

(2) Graduate students

The period during which a graduate student may receive grants under this subpart shall be the period required for the completion of a master's degree course of study pursued by the teacher candidate at the eligible institution at which the teacher candidate is in attendance, except that the total amount that a teacher candidate may receive under this subpart for graduate study shall not exceed \$8,000.

(3) Remedial course; study abroad

Nothing in this section shall be construed to exclude from eligibility courses of study which are noncredit or remedial in nature (including courses in English language acquisition) which are determined by the eligible institution to be necessary to help the teacher candidate be prepared for the pursuit of a first undergraduate baccalaureate or post-baccalaureate degree or certificate or, in the case of courses in English language instruction, to be necessary to enable the teacher candidate to utilize already existing knowledge, training, or skills. Nothing in this section shall be construed to exclude from eligibility programs of study abroad that are approved for credit by the home institution at which the teacher candidate is enrolled.

(Pub. L. 89-329, title IV, § 420M, as added Pub. L. 110-84, title I, § 104, Sept. 27, 2007, 121 Stat. 787; amended Pub. L. 110-153, § 3(2), Dec. 21, 2007, 121 Stat. 1824.)

Editorial Notes

AMENDMENTS

2007—Subsecs. (a)(1), (c)(1). Pub. L. 110-153, § 3(2)(A), substituted “year” for “academic year”.

Subsec. (c)(2). Pub. L. 110-153, § 3(2)(B), substituted “other assistance the student may receive” for “other student assistance” and struck out at end “If, with respect to any teacher candidate for any academic year, it is determined that the amount of a TEACH Grant exceeds the cost of attendance for that year, the amount of the TEACH Grant shall be reduced until such grant does not exceed the cost of attendance at the eligible institution.”

§ 1070g-2. Applications; eligibility**(a) Applications; demonstration of eligibility****(1) Filing required**

The Secretary shall periodically set dates by which teacher candidates shall file applications for grants under this subpart. Each teacher candidate desiring a grant under this subpart for any year shall file an application containing such information and assurances as the Secretary may determine necessary to enable the Secretary to carry out the functions and responsibilities of this subpart.

(2) Demonstration of TEACH Grant eligibility

Each application submitted under paragraph (1) shall contain such information as is necessary to demonstrate that—

- (A) if the applicant is an enrolled student—
- (i) the student is an eligible student for purposes of section 1091 of this title;
 - (ii) the student—

(I) has a grade point average that is determined, under standards prescribed by the Secretary, to be comparable to a 3.25 average on a zero to 4.0 scale, except that, if the student is in the first year of a program of undergraduate education, such grade point average shall be determined on the basis of the student's cumulative secondary school grade point average; or

(II) displayed high academic aptitude by receiving a score above the 75th percentile on at least one of the batteries in an undergraduate, post-baccalaureate, or graduate school admissions test; and

(iii) the student is completing coursework and other requirements necessary to begin a career in teaching, or plans to complete such coursework and requirements prior to graduating; or

(B) if the applicant is a current or prospective teacher applying for a grant to obtain a graduate degree—

(i) the applicant is a teacher or a retiree from another occupation with expertise in a field in which there is a shortage of teachers, such as mathematics, science, special education, English language acquisition, or another high-need subject; or

(ii) the applicant is or was a teacher who is using high-quality alternative certification routes, such as Teach for America, to get certified.

(b) Agreements to serve

Each application under subsection (a) shall contain or be accompanied by an agreement by the applicant that—

(1) the applicant will—

(A) serve as a full-time teacher for a total of not less than 4 academic years within 8 years after completing the course of study for which the applicant received a TEACH Grant under this subpart (referred to in this section as the “service obligation window”);

(B) teach in a school described in section 1087ee(a)(2)(A) of this title;

(C) teach in any of the following fields—

- (i) mathematics;
- (ii) science;
- (iii) a foreign language;
- (iv) bilingual education;
- (v) special education;
- (vi) as a reading specialist; or
- (vii) another field or geographic area documented as high-need by the Federal Government, State government, or local educational agency, and approved by the Secretary;

