



November 29, 2021

Under Secretary James Kvaal  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Chief Operating Officer Richard Cordray  
U.S. Department of Education  
Office of Federal Student Aid  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Dear Secretary Kvaal and Officer Cordray:

The 3 million members of the National Education Association, who teach and support students in 14,000 communities across America, urge you to provide an option to teachers that allows their Teacher Loan Forgiveness (TLF) awards to be revoked, making them eligible for Public Service Loan Forgiveness (PSLF) during the U.S. Department of Education’s Limited Waiver period. The experiences many NEA members have had demonstrate why the Department should offer this option.

Amanda McNelly, a member of the Pennsylvania State Education Association, has taught at a Title-I school for over a decade. She has been making on-time payments on her federal student loans for more than 11 years, but because she was misled by her loan servicer into applying for TLF several years earlier, she is excluded from the Limited PSLF Waiver due to a provision that prohibits borrowers from receiving the “double benefits” of both PSLF and TLF.<sup>1</sup> Although Ms. McNelly carefully read all TLF materials, neither the application nor studentaid.gov informed her that receiving forgiveness from the program would affect her eligible payments for PSLF.

Teachers like Ms. McNelly applied for TLF to receive relief from the insurmountable debt they accumulated because of the college affordability crisis. They were misled into believing it was their best—and in some cases their only—option. However, accepting this benefit ends up being more detrimental for those teachers who are unable to pay off their student loans by the end of ten years.

The Department of Education can right this wrong immediately because there is no statutory or regulatory provision prohibiting ED from revoking TLF awards. Moreover, there is a pressing

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<sup>1</sup> See 20 U.S.C. § 1087e(m)(4); 20 U.S.C. § 1078-10(g)(2); 34 C.F.R. § 682.216 (“A borrower may not receive loan forgiveness for the same qualifying teaching service under this section if the borrower receives a benefit for the same teaching service under [the Public Service Loan Forgiveness Program]”).



need for relief for teachers and other public service workers who are serving on the frontlines of our pandemic response and the HEROES Act provides ED with the authority to provide such relief.<sup>2</sup> ED should provide teachers like Ms. McNelly with the option of applying for revocation of their TLF award so that they can take advantage of the PSLF waiver.

If Ms. McNelly and others like her had known the consequences of participating in the Teacher Loan Forgiveness program, they would have never applied. They only did so because of poor information given to them by their loan servicers whose mismanagement has caused additional problems for tens of thousands of borrowers across the country. TLF did not help those teachers as it was supposed to, but instead has become a technical barrier to their participation in PSLF, much like the barriers that the Limited Waiver program was created to address. Fairness demands revoking the TLF awards of Ms. McNelly and the many teachers like her so that they can apply for and receive debt cancellation under Public Service Loan Forgiveness. The Department has full authority to take this action and should do so immediately to offer relief to the teachers who need and deserve it.

Sincerely,

Alice O'Brien  
General Counsel

Daaiyah Bilal-Threats  
Senior Director, Center for Education Policy and Implementation

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<sup>2</sup> The Higher Education Relief Opportunities for Students Act of 2003, PL 108–76, August 18, 2003, 117 Stat 904 authorizes the Secretary of Education to “waive or modify any provision . . . to ensure that . . . recipients of student financial assistance [affected by an emergency] are not placed in a worse position financially in relation to that financial assistance because of their status as affected individuals.”