

CHAPTER 35

EDUCATION - POSTSECONDARY

SENATE BILL 19-057

BY SENATOR(S) Story and Fenberg, Moreno, Zenzinger, Bridges, Court, Danielson, Donovan, Fields, Ginal, Gonzales, Lee, Pettersen, Priola, Rodriguez, Todd, Williams A., Winter, Garcia;
also REPRESENTATIVE(S) McCluskie, Bird, Buckner, Buentello, Cutter, Duran, Esgar, Exum, Froelich, Galindo, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Kraft-Tharp, McLachlan, Michaelson Jenet, Roberts, Singer, Sirota, Snyder, Tipper, Titone, Valdez A., Valdez D., Weissman.

AN ACT**CONCERNING INFORMATION RELATING TO EMPLOYEE ELIGIBILITY FOR STUDENT LOAN REPAYMENT PROGRAMS.**

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

SECTION 1. In Colorado Revised Statutes, **add 24-5-102** as follows:

24-5-102. Employee information - student loan repayment and forgiveness programs - legislative declaration - definitions. (1) (a) **THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:**

(I) **MANY COLORADANS HAVE FEDERAL STUDENT LOANS MADE THROUGH THE UNITED STATES DEPARTMENT OF EDUCATION'S DIRECT LOAN PROGRAM OR THE FEDERAL FAMILY EDUCATION LOAN PROGRAM;**

(II) **LARGE AMOUNTS OF STUDENT LOAN DEBT AND INSECURITY IN THE JOB MARKET HAVE RESULTED IN HIGH STUDENT LOAN DEFAULT RATES;**

(III) **HOWEVER, MANY BORROWERS QUALIFY FOR LOAN REPAYMENT PROGRAMS THAT ALLOW FOR LOWER MONTHLY PAYMENTS;**

(IV) **IN ADDITION, THERE ARE FEDERAL PROGRAMS THAT ALLOW BORROWERS TO HAVE THEIR LOANS FORGIVEN AFTER WORKING FOR A CERTAIN PERIOD OF TIME IN THE PUBLIC SECTOR, AS A TEACHER, OR FOR A NONPROFIT PUBLIC SERVICE ORGANIZATION;**

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(V) THE FEDERAL CONSUMER FINANCIAL PROTECTION BUREAU HAS A TOOLKIT AND RESOURCES TO HELP EMPLOYERS ASSIST THEIR EMPLOYEES IN ACCESSING THE FEDERAL PROGRAMS;

(VI) AS A PUBLIC SECTOR EMPLOYER, COLORADO CAN HELP QUALIFIED EMPLOYEES ACCESS FEDERAL LOAN REPAYMENT AND LOAN FORGIVENESS PROGRAMS FOR WHICH THEY MAY QUALIFY BY PROVIDING INFORMATION TO ITS EMPLOYEES ABOUT THESE FEDERAL PROGRAMS; AND

(VII) FURTHER, SCHOOL DISTRICTS, THE STATE CHARTER SCHOOL INSTITUTE, LOCAL GOVERNMENTAL ENTITIES, AND NONPROFIT PUBLIC SERVICE ORGANIZATIONS CAN ASSIST THEIR EMPLOYEES BY PROVIDING INFORMATION ABOUT THESE FEDERAL PROGRAMS.

(b) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT EMPLOYEES WILL BENEFIT FROM RECEIVING INFORMATION ABOUT FEDERAL STUDENT LOAN PROGRAMS THAT PROVIDE ASSISTANCE THROUGH LOAN REPAYMENT OPTIONS OR LOAN FORGIVENESS.

(2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "PUBLIC SERVICE LOAN FORGIVENESS PROGRAM" MEANS THE LOAN FORGIVENESS PROGRAM SET FORTH IN 34 CFR 685.219.

(b) "TEACHER LOAN FORGIVENESS PROGRAM" MEANS THE LOAN FORGIVENESS PROGRAM SET FORTH IN 34 CFR 685.217.

