness of eligibility for TLF, eliminates confusion and lessens disappointment for teachers who may otherwise apply for this benefit.
ED RESPONSE:		Space limitations do not allow for adding the suggested Note. However, we did change “of” to “on”.		
4.	Section 2, Item (B)	Revise as noted	<p>(B) I was (check one):</p> <p><input type="checkbox"/> A full-time highly qualified <u>full-time</u> special education teacher for elementary school children with disabilities. The children’s disabilities corresponded to my special education training, and I demonstrated knowledge and teaching skills in the content areas of the elementary school curriculum (<i>loan forgiveness of up to \$17,500</i>).</p> <p><input type="checkbox"/> A full-time highly qualified <u>full-time</u> special education teacher for secondary school children with disabilities. The children’s disabilities corresponded to my special education training, and I demonstrated knowledge and teaching skills in the content areas of the secondary school curriculum (<i>loan forgiveness of up to \$17,500</i>).</p> <p><input type="checkbox"/> A full-time highly qualified <u>full-time</u> mathematics teacher for secondary school students (<i>loan forgiveness of up to \$17,500</i>).</p> <p><input type="checkbox"/> A full-time highly qualified <u>full-time</u> science teacher for secondary school students (<i>loan forgiveness of up to \$17,500</i>).</p> <p><input type="checkbox"/> A full-time secondary education teacher in a subject area relevant to my academic major; (<u>only for teaching service beginning prior to October 20, 2004</u>) or a full-time highly qualified <u>full-time</u> secondary education teacher (<i>loan forgiveness of up to \$5,000</i>).</p> <p><input type="checkbox"/> A full-time elementary education teacher and I demonstrated knowledge and teaching skills in reading, writing, mathematics, and other areas of the elementary school curriculum; (<u>only for teaching service beginning prior to October 30, 2004</u>) or a full-time highly qualified <u>full-time</u> elementary education teacher (<i>loan forgiveness of up to \$5,000</i>).</p>	<p>Placing the word “full-time” immediately in front of the type of teacher will help borrowers understand the eligibility criteria for TLF and align with regulatory intent (i.e., “taught math. . . on a full time basis”) We find this to be a big area of confusion for teachers, who think that they can be eligible because they are a ‘full time teacher’, yet they teach the subject matter only part time. . For example, some full-time teachers that have a few special education students in their class are not eligible, whereas a full-time special education teacher is eligible.</p> <p>Adding the parenthetical language in the text of the last two checkboxes will help borrowers understand more clearly the relationship of benefit eligibility to the years in which the teaching service was performed.</p>
ED RESPONSE:		We have made the recommended changes, with a slight modification of the new parenthetical text in the last two bullets. Specifically, we have revised the text to read “(only if my teaching service began before...)”.		
5.	Section 4	Revise as noted	<p>I understand that: (1) unless I notify my loan holder that I intend to make regular payments during this period, a forbearance of principal and accrued interest will be applied on the qualifying loan(s) from the date my loan holder receives my completed loan forgiveness application through the date the loan forgiveness request is approved or denied; unless I notify my loan holder that I intend to make regular payments during this period; (2) if the amount of loan forgiveness is greater than my current outstanding principal balance, making regular payments may reduce the amount of my loan forgiveness; (3) if I am past due on payments when this application is processed, my loan holder may grant me a separate forbearance to resolve the delinquency on these payments; and (4) any unpaid interest that accrues during each of these forbearance periods may be capitalized.</p>	<p>Better flow and clarity.</p> <p>Clarification.</p> <p>Grammatical correction.</p>

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			I certify that: (1) the information I provided in Sections 1, 2 and 3 is true and correct; (2) I have read and understand the definitions in Sections 8 and 9, and the terms and conditions in Section 10 <u>and I meet the eligibility requirements for teacher loan forgiveness.</u> ; and (3) I meet the eligibility requirements for teacher loan forgiveness as explained in Section 10.	Item (3) should also reference the borrower to sections 8 and 9. To avoid this redundancy, combine (2) and (3).
ED RESPONSE:		We did not make the suggested changes in the "I understand" paragraph, with the exception of deleting the word "me". We think the suggested revision of (1) is less clear than the current text, as the reference to "this period" comes before the text that explains what "this period" refers to. As for the suggested revision of (2), we think the suggested new text may be confusing, and it doesn't seem necessary. We have made the suggested changes in the "I certify" section, with slight modifications.		
