

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0581.01 Jerry Barry x4341

SENATE BILL 23-084

SENATE SPONSORSHIP

Marchman and Gonzales, Bridges, Cutter, Exum, Jaquez Lewis, Moreno, Winter F., Buckner, Coleman, Fenberg, Fields, Ginal, Hansen, Hinrichsen, Kolker, Mullica, Priola, Rodriguez, Sullivan, Zenzinger

HOUSE SPONSORSHIP

Young, Amabile, Bacon, English, Froelich, Garcia, Hamrick, Kipp, Lieder, Mabrey, McLachlan, Michaelson Jenet, Ortiz, Ricks, Story, Titone, Velasco, Willford

Senate Committees
Education

House Committees
Education

A BILL FOR AN ACT

101 **CONCERNING THE CALCULATION OF FULL-TIME EMPLOYMENT FOR**
102 **TEACHERS AT HIGHER EDUCATION INSTITUTIONS FOR PURPOSES**
103 **OF THE FEDERAL PUBLIC LOAN FORGIVENESS PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

To determine if a faculty or teacher at a state institution of higher education (institution) is a full-time employee under the federal public loan forgiveness program (program), the bill requires the faculty's or teacher's credit or contact hours to be multiplied by at least 4.35 to determine the number of hours worked. The bill allows an institution to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
Amended 2nd Reading
March 7, 2023

SENATE
3rd Reading Unamended
February 14, 2023

SENATE
Amended 2nd Reading
February 13, 2023

apply this calculation going back to October 1, 2007. Also, the bill directs institutions to either directly certify employment for the program or annually provide employees with partially completed forms to certify their employment.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 23-5-140.7 as
3 follows:

4 **23-5-140.7. Calculation of full-time employment of teachers**
5 **for purposes of the federal public loan forgiveness program -**
6 **definitions.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
7 OTHERWISE REQUIRES:

8 (a) "CERTIFYING EMPLOYMENT" MEANS EITHER COMPLETING THE
9 EMPLOYER SECTIONS OF THE PUBLIC SERVICE LOAN FORGIVENESS FORM OR
10 SHARING DATA DIRECTLY WITH THE UNITED STATES DEPARTMENT OF
11 EDUCATION THAT CORRESPONDS TO THE INFORMATION REQUIRED FOR THE
12 PUBLIC SERVICE LOAN FORGIVENESS FORM.

13 (b) "EMPLOYEE" MEANS SOMEONE WHO WORKS FOR AN
14 INSTITUTION OF HIGHER EDUCATION, REGARDLESS OF WHETHER THE
15 INSTITUTION OF HIGHER EDUCATION CONSIDERS THAT WORK TO BE
16 FULL-TIME OR PART-TIME, CONTINGENT, OR CONTRACTED.

17 (c) "FULL-TIME", FOR THE PURPOSE OF CERTIFYING EMPLOYMENT,
18 MEANS THE LOWER STANDARD OF:

19 (I) WORKING AT LEAST AN AVERAGE OF THIRTY HOURS PER WEEK
20 OR AT LEAST AN AVERAGE OF THIRTY HOURS PER WEEK THROUGHOUT A
21 CONTRACTUAL OR EMPLOYMENT PERIOD OF AT LEAST EIGHT MONTHS IN A
22 TWELVE-MONTH PERIOD; OR

23 (II) AN HOURLY STANDARD ADOPTED BY THE UNITED STATES

1 DEPARTMENT OF EDUCATION.

2 (d) "INSTITUTION OF HIGHER EDUCATION" MEANS ANY STATE
3 INSTITUTION OF HIGHER EDUCATION AS DEFINED IN SECTION 23-4.5-102(7)
4 OR ANY HIGHER EDUCATION INSTITUTION THAT IS OPERATING PURSUANT
5 TO 26 U.S.C. SEC. 501 (c)(3) OF THE FEDERAL "INTERNAL REVENUE CODE
6 OF 1986."

7 (e) "PUBLIC SERVICE LOAN FORGIVENESS FORM" MEANS THE FORM
8 USED BY THE UNITED STATES DEPARTMENT OF EDUCATION TO CERTIFY AN
9 INDIVIDUAL'S EMPLOYMENT AT A PUBLIC SERVICE ORGANIZATION, AS
10 DEFINED IN 34 CFR SEC. 685.219 (b), AND DETERMINE ELIGIBILITY FOR
11 THE PUBLIC SERVICE LOAN FORGIVENESS PROGRAM.

