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**SENATE BILL 6035**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** Senators Llias and Holy; by request of Office of Financial Management

Prefiled 01/05/24.

1 AN ACT Relating to the public service loan forgiveness program;  
2 and amending RCW 41.04.045, 41.04.055, and 43.41.425.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 41.04.045 and 2022 c 248 s 4 are each amended to  
5 read as follows:

6 (1) As soon as available, a state agency shall provide the  
7 materials described in RCW 28B.77.009 in written or electronic form  
8 to:

9 (a) All employees annually;

10 (b) Newly hired employees within 30 days of the employee's first  
11 day of employment; and

12 (c) Separated employees upon separation.

13 (2) A state agency must certify employment for the purposes of  
14 the public service loan forgiveness program in accordance with the  
15 program established in RCW 43.41.425 beginning July 1, 2023.

16 (a) If a state agency does not directly certify employment with  
17 the United States department of education, the state agency must  
18 ~~((annually provide notice of renewal and a copy of the public service~~  
19 ~~loan forgiveness form with employer information and employment~~  
20 ~~certification sections of the form already completed reflecting at~~  
21 ~~least the last 12 months of employment to:~~

1       ~~(i) An employee who requests a public service loan forgiveness~~  
2 ~~form;~~

3       ~~(ii) Any current employee for whom the state agency has~~  
4 ~~previously certified employment, unless the employee has opted out;~~  
5 ~~and~~

6       ~~(iii) An employee upon separation from service or employment,~~  
7 ~~unless the employee has opted out. The notice of renewal and~~  
8 ~~completed employer sections of the public service loan forgiveness~~  
9 ~~form provided to a separated employee must be sent within 60 days of~~  
10 ~~separation and are exempted from the annual requirement set forth in~~  
11 ~~subsection (2)(a) of this section)) certify employment for any~~  
12 ~~current or former employee who requests employment certification by~~  
13 ~~providing a partially completed manual public student loan~~  
14 ~~forgiveness form to the appropriate agency contact or by submitting a~~  
15 ~~request to the appropriate agency contact through the federal public~~  
16 ~~service loan forgiveness online help tool.~~

17       (b) A state agency must also send a notice to submit a public  
18 service loan forgiveness employment certification request to any  
19 current employee for whom the state agency has previously certified  
20 employment, one year after the last date employment was certified for  
21 that employee.

22       (c) A state agency shall not unreasonably delay in certifying  
23 employment.

24       ~~((e))~~ (d) A state agency must seek permission from its  
25 employees prior to certifying their employment.

26       ~~((d))~~ (e) Institutions of higher education must use the  
27 calculation established in RCW 41.04.055 and may apply it  
28 retroactively to determine whether a part-time academic employee is  
29 considered full time for the public service loan forgiveness program.

30       ~~((e))~~ (f) A state agency may send the information necessary for  
31 public service loan forgiveness employment certification to the  
32 United States department of education, or its agents, if the United  
33 States department of education permits public service employers to  
34 certify employment for past or present individual employees or groups  
35 of employees directly, notwithstanding other provisions of law.

36       ~~((f))~~ (g) The office of financial management is authorized to  
37 adopt rules for the purpose of this section.

38       (3) An employee of a state agency may opt out of the employment  
39 certification process established in RCW 43.41.425 at any time.

1 (4) For purposes of this section, the definitions in this  
2 subsection apply:

3 (a) "Certifying employment" means either completing the employer  
4 sections of the public service loan forgiveness form, completing the  
5 employer information requested through the federal public service  
6 loan forgiveness online help tool, or sharing data directly with the  
7 United States department of education that corresponds to the  
8 information required for the public service loan forgiveness form.

9 (b) "Full time" has the same meaning as set forth in 34 C.F.R.  
10 Sec. 685.219.

11 (c) "Public service employer" includes the following:

12 (i) Any governmental entity including state, county, city, or  
13 other local government entity including political subdivisions, such  
14 as office, department, independent agency, school district, public  
15 college or university system, public library system, authority, or  
16 other body including the legislature and the judiciary;

17 (ii) Any employer that has received designation as a tax-exempt  
18 organization pursuant to Title 26 U.S.C. Sec. 501(c)(3) of the  
19 federal internal revenue code of 1986, as amended;

20 (iii) Any other entities identified as a public service job in  
21 Title 20 U.S.C. Sec. 1087e(m).

