

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

**INTRODUCED**

LLS NO. 23-0581.01 Jerry Barry x4341

**SENATE BILL 23-084**

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**SENATE SPONSORSHIP**

**Marchman and Gonzales,** Bridges, Cutter, Exum, Jaquez Lewis, Moreno, Winter F.

**HOUSE SPONSORSHIP**

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

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**Senate Committees**  
Education

**House Committees**

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**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.**

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**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.*

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.

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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 23-1-108  
4 (7)(g)(II).

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

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

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

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

1 FORGIVENESS PROGRAM.

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

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

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

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

1 (A) AN EMPLOYEE WHO REQUESTS A PUBLIC SERVICE LOAN  
2 FORGIVENESS FORM;

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

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

10 (II) THE PARTIALLY COMPLETED FORM SHOULD REFLECT  
11 EMPLOYMENT FOR THE PRIOR TWELVE MONTHS AND MAY REFLECT LONGER  
12 PERIODS OF EMPLOYMENT, AS NECESSARY.

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

20 (d) FOR PURPOSES OF CERTIFYING EMPLOYMENT ONLY, AN  
21 INSTITUTION OF HIGHER EDUCATION SHALL TREAT AS A CONTINUOUS  
22 EMPLOYMENT PERIOD ANY CONSECUTIVE ACADEMIC TERMS FOR WHICH AN  
23 EMPLOYEE TEACHES, REGARDLESS OF WHETHER SUCH HOURS ARE TAUGHT  
24 PURSUANT TO SEPARATE EMPLOYMENT CONTRACTS OR WHETHER SUCH  
25 ACADEMIC TERMS ARE SEPARATED BY ROUTINE ACADEMIC VACATION, BUT  
26 ONLY TO THE EXTENT THAT DOING SO MAXIMIZES THE AMOUNT OF TIME  
27 FOR WHICH AN EMPLOYEE'S EMPLOYMENT CAN BE CONSIDERED FULL-TIME

1 FOR PURPOSES OF THE PUBLIC SERVICE LOAN FORGIVENESS PROGRAM.

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

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

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

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