(3) (a) ON OR BEFORE DECEMBER 31, 2019, THE DEPARTMENT OF PERSONNEL SHALL DEVELOP INFORMATIONAL MATERIALS DESCRIBED IN SUBSECTION (3)(e) OF THIS SECTION TO INCREASE AWARENESS OF THE PUBLIC SERVICE LOAN FORGIVENESS PROGRAM, THE TEACHER LOAN FORGIVENESS PROGRAM, AND FEDERAL STUDENT LOAN REPAYMENT OPTIONS, INCLUDING INCOME-SENSITIVE REPAYMENT PROGRAMS. IN LIEU OF DEVELOPING THE INFORMATIONAL MATERIALS, THE DEPARTMENT OF PERSONNEL MAY PROVIDE MATERIALS PUBLISHED BY A FEDERAL AGENCY THAT INCLUDE THE REQUIRED INFORMATION.

(b) ON OR BEFORE JANUARY 1, 2020, AND ON OR BEFORE JANUARY 1 EACH YEAR THEREAFTER, THE DEPARTMENT OF PERSONNEL SHALL FACILITATE THE DISTRIBUTION OF THE INFORMATIONAL MATERIALS TO:

(I) ALL STATE EMPLOYEES;

(II) THE DEPARTMENT OF EDUCATION, FOR DISTRIBUTION TO EACH SCHOOL DISTRICT AND BOARD OF COOPERATIVE SERVICES AND TO THE STATE CHARTER SCHOOL INSTITUTE FOR THE BENEFIT OF TEACHERS EMPLOYED BY A SCHOOL DISTRICT, A DISTRICT CHARTER SCHOOL, A BOARD OF COOPERATIVE SERVICES, OR BY AN INSTITUTE CHARTER SCHOOL;

(III) THE DEPARTMENT OF HIGHER EDUCATION, FOR DISTRIBUTION TO THE GOVERNING BOARD FOR EACH STATE INSTITUTION OF HIGHER EDUCATION FOR THE BENEFIT OF EMPLOYEES OF STATE INSTITUTIONS OF HIGHER EDUCATION;

(IV) THE SECRETARY OF STATE, FOR POSTING THE INFORMATIONAL MATERIALS ON THE SECRETARY OF STATE'S WEBSITE FOR DISTRIBUTION TO NONPROFIT PUBLIC SERVICE ORGANIZATIONS, AS DEFINED IN 34 CFR 685.219, FOR THE BENEFIT OF THE EMPLOYEES OF NONPROFIT PUBLIC SERVICE ORGANIZATIONS; AND

(V) THE DIVISION OF LOCAL GOVERNMENT IN THE DEPARTMENT OF LOCAL AFFAIRS, FOR DISTRIBUTION TO LOCAL GOVERNMENTAL ENTITIES, AS DEFINED IN SECTION 24-32-104 (1)(m)(II).

(c) IN ADDITION TO ANNUAL DISTRIBUTION, THE DEPARTMENT OF PERSONNEL SHALL FACILITATE THE DISTRIBUTION OF THE INFORMATIONAL MATERIALS TO NEWLY HIRED STATE EMPLOYEES AS PART OF ITS EMPLOYEE ORIENTATION PROCESS.

(d) THE DEPARTMENT OF PERSONNEL MAY DISTRIBUTE THE INFORMATIONAL MATERIALS TO STATE EMPLOYEES OR HUMAN RESOURCES DIRECTORS THROUGH AN E-MAIL OR AS PART OF A MAILING OR REGULAR COMMUNICATION TO STATE EMPLOYEES.

(e) THE INFORMATION PROVIDED PURSUANT TO THIS SECTION MUST INCLUDE A SUMMARY OF THE PUBLIC SERVICE LOAN FORGIVENESS PROGRAM, THE TEACHER LOAN FORGIVENESS PROGRAM, AND FEDERAL STUDENT LOAN REPAYMENT PROGRAMS, INCLUDING WHO MAY BE ELIGIBLE FOR THE PROGRAMS, STEPS THAT AN ELIGIBLE EMPLOYEE MUST TAKE IN ORDER TO PARTICIPATE IN THE PROGRAMS, AND A RECOMMENDATION THAT EMPLOYEES CONTACT THEIR STUDENT LOAN SERVICER OR AN OMBUDSMAN AT THE STATE IF ONE EXISTS FOR ADDITIONAL INFORMATION.

(f) THE DEPARTMENT OF PERSONNEL SHALL MAKE THE INFORMATIONAL MATERIALS AVAILABLE ON THE DEPARTMENT OF PERSONNEL'S WEBSITE. THE DEPARTMENT OF PERSONNEL SHALL VERIFY THE INFORMATION'S ACCURACY AT LEAST ANNUALLY AND UPDATE THE INFORMATIONAL MATERIALS AS NECESSARY. THE DEPARTMENT OF PERSONNEL SHALL DISTRIBUTE UPDATED INFORMATIONAL MATERIALS TO THE ENTITIES INCLUDED IN SUBSECTION (3)(b) OF THIS SECTION.

SECTION 2. In Colorado Revised Statutes, 22-2-112, **add** (1)(t) as follows:

22-2-112. Commissioner - duties. (1) Subject to the supervision of the state board, the commissioner has the following duties:

(t) TO ANNUALLY DISTRIBUTE TO EACH SCHOOL DISTRICT AND TO THE STATE CHARTER SCHOOL INSTITUTE INFORMATIONAL MATERIALS RECEIVED FROM THE DEPARTMENT OF PERSONNEL PURSUANT TO SECTION 24-5-102 RELATING TO FEDERAL STUDENT LOAN REPAYMENT PROGRAMS AND STUDENT LOAN FORGIVENESS PROGRAMS.

SECTION 3. In Colorado Revised Statutes, 22-30.5-505, **add** (20) as follows:

22-30.5-505. State charter school institute - institute board - appointment - powers and duties - rules. (20) THE INSTITUTE SHALL ANNUALLY DISTRIBUTE TO EACH INSTITUTE CHARTER SCHOOL INFORMATIONAL MATERIALS RECEIVED FROM THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-2-112 (1)(t) RELATING TO FEDERAL STUDENT LOAN REPAYMENT PROGRAMS AND STUDENT LOAN FORGIVENESS

PROGRAMS.

SECTION 4. In Colorado Revised Statutes, 22-30.5-507, **add** (14) as follows:

22-30.5-507. Institute charter school - requirements - authority - rules.

(14) AN INSTITUTE CHARTER SCHOOL SHALL ANNUALLY DISTRIBUTE TO EACH EMPLOYEE INFORMATIONAL MATERIALS RELATING TO FEDERAL STUDENT LOAN REPAYMENT PROGRAMS AND STUDENT LOAN FORGIVENESS PROGRAMS, INCLUDING UPDATED MATERIALS, RECEIVED FROM THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO SECTION 22-30.5-505 (20). IN ADDITION TO ANNUAL DISTRIBUTION, AN INSTITUTE CHARTER SCHOOL SHALL DISTRIBUTE THE INFORMATIONAL MATERIALS TO NEWLY HIRED EMPLOYEES AS PART OF ITS EMPLOYEE ORIENTATION PROCESS. THE INSTITUTE CHARTER SCHOOL MAY DISTRIBUTE THE INFORMATIONAL MATERIALS TO ITS EMPLOYEES THROUGH AN E-MAIL TO EMPLOYEES OR AS PART OF A MAILING OR REGULAR COMMUNICATION TO EMPLOYEES.

