

PROMOTION OF STUDENT LOAN FORGIVENESS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Susan Duckworth

Senate Sponsor: Ann Millner

LONG TITLE

General Description:

This bill enacts the Promotion of Student Loan Forgiveness Programs Act.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ instructs the Division of Antidiscrimination and Labor to develop and make publicly available informational materials that describe the Public Service Loan Forgiveness Program and the Teacher Loan Forgiveness Program;
- ▶ requires each employer that is a public service organization to annually provide a copy of the Public Service Loan Forgiveness Program informational materials to each of the employer's employees;
- ▶ requires each LEA to annually provide a copy of the Teacher Loan Forgiveness Program informational materials to each of the LEA's teachers; and
- ▶ requires the Division of Antidiscrimination and Labor to enforce the Promotion of Student Loan Forgiveness Programs Act.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:



28 ENACTS:

29 **34-54-101**, Utah Code Annotated 1953

30 **34-54-102**, Utah Code Annotated 1953

31 **34-54-201**, Utah Code Annotated 1953

32 **34-54-202**, Utah Code Annotated 1953

33 **34-54-203**, Utah Code Annotated 1953

34 **34-54-301**, Utah Code Annotated 1953



36 *Be it enacted by the Legislature of the state of Utah:*

37 Section 1. Section **34-54-101** is enacted to read:

38 **CHAPTER 54. PROMOTION OF STUDENT LOAN**
39 **FORGIVENESS PROGRAMS ACT**

40 **Part 1. General Provisions**

41 **34-54-101. Title.**

42 This chapter is known as "Promotion of Student Loan Forgiveness Programs Act."

43 Section 2. Section **34-54-102** is enacted to read:

44 **34-54-102. Definitions.**

45 As used in this chapter:

46 (1) "Division" means the Division of Antidiscrimination and Labor in the commission.

47 (2) (a) "Employer" means, except as provided in Subsection (2)(b), a public service
48 organization in the state that employs one or more individuals.

49 (b) "Employer" does not include:

50 (i) a federal or tribal government organization, agency, or entity; or

51 (ii) a tribal college or university.

52 (3) "Employment certification form" means the form provided by the United States
53 Department of Education, in part, to verify that an individual's employment qualifies for
54 participation in a student loan forgiveness program.

55 (4) "LEA" means a school district, a charter school, or the Utah Schools for the Deaf
56 and the Blind.

57 (5) "Public Service Loan Forgiveness Program" means the Public Service Loan
58 Forgiveness Program described in 34 C.F.R. 685.219.

59 (6) "Public service organization" means the same as that term is defined in 34 C.F.R.
60 685.219.

61 (7) "Student loan forgiveness program" means:

62 (a) the Public Service Loan Forgiveness Program; or

63 (b) the Teacher Loan Forgiveness Program.

64 (8) "Teacher" means the same as that term is defined in 34 C.F.R. 685.217.

65 (9) "Teacher Loan Forgiveness Program" means the Teacher Loan Forgiveness
66 Program described in 34 C.F.R. 685.217.

67 Section 3. Section **34-54-201** is enacted to read:

68 **Part 2. Promotion of Student Loan Forgiveness Programs**

69 **34-54-201. Division duties.**

70 (1) For each student loan forgiveness program, the division shall develop a set of
71 informational materials designed to increase awareness of the program among eligible residents
72 of the state.

73 (2) In each set of informational materials described in Subsection (1), the division shall
74 include:

75 (a) a one-page form letter for an employer to give to an employee who may be eligible
76 for the loan forgiveness program that:

77 (i) briefly summarizes the loan forgiveness program;

78 (ii) describes each step the employee must take to participate in the loan forgiveness
79 program; and

80 (iii) recommends the employee contact the employee's student loan servicer for
81 additional information about the loan forgiveness program;

82 (b) a detailed fact sheet that:

83 (i) describes the loan forgiveness program; and

84 (ii) includes a phone number and email address where an individual may report a
85 violation of this chapter to the division; and

86 (c) a document that contains answers to frequently asked questions about the loan
87 forgiveness program.

88 (3) The division may use information published by a federal agency to satisfy any
89 requirement of Subsection (1) or (2).

90 (4) The division shall:

91 (a) make each set of informational materials described in this section available on the
92 division's website; and

93 (b) ensure that each set of informational materials described in this section contains
94 current and accurate information.

95 Section 4. Section **34-54-202** is enacted to read:

96 **34-54-202. Employer obligations.**

97 (1) (a) At least once each calendar year, an employer shall give each of the employer's
98 employees a hard or electronic copy of the set of informational materials that the division
99 develops in accordance with Section [34-54-201](#) for the Public Service Loan Forgiveness
100 Program.

101 (b) An employer shall give each employee hired on or after July 1, 2019, a hard or
102 electronic copy of the materials described in Subsection (1)(a) within 14 days after the day on
103 which the employee begins work for the employer.

104 (2) Upon request from an employee, an employer shall complete the employer portions
105 of an employment certification form and provide a copy of the employment certification form
106 to the employee.

107 (3) An employer shall post a copy of the fact sheet for the Public Service Loan
108 Forgiveness Program described in Subsection [34-54-201](#)(2)(b) in a conspicuous place or in
109 each location where the employer typically places notices to the employer's employees.

110 Section 5. Section **34-54-203** is enacted to read:

111 **34-54-203. Additional LEA obligations.**

112 (1) (a) At least once each calendar year, an LEA shall give each of the LEA's teachers a
113 hard or electronic copy of the set of informational materials that the division develops in
114 accordance with Section [34-54-201](#) for the Teacher Loan Forgiveness Program.

115 (b) An LEA shall give each teacher hired on or after July 1, 2019, a hard or electronic
116 copy of the material described in Subsection (1)(a) within 14 days after the day on which the
117 teacher begins work for the LEA.

118 (2) An LEA shall post a copy of the Teacher Loan Forgiveness Program fact sheet
119 described in Subsection [34-54-201](#)(2)(b) in a conspicuous place in each location where the
120 LEA typically places notices to the LEA's teachers.

121 (3) An LEA's obligations under this section are in addition to the other requirements of
122 this chapter.

123 Section 6. Section **34-54-301** is enacted to read:

124 **Part 3. Enforcement**

125 **34-54-301. Division to enforce act.**

126 (1) The division shall enforce the provisions of this chapter.

127 (2) Within 30 days after the day on which the division receives a complaint that an
128 employer has violated a provision of this chapter, the division shall investigate the complaint
129 and make the complaint publicly available on the division's website.

130 (3) If the division finds that an employer has violated a provision of this chapter, the
131 division shall issue an order finding the employer in violation of this chapter.