12 (f) "PUBLIC SERVICE LOAN FORGIVENESS PROGRAM" MEANS THE
13 FEDERAL LOAN FORGIVENESS PROGRAM ESTABLISHED PURSUANT TO 20
14 U.S.C. SEC. 1087e (m) AND ADMINISTERED PURSUANT TO 34 CFR SEC.
15 685.219 AS OF THE EFFECTIVE DATE OF THIS SECTION.

16 (2) THE FOLLOWING APPLY FOR THE PURPOSES OF CERTIFYING
17 EMPLOYMENT FOR THE PURPOSES OF THE PUBLIC SERVICE LOAN
18 FORGIVENESS PROGRAM ONLY AND HAVE NO OTHER APPLICABILITY FOR
19 INSTITUTIONS OF HIGHER EDUCATION AND THEIR EMPLOYEES:

20 (a) FOR CURRENT OR FORMER FACULTY OR TEACHER EMPLOYEES,
21 AN INSTITUTION OF HIGHER EDUCATION CERTIFYING EMPLOYMENT AFTER
22 THE EFFECTIVE DATE OF THIS SECTION SHALL CREDIT FOUR AND
23 THIRTY-FIVE ONE-HUNDREDTHS HOURS WORKED FOR EACH HOUR OF
24 CREDIT OR CONTACT HOURS, REGARDLESS OF WHEN THE HOURS WERE
25 WORKED, INCLUDING HOURS WORKED ON OR AFTER OCTOBER 1, 2007.
26 THIS SECTION DOES NOT SUPERSEDE ANY GREATER ADJUSTMENT FACTOR
27 ESTABLISHED BY A COLLECTIVE BARGAINING AGREEMENT OR EMPLOYER

1 POLICY IN RECOGNITION OF ADDITIONAL WORK ASSOCIATED WITH CREDIT
2 OR CONTACT HOURS FOR THE PURPOSE OF THE PUBLIC SERVICE LOAN
3 FORGIVENESS PROGRAM.

4 (b) WHEN DETERMINING WHETHER AN EMPLOYEE IS CONSIDERED
5 FULL-TIME FOR THE PURPOSE OF CERTIFYING EMPLOYMENT FOR THE
6 PUBLIC SERVICE LOAN FORGIVENESS PROGRAM ONLY, AN INSTITUTION OF
7 HIGHER EDUCATION SHALL NOT TREAT ANY ADJUSTED TOTAL HOURS
8 WORKED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION DIFFERENTLY
9 FROM HOURS WORKED WITHOUT AN ADJUSTMENT FACTOR.

10 (c) FOR THE PURPOSE OF CERTIFYING EMPLOYMENT ONLY, AN
11 INSTITUTION OF HIGHER EDUCATION SHALL CONSIDER AN EMPLOYEE
12 FULL-TIME WHEN THE EMPLOYEE SATISFIES THE DEFINITION OF
13 "FULL-TIME" PROVIDED IN THIS SECTION.

14 (3) (a) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
15 CONTRARY, IF THE UNITED STATES DEPARTMENT OF EDUCATION PERMITS
16 PUBLIC SERVICE EMPLOYERS TO CERTIFY EMPLOYMENT FOR PAST OR
17 PRESENT INDIVIDUAL EMPLOYEES OR GROUPS OF EMPLOYEES DIRECTLY
18 WITH THE UNITED STATES DEPARTMENT OF EDUCATION OR ITS AGENTS, AN
19 INSTITUTION OF HIGHER EDUCATION MAY SEND TO THE UNITED STATES
20 DEPARTMENT OF EDUCATION OR ITS AGENTS THE INFORMATION
21 NECESSARY FOR EMPLOYMENT CERTIFICATION.

22 (b) (I) IF AN INSTITUTION OF HIGHER EDUCATION DOES NOT
23 DIRECTLY CERTIFY EMPLOYMENT WITH THE UNITED STATES DEPARTMENT
24 OF EDUCATION PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION, THE
25 INSTITUTION OF HIGHER EDUCATION SHALL ANNUALLY PROVIDE A COPY OF
26 THE PUBLIC SERVICE LOAN FORGIVENESS FORM WITH THE EMPLOYER
27 INFORMATION AND EMPLOYMENT CERTIFICATION SECTIONS OF THE FORM

