



**Office of the State
Public Defender**

Indigent Defense Improvement Division

Federal Public Service Loan Forgiveness (PSLF) for California Defenders

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Purpose of this guide.

California's indigent defense system relies upon defenders working across the State as court appointed counsel. The purpose of this guide is to provide practical information to California's defenders on qualifying for student loan forgiveness under the federal Public Service Loan Forgiveness (PSLF) program.

This guide includes a brief overview of the PSLF program as well as a summary of changes made to the program effective July 1, 2023. Those changes have made the PSLF program more accessible to California's indigent defenders who work as contract employees (those who receive an IRS Form 1099).¹

This guide is informational only and is not legal, financial or tax advice.

What is the federal Public Service Loan Forgiveness Program?

PSLF is a federal program that allows certain federal student loans to be forgiven after 10 years (120 months) of qualifying payments made while working for an eligible public service employer.² The PSLF program is intended to encourage individuals to enter and continue public service by forgiving the remaining balance of their eligible loans after they satisfy the program's public service and loan payment requirements.³

Other student loan forgiveness programs.

Other loan forgiveness programs are potentially available for state or federal public defenders. Notably, the [John R. Justice \(JRJ\) program](#) administered by the U.S. Department of Justice and the [Public Interest Attorney Loan Repayment \(PIAR\)](#) program administered by the California Student Aid Commission. These alternative loan forgiveness programs are independent from the PSLF program and have their own eligibility requirements.

Important program changes.

Participation in the PSLF program was previously limited to those who were hired and paid by a qualified public service organization (W-2 employees). However, changes to the PSLF program regulations took effect on July 1, 2023. These changes included an expansion of the way in which the Department of Education defined "qualifying employment" for purposes of loan forgiveness.

¹ The term "1099 employee" refers to an independent contractor or self-employed worker. The name is based upon the Internal Revenue Service Form 1099 that contract employees receive to report their earnings.

² An applicant must still be working for a qualifying employer at the time they apply for forgiveness. See page 2 of the [PSLF manual application](#).

³ 34 CFR § 685.219(a).

The Department of Education continues to consider direct employees of qualifying employers to be eligible to participate in the PSLF program. In addition, an exception has now been created for those:

*who work as a contracted employee for a qualifying employer in a position or providing services which, under applicable state law, cannot be filled or provided by a direct employee of the qualifying employer.*⁴

With this definitional change, contractors for qualified employers (including contract and panel attorneys who receive an IRS Form 1099) are potentially eligible for loan forgiveness under the PSLF program.

How the program change could impact California defenders.

With the expanded definition of qualifying employment, one reasonable conclusion is that contract-based attorneys providing constitutionally required assistance of counsel are potentially eligible for PSLF. Court appointed counsel in California provide a constitutionally mandated service because the accused in a criminal case have a constitutional right to the assistance of counsel guaranteed under the Sixth Amendment and the California Constitution.⁵ The California Penal Code also contains statutes that ensure that both federal and state constitutional standards are met.⁶

These constitutional rights include the correlative right to representation free from any conflict of interest that undermines counsel's loyalty to their client.⁷ The Rules of Professional Conduct also bind appointed counsel on conflicts of interest involving current clients, continuing duties owed to former clients, and imputation of conflicts of interest.⁸

33 counties have established institutional offices pursuant to Government Code § 27700.⁹ In those counties, attorneys outside of the county's public defender office are commonly appointed when the statutory defender office is unable to provide

⁴ 34 CFR § 685.219(b)(iii).

⁵ Cal.Const. Art.1, § 15 (The defendant in a criminal cause has the right to a speedy public trial, to compel attendance of witnesses in the defendant's behalf, to have the assistance of counsel for the defendant's defense, to be personally present with counsel, and to be confronted with the witnesses against the defendant...); U.S. Const. amend. VI.

⁶ See Penal Code §§ 858, 859, and 987(a).

⁷ *People v. Ng* (2022) 13 Cal.5th 448.

⁸ Rules of Professional Conduct 1.7, 1.9 & 1.10.