(D) submit a certification of employment by the chief administrative officer of the school in accordance with subsection (d)(5); and

(E) meet all State certification requirements for teaching (which may include meeting such requirements through a certification obtained through alternative routes to teaching);

(2) in the event that the applicant is determined to have failed or refused to carry out

such service obligation, the sum of the amounts of any TEACH Grants received by such applicant will be treated as a loan and collected from the applicant in accordance with subsection (c) and the regulations thereunder; and

(3) contains, or is accompanied by, a plain-language disclosure form developed by the Secretary that clearly describes the nature of the TEACH Grant award, the service obligation, and the loan repayment requirements that are the consequence of the failure to complete the service obligation.

(c) Repayment for failure to complete service

(1) In general

In the event that any recipient of a grant under this subpart fails or refuses to comply with the service obligation in the agreement under subsection (b), the sum of the amounts of any TEACH Grants received by such recipient shall, upon a determination of such a failure or refusal in such service obligation, be treated as a Federal Direct Unsubsidized Stafford Loan under part D, and shall be subject to repayment, together with interest thereon accruing from the date of the grant award, in accordance with terms and conditions specified by the Secretary in regulations under this subpart.

(2) Reconsideration of conversion decisions

(A) Request to reconsider

In any case where the Secretary has determined that a recipient of a grant under this subpart has failed or refused to comply with the service obligation in the agreement under subsection (b) and has converted the grant into a Federal Direct Unsubsidized Stafford Loan under part D in accordance with paragraph (1), (including a TEACH Grant converted to a loan prior to October 13, 2021, and including cases where such loans have been fully or partially paid), the recipient may request that the Secretary reconsider such initial determination and may submit additional information to demonstrate satisfaction of the service obligation. Upon receipt of such a request, the Secretary shall reconsider the determination in accordance with this paragraph not later than 90 days after the date that such request was received.

(B) Reconsideration

If, in reconsidering an initial determination under subparagraph (A) (including reconsideration related to a TEACH Grant that was converted to a loan prior to October 13, 2021, and including cases where such loans were fully or partially paid), the Secretary determines that the reason for such determination was the recipient's failure to timely submit a certification required under subsection (b)(1)(D) (as in effect on the day before October 13, 2021), an error or processing delay by the Secretary, a change to the fields considered eligible for fulfillment of the service obligation (as described in subsection (b)(1)(C)), a recipient having previously requested to have the TEACH Grant

converted to a loan, or another valid reason determined by the Secretary, and that the recipient has, as of the date of the reconsideration, demonstrated that the recipient did meet, or is meeting the service obligation in the agreement under subsection (b), the Secretary shall—

(i) discharge the Federal Direct Unsubsidized Stafford Loan under part D, and reinstate the recipient's grant under this subpart;

(ii) discharge any interest or fees that may have accumulated during the period that the grant was converted to a Federal Direct Unsubsidized Stafford Loan under part D;

(iii) if the recipient has other loans under part D, apply any payments made for the Federal Direct Unsubsidized Stafford Loan under part D during such period to those other loans under part D;

(iv) if the recipient does not have other loans under part D, reimburse the recipient for any amounts paid on the Federal Direct Unsubsidized Stafford Loan under part D during such period;

(v) request that consumer reporting agencies remove any negative credit reporting due to the conversion of the TEACH Grant to a loan; and

(vi) use the additional information provided under subparagraph (A) to determine the progress the recipient has made in meeting the service obligation.

(C) Extension of time to complete service obligation

In the case of a recipient whose TEACH Grant was reinstated in accordance with subparagraph (B), the Secretary shall, upon such reinstatement—

(i) extend the time remaining for the recipient to fulfill the service obligation described in subsection (b)(1) to a period of time equal to—

(I) 8 years; minus

(II) the number of full academic years of teaching that the recipient completed prior to the reconversion of the loan to a TEACH Grant under subparagraph (B), including any years of qualifying teaching completed during the period when the TEACH Grant was in loan status; and

(ii) treat any full academic years of teaching described in clause (i)(II) as years that count toward the individual's service obligation (regardless of whether the TEACH Grant funds were in grant or loan status) if that time otherwise meets the requirements of this section.