1 ALREADY COMPLETED REFLECTING AT LEAST THE LAST TWELVE MONTHS
2 OF EMPLOYMENT TO:

3 (A) A CURRENT OR FORMER EMPLOYEE WHO REQUESTS A PUBLIC
4 SERVICE LOAN FORGIVENESS FORM, TO THE EXTENT THAT THE INSTITUTION
5 HAS EMPLOYMENT RECORDS FOR THE EMPLOYEE;

6 (B) ANY CURRENT EMPLOYEE FOR WHOM THE INSTITUTION OF
7 HIGHER EDUCATION HAS CERTIFIED EMPLOYMENT ON OR AFTER THE
8 EFFECTIVE DATE OF THIS SECTION; EXCEPT THAT THIS SUBSECTION
9 (3)(b)(I)(B) DOES NOT TAKE EFFECT UNTIL ONE YEAR AFTER THE
10 EFFECTIVE DATE OF THIS SECTION; AND

11 (C) AN EMPLOYEE WHO IS ENDING THE EMPLOYEE'S WORK WITH
12 THE INSTITUTION OF HIGHER EDUCATION.

13 (II) THE PARTIALLY COMPLETED FORM SHOULD REFLECT
14 EMPLOYMENT FOR THE PRIOR TWELVE MONTHS AND MAY REFLECT LONGER
15 PERIODS OF EMPLOYMENT, AS NECESSARY.

16 (c) FOR PURPOSES OF CERTIFYING EMPLOYMENT ONLY, AN
17 INSTITUTION OF HIGHER EDUCATION SHALL ADOPT A POLICY THAT
18 MAXIMIZES THE AMOUNT OF TIME FOR WHICH AN EMPLOYEE'S
19 EMPLOYMENT CAN BE CONSIDERED FULL-TIME FOR PURPOSES OF THE
20 PUBLIC SERVICE LOAN FORGIVENESS PROGRAM. NOTHING IN THIS SECTION
21 REQUIRES AN EMPLOYER OF A HIGHER EDUCATION EMPLOYEE TO INCREASE
22 THE NUMBER OF CONTRACTED HOURS FOR WHICH AN EMPLOYEE IS PAID.

23 (d) FOR PURPOSES OF CERTIFYING EMPLOYMENT ONLY, AN
24 INSTITUTION OF HIGHER EDUCATION SHALL TREAT AS A CONTINUOUS
25 EMPLOYMENT PERIOD ANY CONSECUTIVE ACADEMIC TERMS FOR WHICH AN
26 EMPLOYEE TEACHES, REGARDLESS OF WHETHER SUCH HOURS ARE TAUGHT
27 PURSUANT TO SEPARATE EMPLOYMENT CONTRACTS OR WHETHER SUCH

1 ACADEMIC TERMS ARE SEPARATED BY ROUTINE ACADEMIC VACATION, BUT
2 ONLY TO THE EXTENT THAT DOING SO MAXIMIZES THE AMOUNT OF TIME
3 FOR WHICH AN EMPLOYEE'S EMPLOYMENT CAN BE CONSIDERED FULL-TIME
4 FOR PURPOSES OF THE PUBLIC SERVICE LOAN FORGIVENESS PROGRAM.

5 (e) NOTWITHSTANDING THE REQUIREMENTS OF THIS SECTION, IF
6 THE UNITED STATES DEPARTMENT OF EDUCATION PROMULGATES RULES
7 RELATED TO THE CALCULATION OF HOURS WORKED FOR THE PURPOSES OF
8 CERTIFYING EMPLOYMENT FOR THE PUBLIC SERVICE LOAN FORGIVENESS
9 PROGRAM THAT ARE MORE FAVORABLE TO EMPLOYEES THAN THE
10 REQUIREMENTS OF THIS SECTION, AN INSTITUTION OF HIGHER EDUCATION
11 SHALL APPLY THE FEDERAL RULES.

12 (4) AN INSTITUTION OF HIGHER EDUCATION SHALL NOT
13 UNREASONABLY DELAY IN CERTIFYING EMPLOYMENT UNDER THE PUBLIC
14 LOAN FORGIVENESS PROGRAM AS PROVIDED IN THIS SECTION.

15 (5) NOTHING IN THIS SECTION PREVENTS AN INSTITUTION OF
16 HIGHER EDUCATION FROM SEEKING PERMISSION FROM ITS EMPLOYEES
17 PRIOR TO CERTIFYING THEIR EMPLOYMENT.

18 **SECTION 2. Safety clause.** The general assembly hereby finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety.