

Session #14

Regulatory Update – TEACH Grant and Faith-Based Issues

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TEACH Grant Program Summary

- Non-need-based program that provides up to \$4,000 per year to students enrolled in a TEACH Grant-eligible program who agree to teach as a highly-qualified teacher, in a high-need field, at a low-income elementary or secondary school for four years within eight years of completing the program
- Failure to complete the required teaching service results in conversion of the TEACH Grant to a Federal Direct Unsubsidized Loan with interest accruing from the date the grant was disbursed

TEACH Grant Amounts

Grants of up to:

- \$4,000 per year for 1st undergraduate degree or post-baccalaureate credential (up to an aggregate amount of \$16,000)
- \$4,000 per year for master's degree (up to an aggregate amount of \$8,000)
- Grants are prorated for less than full-time
- Amount of TEACH Grant, in combination with other assistance, may not exceed COA

TEACH Grant Student Eligibility

Applicants can be:

- Undergraduate students
- Graduate students pursuing a master's degree (but not a doctorate)
- Students enrolled in a post-baccalaureate teacher credential program
- Current or former teachers
- Retirees

TEACH Grant Student Eligibility

All applicants must:

- Meet requirements of 34 CFR 668, Subpart C – General Provisions of Student Eligibility
- Submit a completed FAFSA
- Sign an Agreement to Serve
- Enroll in a TEACH Grant-eligible program
- Be completing, or intend to complete, coursework necessary to begin a career in teaching
- Not have already earned a first BA or postbacc

Required Academic Achievement

Undergraduate, Post-baccalaureate and Graduate

- Cumulative GPA of at least 3.25 from:
- High school for first year undergraduate or post-baccalaureate student, or first semester of college
- College or post-baccalaureate coursework for undergraduate and post-baccalaureate students beyond the first year
- College for first year graduate student, or first semester of graduate program
- Graduate coursework beyond first year

Required Academic Achievement

Or

- Score above the 75th percentile on one of the batteries of a nationally-normed admissions test (e.g. SAT, ACT, GRE)

TEACH Grant Program Institutional Eligibility

Must:

- Be financially responsible in accordance with 34 CFR 668, subpart L, or meet an alternative standard
- Apply to participate in the TEACH Grant program and be approved by the Secretary
- Application is via E-App. See DCL GEN-08-07
<https://ifap.ed.gov/dpccletters/attachments/GEN0807Attach.pdf>

May establish eligibility in any of four ways

1st Way to Establish Institutional Eligibility

Provide a high-quality teacher preparation program at the baccalaureate or master's degree level that is:

- Accredited by an agency specializing in professional teacher education programs (NCATE, TEAC); or
- Approved by a State and includes at least 10 weeks of full-time pre-service clinical experience and provides/assists in providing pedagogical coursework

1st Way to Establish Institutional Eligibility

Must provide or assist in providing supervision and support services to teachers such as:

- Information on effective teaching strategies
- Information on effective practices in supervision and coaching of novice teachers
- Mentoring focused on effective teaching skills

2nd Way to Establish Institutional Eligibility

Institution provides a two-year program that:

- Is acceptable for full credit in an eligible baccalaureate teacher preparation program; or
- Is acceptable for full credit in a high-need field offered by a TEACH Grant-eligible institution
- Institutions must be able to “demonstrate” this relationship

3rd Way to Establish Institutional Eligibility

- Institution offers a baccalaureate degree that, in combination with other training or experience, will prepare students to teach in a high-need field and
- Has entered into an agreement with an eligible institution that offers a high-quality teacher preparation program or one that offers a post-baccalaureate program

4th Way to Establish Institutional Eligibility

Institution provides a post-baccalaureate program of study that:

- Does not lead to a graduate degree
- Consists of courses required by a State for professional certification or license to teach in an elementary or secondary school in that State
- Is an undergraduate program for Title IV student financial assistance purposes

TEACH Grant Program Eligibility

- TEACH Grant-eligible institutions have wide latitude to designate the TEACH Grant-eligible programs offered by the institution
- Programs must be designed to prepare an individual to teach as a highly-qualified teacher in a high-need field and lead to a baccalaureate or master's degree, or be a post-baccalaureate program
- Post-baccalaureate program is not a TEACH Grant-eligible program at institutions that offer both a post-baccalaureate program and a BA in Education

TEACH Grant Program High-Need Fields

High-need fields:

- Mathematics
- Science
- Foreign language
- Bilingual education & English language acquisition
- Special education
- Reading specialist
- Other high-need field documented by local, State, or Federal government

CURRENT Counseling Requirements

TEACH Grant-eligible institutions must provide initial, subsequent, and exit counseling to TEACH Grant recipients

CURRENT Service Obligation Requirements

“Agreement to Serve” obligates the grant recipient to:

- Teach full-time as a highly qualified teacher in a high-need field at an eligible low-income elementary school, secondary school, or educational service agency for at least four academic years
- Complete the required four years of teaching within eight years of completing or otherwise leaving the TEACH Grant program of study
- Certify within 120 days of completing or otherwise leaving the TEACH Grant program of study, and each year thereafter, that the recipient is meeting (or intends to meet) the service obligation requirements

CURRENT Service Obligation Requirements

- Service obligation may be “suspended” for TEACH Grant recipients who have completed or ceased enrollment
- Service obligation may be “discharged” if TEACH Grant recipient dies or becomes permanently and totally disabled

Background

ED established the Accreditation and Innovation Committee and conducted negotiated rulemaking January – April 2019

- Three subcommittees – Distance Learning and Educational Innovation, Faith-Based Entities, and TEACH Grants

Background

- Three “buckets” of issues – consensus reached on each of the 3 “buckets”
- The TEACH Grant Program and Faith-based Entities proposals were a “bucket”

Proposed Regulations

Consensus language

TEACH Grant/Faith-based entities proposals

ED proposed to:

- Simplify TEACH Grant program requirements and to update, strengthen, and clarify other areas of the TEACH Grant program regulations to minimize the number of TEACH Grants that are converted to Federal Direct Unsubsidized Loans
- Revise the current regulations regarding the eligibility of faith-based entities to participate in title IV programs and the eligibility of students to obtain certain benefits under those programs

TEACH Grant Program proposals

Where needed:

- Added references to educational service agencies
- Replaced “agreement to serve” with “agreement to serve or repay”
- Revised references to Direct Unsubsidized Loans for consistency with the terminology used in the Direct Loan Program regulations

TEACH Grant Program: Proposed § 686.1

Proposed amendments to § 686.1:

- Expanded the information included in the description of the scope and purpose of the TEACH Grant Program

TEACH Grant Program: Proposed § 686.2

Proposed to add definitions to § 686.2:

- Educational service agency - A regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies (LEAs).
- Teacher Shortage Area Nationwide Listing (Nationwide List) - a list of teacher shortage areas in each State as defined under 34 CFR 682.210(q)(8)(vii).

TEACH Grant Program: Proposed § 686.2

Proposed to revise definitions:

- Agreement to serve – change name to “Agreement to serve or repay.”
- Highly-qualified – replace current definition with the full text of the statutory definition and add provisions that describe how a public or other non-profit private, elementary, or secondary school teachers who is exempt from State certification requirements can meet the “highly-qualified” requirement.

TEACH Grant Program: Proposed § 686.2

- School serving low-income students (low-income school) - An elementary school, secondary school, or educational service agency listed in the ED's Teacher Cancellation Low-Income (TCLI) Directory. All elementary and secondary schools and educational service agencies operated by the BIE in the Department of the Interior or operated on Indian reservations by Indian Tribal groups under contract or grant with the BIE qualify as schools or educational service agencies serving low-income students.

TEACH Grant Program: Proposed § 686.2

- TEACH Grant-eligible program - An eligible program, as defined in 34 CFR 668.8, is a program of study *at a TEACH Grant-eligible institution* that is designed to prepare an individual to teach as a highly-qualified teacher in a high-need field and leads to a baccalaureate or master's degree, or is a post-baccalaureate program of study. A two-year program of study that is acceptable for full credit toward a baccalaureate degree is considered to be a program of study that leads to a baccalaureate degree.