(d) Additional administrative provisions

(1) Change of high-need designation

If a recipient of an initial grant under this subpart has acquired an academic degree, or expertise, in a field that was, at the time of the recipient's application for that grant, designated as high need in accordance with subsection (b)(1)(C)(vii), but is no longer so designated, the grant recipient may fulfill the

service obligation described in subsection (b)(1) by teaching in that field.

(2) Extenuating circumstances

The Secretary shall establish, by regulation, categories of extenuating circumstances under which a recipient of a grant under this subpart who is unable to fulfill all or part of the recipient's service obligation may be excused from fulfilling that portion of the service obligation.

(3) Communication with recipients

The Secretary shall notify TEACH grant recipients not less than once per calendar year regarding how to submit the employment certification under subsection (b)(1)(D) and the recommendations and requirements for submitting that certification under subsection (d)(5).

(4) Qualifying schools and high-need fields

The Secretary shall maintain and annually update a list of qualifying schools as described in subsection (b)(1)(B), and a list of high-need fields as described in subsection (b)(1)(C) and shall make such lists publicly available on the Department's website in a sortable and searchable format.

(5) Submission of employment certification

(A) Recommended submissions

The Secretary shall notify TEACH Grant recipients that the Department recommends that TEACH Grant recipients submit the employment certification described in subsection (b)(1)(D) as soon as practicable after the completion of each year of service.

(B) Required submission

A TEACH Grant recipient shall be required to submit to the Department employment certification within the timeframe that would allow that individual to complete their service obligation before the end of the service obligation window.

(C) Notification

The Secretary shall notify TEACH Grant recipients of the required submission deadlines described in this paragraph.

(D) Adjustment of deadline

The Secretary shall adjust the submission deadline described in subparagraph (B) to account for a service obligation window extension.

(E) Alternative to certification

The Secretary shall provide an alternative to the certification of employment described in subsection (b)(1)(D) for recipients who cannot obtain such required certification of employment from the chief administrative officer of the school because the recipient can demonstrate the school is no longer in existence or the school refuses to cooperate.

(Pub. L. 89-329, title IV, §420N, as added Pub. L. 110-84, title I, §104, Sept. 27, 2007, 121 Stat. 788; amended Pub. L. 110-315, title IV, §412(a)(1), Aug. 14, 2008, 122 Stat. 3226; Pub. L. 117-49, §§2, 3, Oct. 13, 2021, 135 Stat. 402, 404.)

Editorial Notes

AMENDMENTS

2021—Subsec. (b)(1)(A). Pub. L. 117-49, §2(1)(A), inserted “(referred to in this section as the ‘service obligation window’)” after “under this subpart”.

Subsec. (b)(1)(C)(vii). Pub. L. 117-49, §2(1)(B), inserted “or geographic area” after “field”.

Subsec. (b)(1)(D), (E). Pub. L. 117-49, §2(1)(C), added subpars. (D) and (E) and struck out former subpars. (D) and (E) which read as follows:

“(D) submit evidence of such employment in the form of a certification by the chief administrative officer of the school upon completion of each year of such service; and

“(E) comply with the requirements for being a highly qualified teacher as defined in section 9101 of the Elementary and Secondary Education Act of 1965;”.

Subsec. (c). Pub. L. 117-49, §2(2), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (d)(3), (4). Pub. L. 117-49, §2(3), added pars. (3) and (4).

Subsec. (d)(5). Pub. L. 117-49, §3, added par. (5).

2008—Subsec. (b)(3). Pub. L. 110-315, §412(a)(1)(A), added par. (3).

Subsec. (d). Pub. L. 110-315, §412(a)(1)(B), added subsec. (d).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-315, title IV, §412(b), Aug. 14, 2008, 122 Stat. 3227, provided that: “The amendments made by subsection (a)(1) [amending this section] shall take effect on July 1, 2010.”