22 (d) "Public service loan forgiveness program" means the federal  
23 loan forgiveness program established pursuant to Title 20 U.S.C. Sec.  
24 1087e(m) and 34 C.F.R. Sec. 685.219.

25 (e) "State agency" or "agency" means departments, offices,  
26 agencies, or institutions of state government, the legislature,  
27 institutions of higher education, school districts, and educational  
28 service districts.

29 **Sec. 2.** RCW 41.04.055 and 2022 c 248 s 5 are each amended to  
30 read as follows:

31 For the purpose of determining whether a part-time academic  
32 employee at an institution of higher education is considered full  
33 time for certifying employment for the public service loan  
34 forgiveness program, duties performed in support of, or in addition  
35 to, contractually assigned in-class teaching hours must be included.  
36 To calculate this, each hour of in-class teaching time (~~shall~~) must  
37 be multiplied by at least 3.35 hours. This section shall not  
38 supersede any calculation or adjustment established by a collective  
39 bargaining agreement or employer policy for additional work done

1 outside of in-class teaching for any purposes other than certifying  
2 employment for the public service loan forgiveness program. An  
3 institution of higher education shall not treat any adjusted total  
4 hours worked differently from hours worked without an adjustment when  
5 determining whether an employee is full time. "Institution of higher  
6 education" has the same meaning as "institutions of higher education"  
7 in RCW 28B.10.016.

8 **Sec. 3.** RCW 43.41.425 and 2023 c 470 s 3016 are each amended to  
9 read as follows:

10 (1) The office shall:

11 (a) Develop a program for state agencies to certify employment  
12 for the purposes of the public service loan forgiveness program by  
13 July 1, 2023.

14 (b) Assist the student loan advocate in creating and distributing  
15 materials designed to increase awareness of the public service loan  
16 forgiveness program set forth in RCW 28B.77.009.

17 (c) Collaborate with the student achievement council, the  
18 employment security department, the department of retirement systems,  
19 the office of the superintendent of public instruction, nonprofit  
20 entities, local government representatives, and other public service  
21 employers in developing a statewide initiative to improve access and  
22 remove barriers to the public service loan forgiveness program for  
23 all public service employees. The program established for state  
24 agencies in this section and the certification process in RCW  
25 41.04.045 may be considered in the development of the initiative. A  
26 plan for a statewide initiative must be developed and submitted to  
27 the higher education committees of the legislature by December 1,  
28 2024, in compliance with RCW 43.01.036.

29 (2) For purposes of this section, the definitions in this  
30 subsection apply:

31 (a) "Certifying employment" means either completing the employer  
32 sections of the public service loan forgiveness form or sharing data  
33 directly with the United States department of education that  
34 corresponds to the information required for the public service loan  
35 forgiveness form, as allowed by the United States department of  
36 education.

37 (b) "Public service employer" includes the following:

38 (i) Any governmental entity including state, county, city, or  
39 other local government entity including political subdivisions, such

1 as office, department, independent agency, school district, public  
2 college or university system, public library system, authority, or  
3 other body including the legislature and the judiciary;

4 (ii) Any employer that has received designation as a tax-exempt  
5 organization pursuant to Title 26 U.S.C. Sec. 501(c)(3) of the  
6 federal internal revenue code of 1986, as amended;

7 (iii) Any other entities identified as a public service job in  
8 Title 20 U.S.C. Sec. 1087e(m).

9 (c) "Public service loan forgiveness program" means the federal  
10 loan forgiveness program established pursuant to Title 20 U.S.C. Sec.  
11 1087e(m) and 34 C.F.R. Sec. 685.219.

12 (d) "State agency" or "agency" means departments, offices,  
13 agencies, or institutions of state government, the legislature,  
14 institutions of higher education, school districts, and educational  
15 service districts.

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