TEACH Grant Program: Proposed § 668.10-11

Proposed to amend § 668.10-11 by:

- Modifying application requirements (§ 668.10) and student eligibility requirements (§ 668.11) by replacing references to submitting a TEACH Grant application with references to submitting the FAFSA
- Making additional conforming changes

TEACH Grant Program: Proposed § 668.12

Proposed to amend § 686.12 (Agreement to serve) by:

- Changing “agreement to serve” to “agreement to serve or repay”
- Expanding the description of the contents of the agreement to serve or repay
- Clarifying the requirements for completion of more than one service obligation

TEACH Grant Program: Proposed § 686.12

- Adding language to explain the service obligation requirements for grant recipients who withdraw from an institution prior to completing the program for which TEACH Grants were received and later re-enroll
- Updating the conditions under which a TEACH Grant recipient may satisfy the service obligation by teaching in a high-need field listed in the Department's Nationwide List

TEACH Grant Program: Proposed § 686.12(b)(1)(i)

In the contents of the agreement to service or repay:

- Specify that the eight-year period for completing the service obligation begins on the date the grant recipient ceases enrollment at the institution or at the transfer institution where he or she received a TEACH Grant, rather than on the date the recipient completes or otherwise ceases to be enrolled in the program of study for which the recipient received a TEACH Grant

TEACH Grant Program: Proposed §686.12(c)(1)

A grant recipient must complete:

- One service obligation for all TEACH Grants received for undergraduate study at the same institution or at more than one institution
- One service obligation for all TEACH Grants received for graduate study at the same institution or at more than one institution

TEACH Grant Program: Proposed § 686.12(c)(1)

- Each service obligation begins when the grant recipient ceases enrollment at the institution where the TEACH Grants were received, or, in the case of a grant recipient who receives a TEACH Grant at one institution and subsequently transfers to another institution, within eight years from the date the grant recipient ceases enrollment at the other institution

TEACH Grant Program: Proposed § 686.12(c)(2)

(i) For a TEACH Grant recipient who withdraws from an institution before completing a baccalaureate or post-bac program of study for which he/she received TEACH Grants, but later re-enrolls at the same institution or at a different institution in either the same baccalaureate or post-bac program or in a different TEACH Grant-eligible baccalaureate or post-bac program prior to the date that his/her TEACH Grants are converted to Direct Unsubsidized Loans under §686.43(a)(1)(ii) and receives additional TEACH Grants OR

TEACH Grant Program: Proposed § 686.12(c)(2)

The Secretary otherwise confirms that the grant recipient has re-enrolled in a TEACH Grant-eligible program, the Secretary adjusts the starting date of the period for completing the service obligation to begin when the recipient ceases to be enrolled at the institution where he/she has re-enrolled

- Same applies to master's degree recipients (§ 686.12(c)(2)(ii))

TEACH Grant Program: Proposed § 686.12(c)(3)

In the case of a TEACH Grant recipient covered under paragraph (c)(2)(i) or (ii) of this section who completed one or more complete academic years of creditable teaching service as described in §686.12(b) during the period between the grant recipient's withdrawal and re-enrollment -

TEACH Grant Program: Proposed § 686.12(c)(3)

- The Secretary does not adjust the starting date of the period for completing the service obligation unless requested by the recipient;
- The completed teaching service counts toward satisfaction of the grant recipient's service obligation under paragraph (c)(2)(i) of this section; and

TEACH Grant Program: Proposed § 686.12(c)(3)

- If the grant recipient continues to perform creditable teaching service after re-enrolling in a TEACH Grant-eligible program, the grant recipient may receive credit toward satisfaction of the service obligation for any complete academic years of creditable teaching performed while the recipient is concurrently enrolled in the TEACH Grant-eligible program only if the recipient does not request and receive a temporary suspension of the period for completing the service obligation under §686.41(a)(1)(i)