SECTION 5. In Colorado Revised Statutes, 22-32-109, **add** (1)(pp) as follows:

22-32-109. Board of education - specific duties. (1) In addition to any other duty required to be performed by law, each board of education shall have and perform the following specific duties:

(pp) TO ANNUALLY DISTRIBUTE TO EACH DISTRICT CHARTER SCHOOL AND TO EACH DISTRICT EMPLOYEE INFORMATIONAL MATERIALS RELATING TO FEDERAL STUDENT LOAN REPAYMENT PROGRAMS AND STUDENT LOAN FORGIVENESS PROGRAMS, INCLUDING UPDATED MATERIALS, RECEIVED FROM THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-2-112 (1)(t). IN ADDITION TO ANNUAL DISTRIBUTION, EACH BOARD SHALL DISTRIBUTE THE INFORMATIONAL MATERIALS TO NEWLY HIRED DISTRICT EMPLOYEES AS PART OF ITS EMPLOYEE ORIENTATION PROCESS. THE BOARD MAY DISTRIBUTE THE INFORMATIONAL MATERIALS TO DISTRICT EMPLOYEES THROUGH AN E-MAIL TO EMPLOYEES OR AS PART OF A MAILING OR REGULAR COMMUNICATION TO EMPLOYEES.

SECTION 6. In Colorado Revised Statutes, 22-30.5-104, **add** (13) as follows:

22-30.5-104. Charter school - requirements - authority - rules. (13) EACH CHARTER SCHOOL SHALL ANNUALLY DISTRIBUTE TO EACH EMPLOYEE INFORMATIONAL MATERIALS RELATING TO FEDERAL STUDENT LOAN REPAYMENT PROGRAMS AND STUDENT LOAN FORGIVENESS PROGRAMS, INCLUDING UPDATED MATERIALS, RECEIVED FROM ITS CHARTERING SCHOOL BOARD PURSUANT TO SECTION 22-32-109 (1)(pp). IN ADDITION TO ANNUAL DISTRIBUTION, A CHARTER SCHOOL SHALL DISTRIBUTE THE INFORMATIONAL MATERIALS TO NEWLY HIRED EMPLOYEES AS PART OF ITS EMPLOYEE ORIENTATION PROCESS. THE CHARTER SCHOOL MAY DISTRIBUTE THE INFORMATIONAL MATERIALS TO ITS EMPLOYEES THROUGH AN E-MAIL TO EMPLOYEES OR AS PART OF A MAILING OR REGULAR COMMUNICATION TO EMPLOYEES.

SECTION 7. In Colorado Revised Statutes, **amend** 22-5-107 as follows:

22-5-107. Duties of board of cooperative services. In addition to any other duty required to be performed by law, the board of cooperative services shall have the

same duties as those for boards of education as set forth in section 22-32-109 (1)(a) to (1)(m), (1)(q), ~~and~~ (1)(r), AND (1)(pp) and section 22-9-106.

SECTION 8. In Colorado Revised Statutes, **add** 23-1-136 as follows:

23-1-136. Department directive - federal student loan repayment and forgiveness program information. IN ADDITION TO ANY OTHER POWERS AND DUTIES SET FORTH IN LAW, THE DEPARTMENT SHALL ANNUALLY DISTRIBUTE TO THE GOVERNING BOARD FOR EACH STATE INSTITUTION OF HIGHER EDUCATION INFORMATIONAL MATERIALS RECEIVED FROM THE DEPARTMENT OF PERSONNEL PURSUANT TO SECTION 24-5-102 RELATING TO FEDERAL STUDENT LOAN REPAYMENT PROGRAMS AND STUDENT LOAN FORGIVENESS PROGRAMS.

SECTION 9. In Colorado Revised Statutes, **add** 23-5-140.5 as follows:

23-5-140.5. Employee information - student loan repayment and forgiveness programs. EACH GOVERNING BOARD SHALL ANNUALLY DISTRIBUTE TO EACH EMPLOYEE INFORMATIONAL MATERIALS RELATING TO FEDERAL STUDENT LOAN REPAYMENT PROGRAMS AND STUDENT LOAN FORGIVENESS PROGRAMS, INCLUDING UPDATED MATERIALS, RECEIVED FROM THE DEPARTMENT OF HIGHER EDUCATION PURSUANT TO SECTION 23-1-106.6 (1)(a). IN ADDITION TO ANNUAL DISTRIBUTION, EACH GOVERNING BOARD SHALL DISTRIBUTE THE INFORMATIONAL MATERIALS TO NEWLY HIRED EMPLOYEES AS PART OF ITS EMPLOYEE ORIENTATION PROCESS. THE GOVERNING BOARD MAY DISTRIBUTE THE INFORMATIONAL MATERIALS TO ITS EMPLOYEES THROUGH AN E-MAIL TO EMPLOYEES OR AS PART OF A MAILING OR REGULAR COMMUNICATION TO EMPLOYEES.