6.	Section 5	Revise as noted	<p>Before completing this section, carefully read Sections 7 through 10. More than one chief administrative officer's certification may be required. Return the completed form to the borrower applicant.</p> <p>I certify, to the best of my knowledge and belief, that: (1) the borrower applicant has met the requirements for loan forgiveness as specified in Sections 6, 7, and 8, <u>9, and 10</u>, and (2) during the period for which the borrower applicant is seeking forgiveness, the borrower applicant was a teacher as defined in Sections 6 8 and 9 and taught full time for consecutive, complete academic year(s) at one or more eligible Title I schools or educational service agencies (ESAs) in the capacity that the borrower applicant has indicated in Section 2 from (mm-dd-yyyy) ____ - ____ - ____ to ____ - ____ - ____.</p> <p>School (not school district) or ESA Name _____</p> <p><input type="checkbox"/> Check here if this is a school operated by the Bureau of Indian Education (BIE) or operated on an Indian reservation by an Indian tribal group under contract with the BIE.</p> <p>School or ESA Address (Street, City, State, Zip Code) _____</p> <p>School district _____ County _____</p>	<p>The CAO would not intuitively think of the teacher as a "borrower", but rather a person who is applying for TLF.</p> <p>Correction.</p> <p>Correction.</p> <p>Adding a field for "School district" will help locate a school on the list of Title I schools.</p>
ED RESPONSE:		We have made the suggested changes.		
7.	Section 7	Revise as noted	<p>...</p> <p>The chief administrative officer of the school or educational service agency at or for which where you performed your qualifying teaching service must complete Section 5. If you taught at more than one school or for more than one educational service agency during the same academic year, the chief administrative officer from one of the schools or educational service agencies may complete Section 5; <u>however, all schools/educational agencies where you performed the five years of teaching service must be listed with the applicable years identified.</u> If you taught at different schools or for different educational service agencies during different academic years, the chief administrative officers from all of the schools or educational service agencies must certify your eligibility. If you need more than one chief administrative officer's certification, the additional certifications, containing the information in Section 5, may be provided on a separate piece of paper and submitted with your completed form.</p> <p>Return the completed form to the address shown in Section 6. If you are applying for forgiveness of loans that are held by different loan holders, you must submit a separate form to each loan holder.</p>	<p>For ease of reading.</p> <p>To make it clear that no matter how many CAOs sign, all school information is needed.</p>
ED RESPONSE:		We have replaced "at or for which" with "where", as suggested.		

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		We partially accepted the recommended new text after the reference to "Section 5." Since the sentence that precedes the suggested new text refers to teaching at more than one school or more than on ESA during the same academic year, the reference to "the applicable years" in the proposed new text does not seem appropriate. We have instead added a new sentence that read "However, all of the schools and/or educational service agencies must be listed."		
8.	Section 8	Place definitions in alpha order		This will make it easier for borrowers to find definitions—they won't have to scan the entire list. Also, provides consistency among other common forms.
ED RESPONSE:		We believe it may be easier for borrowers to read this section if related definitions are grouped together, beginning with the definition of "teacher," since that is the focus of the form.		
9.	Section 8, special education	Revise as noted	<ul style="list-style-type: none"> o Special education means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability, (see below), including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education (see below). o A child with a disability is a child who needs special education and related services because the child has mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance, an orthopedic impairment, autism, a traumatic brain injury, another health impairment, or a specific learning disability. For a child age 3 through 9, the term "a child with a disability" may, at the discretion of the state and the local educational agency, include a child who needs special education and related services because the child is experiencing developmental delays, as defined by the state and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development. o Physical education means the development of physical and motor fitness, fundamental motor skills and patterns, and skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports), and includes special physical education, adapted physical education, movement education, and motor development. 	Delete unnecessary language. This level of detail appears to confuse borrowers, particularly Speech Language Pathologists who point to this paragraph as evidence of their eligibility even when they do not hold a teaching license. It is adequate to define "special education" as noted with these revisions.
ED RESPONSE:		We believe the definitions of these terms should be retained, as this information may be helpful to both borrowers and authorized certifying officials.		
10.	Section 8, chief administrative officer	Revise as noted	<ul style="list-style-type: none"> • The chief administrative officer is the official who has access to employment records that establish your eligibility for loan forgiveness in accordance with the requirements explained on this form, and who is authorized to verify your qualifying employment at a school or by an educational service agency. Depending on your employer, the chief administrative officer may be a <u>principal, assistant principal, superintendent, a human resources official or other school district or educational service agency official, or a principal or assistant principal.</u> 	Adding human resources official provides another source who has access to records about the teacher. Moving principal or assistant principal places authorized officials in a hierarchy list that aligns with most school districts' rules regarding whether or not they authorize Principals to sign these forms.
ED RESPONSE:		Agree.		
11.	Section 9, Private	Revise as noted	To be a highly qualified teacher, a teacher in a private, non-profit elementary or secondary school who is not a highly qualified teacher as defined above must be permitted to and satisfy	Clarity. If the competency test must be recognized by five or more

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	School Teachers		rigorous subject knowledge and skills tests by taking competency tests in applicable grade levels and subject areas. The competency tests must be recognized by five or more states for the purposes of fulfilling the highly qualified teacher requirements under section 9101 of the Elementary and Secondary Education Act of 1965. The teacher must also achieve a score on each test that equals or exceeds the average passing score for those five states.	states, "five" should be removed from the last sentence for instances when the test is recognized by more than five states.
ED RESPONSE:		Agree.		
12.	Section 10, bullet 2	Revise as noted	<ul style="list-style-type: none"> You are not eligible to receive forgiveness of <u>on</u> a defaulted loan unless you have first made satisfactory repayment arrangements with the holder of the defaulted loan. 	Clarity. Using the word "on" more directly indicates that a loan may be only partially forgiven rather than fully forgiven, which is usually the case. The word "on" was used on all prior versions of this form for this reason.
ED RESPONSE:		Agree.		
13.	Section 10, bullet 3	Revise as noted	<ul style="list-style-type: none"> Any loan for which you are seeking forgiveness must have been made before the end of your five <u>consecutive, complete</u> academic years of qualifying teaching service. 	Consistency within the form.
ED RESPONSE:		Agree.		
14.	Section 10, bullet 9, NOTE,		NOTE: Absence due to a period of postsecondary education, a condition covered under the FMLA, or active duty service, including the time needed for you to resume teaching no later than the beginning of the next regularly scheduled academic year, is not considered a break in the required five consecutive, <u>complete</u> years.	Consistency within the form.
ED RESPONSE:		Agree.		
15.	Section 10, bullet 13	Revise as noted	<ul style="list-style-type: none"> If you receive loan forgiveness based on any false, fictitious, or fraudulent statements that you make on this form or on any accompanying documents, <u>you may be required to repay the amount forgiven and</u> you may be subject to civil and criminal penalties under applicable federal law. 	It is important to let borrowers know that if information they provide proves to be fraudulent, the borrower will have to repay their loan. This aligns with information provided to borrowers on the total and permanent disability application.
ED RESPONSE:		Agree.		
Teacher Loan Forgiveness Forbearance Request				
1.	Header	Revise as noted	<p>TEACHER LOAN FORGIVENESS FORBEARANCE REQUEST William D. Ford Federal Direct Loan Program Federal Family Education Loan Program</p> <p><u>You may qualify for loan forgiveness only if you had no outstanding balance on a Direct Loan or FFEL program loan on October 1, 1998, or on the date that you obtained a Direct Loan or FFEL program loan after October 1, 1998.</u></p>	Although this information is in Section 7, adding it upfront in the header aids borrower awareness of what a 'new borrower' is for the purposes of TLF.

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			WARNING: Any person who knowingly makes a false statement or misrepresentation on this form or on any accompanying document is subject to penalties that may include fines, imprisonment, or both, under the U.S. Criminal Code and 20 U.S.C. 1097.	
ED RESPONSE:		See previous response.		
2.	Section 2, paragraph 1	Revise as noted	READ SECTIONS 5 THROUGH 8 BEFORE YOU BEGIN COMPLETING THE FORM.	<p>Sections 8 through 10 also contain very important information borrowers must be aware of before completing the form.</p> <p>Striking “YOU BEGIN” makes the language consistent with other common forms and provides a better flow.</p>
ED RESPONSE:		Agree.		
3.	Section 2	Revise as noted	<p>(B) I was (check one):</p> <p><input type="checkbox"/> A full-time highly qualified <u>full-time</u> special education teacher for elementary school children with disabilities. The children’s disabilities corresponded to my special education training, and I demonstrated knowledge and teaching skills in the content areas of the elementary school curriculum (<i>loan forgiveness of up to \$17,500</i>).</p> <p><input type="checkbox"/> A full-time highly qualified <u>full-time</u> special education teacher for secondary school children with disabilities. The children’s disabilities corresponded to my special education training, and I demonstrated knowledge and teaching skills in the content areas of the secondary school curriculum (<i>loan forgiveness of up to \$17,500</i>).</p> <p><input type="checkbox"/> A full-time highly qualified <u>full-time</u> mathematics teacher for secondary school students (<i>loan forgiveness of up to \$17,500</i>).</p> <p><input type="checkbox"/> A full-time highly qualified <u>full-time</u> science teacher for secondary school students (<i>loan forgiveness of up to \$17,500</i>).</p> <p><input type="checkbox"/> A full-time secondary education teacher in a subject area relevant to my academic major; (<i>only for teaching service beginning prior to October 20, 2004</i>) or a full-time highly qualified <u>full-time</u> secondary education teacher (<i>loan forgiveness of up to \$5,000</i>).</p> <p><input type="checkbox"/> A full-time elementary education teacher and I demonstrated knowledge and teaching skills in reading, writing, mathematics, and other areas of the elementary school curriculum; (<i>only for teaching service beginning prior to October 30, 2004</i>) or a full-time highly qualified <u>full-time</u> elementary education teacher (<i>loan forgiveness of up to \$5,000</i>).</p>	<p>Placing the word “full-time” immediately in front of the type of teacher will help borrowers understand the eligibility criteria for TLF and align with regulatory intent (i.e., “taught math. . . on a full time basis”) We find this to be a big area of confusion for teachers, who think that they can be eligible because they are a ‘full time teacher’, yet they teach the subject matter only part time. . For example, some full-time teachers that have a few special education students in their class are not eligible, whereas a full-time special education teacher is eligible.</p> <p>The word “corresponded” in both instances should be present tense – correction.</p> <p>Adding the parenthetical language in the text of the last two checkboxes will help borrowers understand more clearly the relationship of benefit eligibility to the years in which the teaching service was performed.</p>
ED RESPONSE:		Agree. See previous response.		
4.	Section 3, item 1	Revise as noted	(1) This forbearance is granted in twelve-month increments and if I choose to extend it, I must reapply each year during the five consecutive, <u>complete academic</u> years of required employment;	Consistency within the form.

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ED RESPONSE:		Agree.		
5.	Section 3, item 4	Revise as noted	(4) If I am past due on payments not covered by this forbearance, my loan holder may grant me a separate forbearance to resolve the delinquency on these payments at the time my request is processed.	Grammatical correction.
ED RESPONSE:		Agree.		
6.	Section 5, second to the last paragraph	Revise as noted	If you do not qualify for this forbearance this year, you may contact your loan holder(s) for other forbearance options or reapply for this forbearance in a year when you are completing <u>one of your</u> five consecutive, complete years of teaching service.	Clarity.
ED RESPONSE:		Agree.		
7.	Section 6, Special education	Revise as noted	<ul style="list-style-type: none"> o Special education means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability. (see below), including instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings; and instruction in physical education (see below). o A child with a disability is a child who needs special education and related services because the child has mental retardation, a hearing impairment (including deafness), a speech or language impairment, a visual impairment (including blindness), a serious emotional disturbance, an orthopedic impairment, autism, a traumatic brain injury, another health impairment, or a specific learning disability. For a child age 3 through 9, the term “a child with a disability” may, at the discretion of the state and the local educational agency, include a child who needs special education and related services because the child is experiencing developmental delays, as defined by the state and as measured by appropriate diagnostic instruments and procedures, in one or more of the following areas: physical development, cognitive development, communication development, social or emotional development, or adaptive development. o Physical education means the development of physical and motor fitness, fundamental motor skills and patterns, and skills in aquatics, dance, and individual and group games and sports (including intramural and lifetime sports), and includes special physical education, adapted physical education, movement education, and motor development. 	Delete unnecessary language. This level of detail appears to confuse borrowers, particularly Speech Language Pathologists who point to this paragraph as evidence of their eligibility even when they do not hold a teaching license. It is adequate to define “special education” as noted with these revisions.
ED RESPONSE:		See previous response.		
8.	Section 6, bullet 7	Remove bolding in last sentence	<ul style="list-style-type: none"> • Loans that are eligible for forgiveness are Federal Direct Stafford/Ford Loans (Direct Subsidized Loans), Federal Direct Unsubsidized Stafford/Ford Loans (Direct Unsubsidized Loans), Subsidized Federal Stafford Loans, Unsubsidized Federal Stafford Loans, and any portion of a Federal Direct Consolidation Loan or Federal Consolidation Loan that paid off an eligible Direct Subsidized Loan, Direct Unsubsidized Loan, Subsidized Federal Stafford Loan, or Unsubsidized Federal Stafford Loan. Direct PLUS Loans, Federal PLUS Loans, and any portion of a Direct Consolidation Loan or Federal Consolidation Loan that repaid a PLUS loan are not eligible for forgiveness. 	While this information is needed on the form, it doesn't need to be bolded.
ED RESPONSE:		Agree.		
9.	Section 7, Private School	Revise as noted	To be a highly qualified teacher, a teacher in a private, non-profit elementary or secondary school who is not a highly qualified teacher as defined above must be permitted to and satisfy rigorous subject knowledge and skills tests by taking competency tests in applicable grade	Clarity. If the competency test must be recognized by five or more states, “five” should be removed

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	Teachers		levels and subject areas. The competency tests must be recognized by five or more states for the purposes of fulfilling the highly qualified teacher requirements under section 9101 of the Elementary and Secondary Education Act of 1965. The teacher must also achieve a score on each test that equals or exceeds the average passing score for those five states.	from the last sentence for instances when the test is recognized by more than five states.
ED RESPONSE:		Agree.		
10.	Section 8	Place definitions in alpha order		This will make it easier for borrowers to find definitions—they won't have to scan the entire list. Also, provides consistency among other common forms.
ED RESPONSE:		See previous response.		
11.	Section 8, bullet 6	Move bullet 6 and place it as bullet 1	<ul style="list-style-type: none"> • <u>You may qualify for forbearance while performing qualifying teaching service only if your loan holder determines that the expected forgiveness amount for which you are performing the service (up to \$5,000 or up to \$17,500, as applicable) will satisfy the anticipated outstanding balance of your eligible loan(s) at the end of your fifth year of qualifying teaching service.</u> • To qualify for loan forgiveness, you must not have had an outstanding balance on a Direct Loan or FFEL program loan on October 1, 1998, or on the date that you obtained a Direct Loan or FFEL program loan after October 1, 1998. This means that if you had an outstanding balance on one or more Direct Loan or FFEL program loans on October 1, 1998, or on any Direct Loan or FFEL program loans that you obtained while you had an outstanding balance on a Direct Loan or FFEL program loan made on or before October 1, 1998, you may qualify for loan forgiveness if you later paid all of those loans in full so that you had no outstanding balance on any Direct Loan or FFEL program loan at the time you obtained a new Direct Loan or FFEL program loan after October 1, 1998. • ... • ... • ... • ... • You may qualify for forbearance while performing qualifying teaching service only if your loan holder determines that the expected forgiveness amount for which you are performing the service (up to \$5,000 or up to \$17,500, as applicable) will satisfy the anticipated outstanding balance of your eligible loan(s) at the end of your fifth year of qualifying teaching. 	This will place the only bullet about the terms and conditions of the forbearance upfront for the borrower instead of in the middle of the terms and conditions for TLF forgiveness. Adding the word "service" at the end provides clarity.
ED RESPONSE:		Agree.		
12.	Section 8, bullet 3	Revise as noted	<ul style="list-style-type: none"> • Any loan for which you are seeking forgiveness must have been made before the end of your five <u>consecutive, complete</u> academic years of qualifying teaching service. 	Consistency within the form.
ED RESPONSE:		Agree.		

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13.	Section 8, bullet 10, NOTE	Revise as noted	NOTE: Absence due to a period of postsecondary education, a condition covered under the FMLA, or active duty service, including the time needed for you to resume teaching no later than the beginning of the next regularly scheduled academic year, is not considered a break in the required five consecutive, complete academic years.	Consistency within the form.
ED RESPONSE:		Agree.		