TEACH Grant Program: Proposed § 686.12(d)

For a grant recipient's teaching service in a high-need field listed in the Nationwide List to count toward satisfying the recipient's service obligation, the high-need field in which he or she prepared to teach must be listed in the Nationwide List for the State in which the grant recipient teaches -

- For teaching service performed before July 1, 2010, at the time the grant recipient begins teaching in that field, even if that field subsequently loses its high-need designation for that State; or

TEACH Grant Program: Proposed § 686.12(d)

For teaching service performed on or after July 1, 2010-

- At the time the grant recipient begins teaching in that field, even if that field subsequently loses its high-need designation for that State; or
- At the time the grant recipient signed the agreement to serve or repay or received the TEACH Grant, even if that field subsequently loses its high-need designation for that State before the grant recipient begins teaching in that field

TEACH Grant Program: Proposed § 686.32

Initial, Subsequent, and Exit counseling must explain that:

- To avoid further accrual of interest as described in §686.12(b)(4)(ii), a grant recipient who decides not to teach in a qualified school or field, or who for any other reason no longer intends to satisfy the service obligation, may request that the Secretary convert his/her TEACH Grant to a Direct Unsubsidized Loan that the grant recipient may begin repaying immediately, instead of waiting for the TEACH Grant to be converted to a loan under the condition described in §686.43(a)(1)(ii); and

TEACH Grant Program: Proposed § 686.32

- If the grant recipient requests that a TEACH Grant be converted to a Direct Unsubsidized Loan in accordance with §686.43(a)(1)(i), the conversion of the TEACH Grant to a loan cannot be reversed

TEACH Grant Program: Proposed § 686.32

Emphasize that, once a TEACH Grant is converted to a loan, it may be reconverted to a grant only if -

- The Secretary determines that the grant has been converted to a loan in error; or
- For a grant recipient whose TEACH Grant was converted to a Direct Unsubsidized Loan in accordance with §686.43(a)(1)(ii), within one year of the conversion date the recipient provides documentation showing that he/she is satisfying the service obligation within the eight-year service obligation period

TEACH Grant Program: Proposed § 686.32

Initial and exit counseling must inform the grant recipient that, for the teaching to count towards the recipient's service obligation, the high-need field in which he/she has prepared to teach must be -

- One of the six high-need fields listed in §686.2; or
- A high-need field that is listed in the Nationwide List for the State in which the grant recipient teaches -

TEACH Grant Program: Proposed § 686.32

- At the time the grant recipient begins teaching in that field, even if that field subsequently loses its high-need designation for that State; or
- For teaching service performed on or after July 1, 2010, at the time the grant recipient signed the agreement to serve or repay or received the TEACH Grant, even if that field subsequently loses its high-need designation for that State before the grant recipient begins teaching in that field

TEACH Grant Program: Proposed § 686.32

Exit counseling must -

- Review the terms and conditions of the TEACH Grant agreement to serve or repay as described in § 686.12 and emphasize to the grant recipient that the four-year service obligation must be completed within the eight-year period described in §686.12

TEACH Grant Program: Proposed § 686.32

- Emphasize to the grant recipient that if the grant recipient fails or refuses to complete the service obligation contained in the agreement to serve or repay or fails to meet any other condition of the agreement to serve or repay then-

The TEACH Grant must be repaid as a Direct Unsubsidized Loan and the grant recipient will be obligated to repay the full amount of each grant and the accrued interest from each disbursement date

TEACH Grant Program: Proposed § 686.32

- Explain the treatment of a grant recipient who withdraws from and then reenrolls in a TEACH Grant-eligible program at a TEACH Grant eligible institution as described in §686.12(c)
- Explain to the grant recipient that the Secretary will, at least annually during the service obligation period, send the recipient the notice described in §686.43(a)(2)

TEACH Grant Program: Proposed § 686.32(e)

Proposed new conversion counseling:

- At the time of conversion, the Secretary would conduct conversion counseling with the recipient via interactive electronic means and by mailing written counseling materials to the recipient's most recent address
- Proposed regulations would mirror Direct Loan exit counseling requirements as relevant to TEACH
- Proposed regulations would include all elements proposed to be removed from current exit counseling

TEACH Grant Program: Proposed § 686.32(e)

Some differences:

- Borrower would be informed of average anticipated monthly payment based only on borrower's indebtedness (not also on average student borrower indebtedness) (§ 686.32(e)(2)(i))
- Loan forgiveness options discussed would specify Public Service Loan Forgiveness (PSLF) (§ 686.32(e)(2)(x))

TEACH Grant Program: Proposed § 686.32(e)

Other information would:

- Explain availability of PSLF and teacher loan forgiveness (§ 686.32(e)(2)(vi))
- Explain how borrower may request reconsideration of the conversion of the TEACH Grant to a loan if borrower believes the grant was converted to a loan in error (§ 686.32(e)(2)(vii))

TEACH Grant Program: Proposed § 686.32(e)

- Inform borrower of the grace period (§ 686.32(e)(2)(ix))
- Inform borrower of the amount of interest that has accrued on the converted TEACH Grant, with an explanation that any unpaid interest will be capitalized at the end of the grace period (§ 686.32(e)(2)(xv))

TEACH Grant Program: Proposed § 686.40

Amend § 686.40 (documenting the service obligation) by:

- Removing the requirement for grant recipients to confirm their status within 120 days of ceasing enrollment in a program for which they received a TEACH Grant
- Eliminating current rule that a grant recipient may not satisfy the service obligation by teaching in a geographic region of a State or in a specific grade level not associated with a high-need field that has been designated as a teacher shortage area in the Department's Nationwide List

TEACH Grant Program: Proposed § 686.40

- Adding that a grant recipient who completes at least half of an academic year of qualifying teaching and other applicable requirements could have that partial year of teaching counted as one full year of the four required years of teaching if the recipient is unable to teach for the remainder of the academic year because he/she resides in or is employed in a federally declared major disaster area as defined in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2))

TEACH Grant Program: Proposed § 686.41

Proposed to amend § 686.41 (periods of suspension) by adding that a grant recipient may receive a temporary suspension of the period for completing the service obligation:

- While receiving State-required instruction or otherwise fulfilling requirements for licensure to teach in a State's elementary or secondary schools

TEACH Grant Program: Proposed § 686.41

- Based on military orders for the recipient's spouse for deployment with a military unit or as an individual in support of a call to Federal or State active duty or active service, or a change of permanent duty station from a location in the continental United States to a location outside of the continental United States or from a location in a State to any location outside of that State

TEACH Grant Program: Proposed § 686.41

- Due to residing in or being employed in a federally declared major disaster area as defined in the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2))

TEACH Grant Program: Proposed § 686.41

- On a case-by-case basis, the Secretary may grant a grant recipient a temporary suspension of the period for completing the service obligation if the Secretary determines that the recipient was unable to complete a full academic year of teaching or begin the next academic year of teaching due to exceptional circumstances significantly affecting the operation of the school or educational service agency where the grant recipient was employed or the grant recipient's ability to teach

TEACH Grant Program: Proposed § 686.42

Proposed to amend § 686.42 (discharge of the agreement to serve or repay) by:

- Updating the requirements and procedures for receiving a discharge of the TEACH Grant service obligation based on a total and permanent disability (TPD)

TEACH Grant Program: Proposed § 686.43

Amend § 686.43 (obligation to repay the grant) by:

- Simplifying conversion rules of TEACH Grants to Direct Unsubsidized Loans so conversion will occur only if the recipient requests conversion or fails to begin or maintain qualifying teaching service within a timeframe that would allow the recipient to complete the service obligation within the eight-year service obligation period
- Adding an annual notice that the Secretary will send to grant recipients to remind them of the service obligation requirements

TEACH Grant Program: Proposed § 686.43

- Specifying that the Secretary will notify grant recipients in advance of the final date by which they must submit documentation of qualifying teaching service to avoid loan conversion
- Describing the information that the Secretary will provide to a grant recipient whose grants are converted to loans, including information about the process by which a grant recipient may request reconsideration of the conversion

TEACH Grant Program: Proposed § 686.43

- Providing that, if a grant recipient's TEACH Grant was converted to a Direct Unsubsidized Loan in accordance with paragraph (a)(1)(ii) of this section, the Secretary will reconvert the loan to a TEACH Grant if, within one year of the conversion date, the recipient provides the Secretary with documentation showing that he or she is satisfying the service obligation (§ 686.43(a)(5))

TEACH Grant Program: Proposed § 686.43

- Providing that, if a grant recipient's TEACH Grant was involuntarily converted to a Direct Unsubsidized Loan, the Secretary will reconvert the loan to a TEACH Grant based on documentation provided by the recipient or in the Department's records that demonstrate that the recipient was satisfying the service obligation as described in §686.12 or that the grant was improperly converted to a loan (§ 686.43(a)(6))

TEACH Grant Program: Proposed § 686.43

- Specifying actions the Secretary takes if a grant recipient who requests reconsideration demonstrates to the satisfaction of the Secretary that a TEACH Grant was converted to a loan in error (§ 686.43(a)(7))
- Specifying actions the Secretary takes if a grant recipient who requests reconsideration does not demonstrate to the satisfaction of the Secretary that a TEACH Grant was converted to a loan in error (§ 686.43(a)(8))

Title IV Faith-Based Issues

In response to the Supreme Court's decision in *Trinity Lutheran Church of Columbia, Inc. v. Comer* and the Attorney General's Memorandum on Federal Law Protections for Religious Liberty relating to Executive Order 13798 the Department reviewed -

- Title IV regulations to see whether the rights of faith-based organizations under the Free Exercise clause of the Constitution are/could be inhibited by regulations
- Student eligibility for benefits under the programs

Title IV Faith-Based Issues Major Proposals

The Department proposed to:

- Delete outdated regulatory language that presumes members of religious orders have no financial need for purposes of determining eligibility for title IV programs
- Modify regulatory provisions that prohibit institutions from providing work study employment involving construction, operation, or maintenance of a facility for sectarian instruction or worship and replace existing regulatory provisions with the statutory language to clarify that ED takes a narrow view of the statutory provision

Title IV Faith-Based Issues Major Proposals

- Loans made before July 1, 1993 include deferment benefits for full-time volunteer work, but current regulations do not allow borrowers to obtain these deferments if their work includes providing religious instruction, conducting religious services, proselytizing, or fund raising in support of religious activities. These provisions are proposed to be deleted.

Title IV Faith-Based Issues Major Proposals

- Modify provisions relating to the providing of GEAR-UP services at private religious schools to make the provisions apply to all private schools (e.g., employment must be independent of the school and any organization affiliated with the school, regardless of whether those organizations are religious in nature)
- Delete language in the GEAR-UP regulations that prohibit a partnership grant from having a fiscal agent that is “pervasively sectarian”

Title IV Faith-Based Issues – Final Regulations

Final regulations were published November 1, 2019:

<https://www.govinfo.gov/content/pkg/FR-2019-11-01/pdf/2019-23129.pdf>

- Accrediting agencies are required by statute to respect an institution's religious mission. The final regulations provide direction to agencies regarding this requirement and are intended to acknowledge the pervasive impact that a religious mission can have on campus, while allowing an accreditor to require a comprehensive curriculum

Title IV Faith-Based Issues – Final Regulations

- Define “religious mission” as a published institutional mission that is approved by the governing body of an institution of postsecondary education and that includes, refers to, or is predicated upon religious tenets, beliefs, or teachings

Title IV Faith-Based Issues – Final Regulations

- Allow institutions to seek another accreditor after an adverse action if the action was the result of the agency failing to respect the religious mission of the institution
- Clarify that the Department recognizes the legal authorization of an institution with a religious mission to operate when the institution is exempt from State authorization under its State's constitution or State law

Questions and Answers

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