IMPLEMENTATION OF PUB. L. 117-49

Pub. L. 117-49, §5, Oct. 13, 2021, 135 Stat. 405, provided that: “In carrying out this Act [see Short Title of 2021 Amendment note set out under section 1001 of this title] and any amendments made by this Act, or any regulations promulgated under this Act or under such amendments, the Secretary of Education may waive the application of—

“(1) subchapter I of chapter 35 of title 44, United States Code (commonly known as the ‘Paperwork Reduction Act’);

“(2) the master calendar requirements under section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089);

“(3) negotiated rulemaking under section 492 of the Higher Education Act of 1965 (20 U.S.C. 1098a); and

“(4) the requirement to publish the notices related to the system of records of the agency before implementation required under paragraphs (4) and (1) of section 552a(e) of title 5, United States Code (commonly known as the ‘Privacy Act of 1974’), except that the notices shall be published not later than 180 days after the date of enactment of this Act [Oct. 13, 2021].”

USE OF THE TERM “HIGHLY QUALIFIED” IN OTHER LAWS

Pub. L. 114-95, title IX, §9214(a), Dec. 10, 2015, 129 Stat. 2160, provided that: “Beginning on the date of enactment of this Act [Dec. 10, 2015]—

“(1) any reference in sections 420N, 428J, 428K, and 460 of the Higher Education Act of 1965 (20 U.S.C. 1070g-2, 1078-10, 1078-11, and 1087j) to the term ‘highly qualified’ as defined in section 9101 of the Elementary and Secondary Education Act of 1965 [now section 8101, 20 U.S.C. 7801] shall be treated as a reference to such term under such section 9101 as in effect on the day before the date of enactment of this Act [Dec. 10, 2015]; and

“(2) any reference in section 6112 of the America COMPETES Act ([former] 20 U.S.C. 9812), section 553 of the America COMPETES Reauthorization Act of

2010 (20 U.S.C. 9903), and section 9 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n), to 'highly qualified', as defined in section 9101 of the Elementary and Secondary Education Act of 1965 [now section 8101, 20 U.S.C. 7801], with respect to a teacher, means that the teacher meets applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification.''

§ 1070g-3. Program period and funding

Beginning on July 1, 2008, there shall be available to the Secretary to carry out this subpart, from funds not otherwise appropriated, such sums as may be necessary to provide TEACH Grants in accordance with this subpart to each eligible applicant.

(Pub. L. 89-329, title IV, §420O, as added Pub. L. 110-84, title I, §104, Sept. 27, 2007, 121 Stat. 790.)

§ 1070g-4. Program report

Not later than two years after August 14, 2008, and every two years thereafter, the Secretary shall prepare and submit to the authorizing committees a report on TEACH grants with respect to the schools and students served by recipients of such grants. Such report shall take into consideration information related to—

- (1) the number of TEACH grant recipients;
- (2) the degrees obtained by such recipients;
- (3) the location, including the school, local educational agency, and State, where the recipients completed the service agreed to under section 1070g-2(b) of this title and the subject taught;
- (4) the duration of such service; and
- (5) any other data necessary to conduct such evaluation.

(Pub. L. 89-329, title IV, §420P, as added Pub. L. 110-315, title IV, §412(a)(2), Aug. 14, 2008, 122 Stat. 3227.)

SUBPART 10—SCHOLARSHIPS FOR VETERAN'S DEPENDENTS

§ 1070h. Repealed. Pub. L. 117-103, div. R, § 103(c)(2), Mar. 15, 2022, 136 Stat. 821

Section, Pub. L. 89-329, title IV, §420R, as added Pub. L. 111-39, title IV, §401(a)(9), July 1, 2009, 123 Stat. 1939, related to grants for veteran's dependents, known as Iraq and Afghanistan Service Grants.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF REPEAL

Repeal effective as if included in title VII of div. FF of Pub. L. 116-260 and subject to the effective date of section 701(b) of title VII (July 1, 2024), see section 103(d) of div. R of Pub. L. 117-103, set out as an Effective Date of 2022 Amendment note under section 1070a of this title.