SECTION 10. In Colorado Revised Statutes, 24-32-104, **add** (1)(m) as follows:

24-32-104. Functions of the division - definition. (1) The division shall perform the following functions:

(m) (I) ANNUALLY DISTRIBUTE TO EACH LOCAL GOVERNMENTAL ENTITY INFORMATIONAL MATERIALS RELATING TO FEDERAL STUDENT LOAN REPAYMENT PROGRAMS AND STUDENT LOAN FORGIVENESS PROGRAMS, INCLUDING UPDATED MATERIALS, RECEIVED FROM THE DEPARTMENT OF PERSONNEL PURSUANT TO SECTION 24-5-102. THE DIVISION MAY DISTRIBUTE THE INFORMATIONAL MATERIALS TO EACH LOCAL GOVERNMENTAL ENTITY THROUGH AN E-MAIL OR AS PART OF A MAILING OR REGULAR COMMUNICATION TO LOCAL GOVERNMENTAL ENTITIES. THE DIVISION SHALL ENCOURAGE EACH LOCAL GOVERNMENTAL ENTITY TO ANNUALLY DISTRIBUTE THE INFORMATIONAL MATERIALS, INCLUDING ANY UPDATED MATERIALS, TO EACH EMPLOYEE OF THE LOCAL GOVERNMENTAL ENTITY, AND TO INCLUDE THE INFORMATIONAL MATERIALS AS PART OF THE LOCAL GOVERNMENTAL ENTITY'S NEW EMPLOYEE ORIENTATION PROCESS.

(II) FOR PURPOSES OF SUBSECTION (1)(m)(I) OF THIS SECTION, A "LOCAL GOVERNMENTAL ENTITY" MEANS A CITY, COUNTY, CITY AND COUNTY, SPECIAL DISTRICT, OR OTHER UNIT OF LOCAL GOVERNMENT FOR WHICH THE DIVISION HAS RECEIVED INFORMATION PURSUANT TO SECTION 24-32-116.

SECTION 11. In Colorado Revised Statutes, **add** 7-90-404 as follows:

7-90-404. Distribution of information - student loan repayment and loan forgiveness programs.

(1) THE SECRETARY OF STATE SHALL ANNUALLY DISSEMINATE FOR THE BENEFIT OF EMPLOYEES OF NONPROFIT PUBLIC SERVICE ORGANIZATIONS, AS DEFINED IN 34 CFR 685.219, INFORMATIONAL MATERIALS RELATING TO FEDERAL STUDENT LOAN REPAYMENT PROGRAMS AND STUDENT LOAN FORGIVENESS PROGRAMS, INCLUDING UPDATED MATERIALS, RECEIVED FROM THE DEPARTMENT OF PERSONNEL PURSUANT TO SECTION 24-5-102. THE SECRETARY OF STATE MAY DISSEMINATE THE INFORMATIONAL MATERIALS BY POSTING THE MATERIALS ON THE SECRETARY OF STATE'S WEBSITE.

(2) THE SECRETARY OF STATE SHALL ENCOURAGE EACH NONPROFIT PUBLIC SERVICE ORGANIZATION TO ANNUALLY DISTRIBUTE THE INFORMATIONAL MATERIALS, INCLUDING ANY UPDATED MATERIALS, TO EACH EMPLOYEE OF THE NONPROFIT PUBLIC SERVICE ORGANIZATION, AND TO INCLUDE THE INFORMATIONAL MATERIALS AS PART OF THE NONPROFIT PUBLIC SERVICE ORGANIZATION'S NEW EMPLOYEE ORIENTATION PROCESS.

SECTION 12. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: March 15, 2019