PART B—FEDERAL FAMILY EDUCATION LOAN PROGRAM

Editorial Notes

CODIFICATION

Part B of title IV of the Higher Education Act of 1965, comprising this part, was originally enacted by Pub. L. 89-329, title IV, Nov. 8, 1965, 79 Stat. 1236, and amended by Pub. L. 89-698, Oct. 29, 1966, 80 Stat. 1066; Pub. L.

89-752, Nov. 3, 1966, 80 Stat. 1240; Pub. L. 89-794, Nov. 8, 1966, 80 Stat. 1451; Pub. L. 90-460, Aug. 3, 1968, 82 Stat. 634; Pub. L. 90-575, Oct. 16, 1968, 82 Stat. 1014; Pub. L. 91-206, Mar. 10, 1970, 84 Stat. 49; Pub. L. 92-318, June 23, 1972, 86 Stat. 235; Pub. L. 93-269, Apr. 18, 1974, 88 Stat. 87; Pub. L. 93-604, Jan. 2, 1975, 88 Stat. 1959; Pub. L. 94-273, Apr. 21, 1976, 90 Stat. 375; Pub. L. 94-328, June 30, 1976, 90 Stat. 727; Pub. L. 94-482, Oct. 12, 1976, 90 Stat. 2081; S. Res. 4, Feb. 4, 1977; Pub. L. 95-43, June 15, 1977, 91 Stat. 213; Pub. L. 95-561, Nov. 1, 1978, 92 Stat. 2143; Pub. L. 95-566, Nov. 1, 1978, 92 Stat. 2402; Pub. L. 95-598, Nov. 6, 1978, 92 Stat. 2549; Pub. L. 95-630, Nov. 10, 1978, 92 Stat. 3641; S. Res. 30, Mar. 7, 1979; Pub. L. 96-49, Aug. 13, 1979, 93 Stat. 351; Pub. L. 96-88, Oct. 17, 1979, 88 Stat. 668; Pub. L. 96-374, Oct. 3, 1980, 94 Stat. 1367; Pub. L. 97-35, Aug. 13, 1981, 95 Stat. 357; Pub. L. 97-115, Dec. 29, 1981, 95 Stat. 1595; Pub. L. 97-301, Oct. 13, 1982, 96 Stat. 1400; Pub. L. 98-79, Aug. 15, 1983, 97 Stat. 476; Pub. L. 99-272, Apr. 7, 1986, 100 Stat. 82; Pub. L. 99-320, May 23, 1986, 100 Stat. 491. Such part is shown herein, however, as having been added by Pub. L. 99-498, title IV, §402(a), Oct. 17, 1986, 100 Stat. 1353, without reference to such intervening amendments because of the extensive revision of part B by Pub. L. 99-498.

§ 1071. Statement of purpose; nondiscrimination; and appropriations authorized

(a) Purpose; discrimination prohibited

(1) Purpose

The purpose of this part is to enable the Secretary—

(A) to encourage States and nonprofit private institutions and organizations to establish adequate loan insurance programs for students in eligible institutions (as defined in section 1085 of this title),

(B) to provide a Federal program of student loan insurance for students or lenders who do not have reasonable access to a State or private nonprofit program of student loan insurance covered by an agreement under section 1078(b) of this title,

(C) to pay a portion of the interest on loans to qualified students which are insured under this part, and

(D) to guarantee a portion of each loan insured under a program of a State or of a nonprofit private institution or organization which meets the requirements of section 1078(a)(1)(B) of this title.

(2) Discrimination by creditors prohibited

No agency, organization, institution, bank, credit union, corporation, or other lender who regularly extends, renews, or continues credit or provides insurance under this part shall exclude from receipt or deny the benefits of, or discriminate against any borrower or applicant in obtaining, such credit or insurance on the basis of race, national origin, religion, sex, marital status, age, or handicapped status.

(b) Authorization of appropriations

For the purpose of carrying out this part—

(1) there are authorized to be appropriated to the student loan insurance fund (established by section 1081 of this title) (A) the sum of \$1,000,000, and (B) such further sums, if any, as may become necessary for the adequacy of the student loan insurance fund,

(2) there are authorized to be appropriated, for payments under section 1078 of this title with respect to interest on student loans and