⁹ The Office of the State Public Defender (OSPD) is legislatively mandated to focus its resources on post-conviction appellate representation on death penalty cases and on improving indigent defense by providing assistance and training to appointed counsel and engaging in related efforts for the purpose of improving the quality of indigent defense.⁹ OSPD does not provide statewide direct trial level representation.

representation because of a lack of capacity, multiple defendant cases, where the public defender's office has a conflict of interest or has otherwise been relieved by the court. In those situations, contract-based attorneys provide constitutionally required assistance of counsel and those services cannot be performed by a state or local public defender's office (because of legal, ethical, or practical concerns). These contract-based employees serving as court appointed counsel for indigent defense systems may qualify to participate in the PSLF program.

25 California counties do not have a statutory public defender's office. Those counties rely almost exclusively on contract attorneys to provide the constitutionally required assistance of counsel in legal system matters. Where the county Board of Supervisors has not elected to create a statutory public defender office pursuant to Government Code § 27700, contract-based attorneys provide the constitutionally required assistance of counsel in the legal system. Those services cannot be performed by a local public defender's office because no such office exists. As such, contract-based attorneys providing constitutionally required assistance of counsel in those systems are potentially eligible for PSLF.

Note: The changes to the PSLF program are relatively new and the information in this document is an interpretation of federal guidelines and not legal advice. This interpretation has been informed by consultations with national defender organizations and other state-level public defender offices outside of California. The Department of Education is the ultimate arbiter of what qualifies under its PSLF program.

Specific California Examples.

Public Defender Attorneys

Direct employees of an institutional public defender office continue to be eligible to participate in the PSLF program, provided they meet other PSLF program requirements.

Contract and Panel Attorneys

Counties with a statutory public defender office

Attorneys who are appointed to provide conflict representation in counties where a statutory public defender office exists may qualify to participate in the PSLF program, provided they meet the other program requirements.

Counties without a statutory public defender office

In counties that do not have a statutory public defender office, contract-based attorneys appointed to provide constitutionally required representation are the only providers of indigent defense services. Therefore, they may qualify to participate in the PSLF program.

Potentially eligible panel and contract attorneys

With the definitional change in the PSLF program, potentially eligible panel and contract-based attorneys include:

- panel attorneys who work on contract as the primary, secondary or tertiary public defense providers in a county;
- attorneys who work as contractors for a non-profit that provides indigent defense (e.g. a bar association);
- attorneys who work on contract directly with the county to provide indigent defense;
- appellate attorneys who work as employees or contractors in the Court-Appointed Counsel Program.¹⁰

Note: An applicant must still meet other PSLF program requirements. More information on the PSLF program requirements is included in the Frequently Asked Question section below.

Frequently Asked Questions.

Who is a qualifying employer?

A PSLF qualifying employer is:

(i) A United States-based Federal, State, local, or Tribal government organization, agency, or entity, including the U.S. Armed Forces or the National Guard; ...

(iii) An organization under section 501(c)(3) of the [Internal Revenue Code of 1986](#) that is exempt from taxation under section 501(a) of the [Internal Revenue Code](#); ...

(v) A nonprofit organization that—

(A) Provides a [non-governmental public service](#) as defined in this section, attested to by the employer on a form approved by the Secretary; and

(B) Is not a business organized for profit, a labor union, or a partisan political organization.¹¹

The Department of Education maintains a searchable [employer database](#) that includes over 2.7 million employers that have been determined eligible as PSLF

¹⁰ Additional information for attorneys in the appellate Court Appointed Counsel Program is included in the appendix.

¹¹ 34 CFR § 685.219(b).

program qualifying employers. If an employer does not exist in the Department of Education database, an applicant can request that their employer be added and await a decision regarding the employer's eligibility.

Does the 120 months of qualifying employment need to be consecutive?

No. Neither the 120 qualifying payments nor the qualifying employment must be consecutive.¹²

What loans are eligible?

Eligible individuals who meet the public service and loan payment requirements can have the remaining balance of their direct loans forgiven. This includes:

- Direct Subsidized Loans;
- Direct Unsubsidized Loans;
- Direct PLUS Loans; or
- Direct Consolidation Loans.¹³

Federal Family Education Loan (FFEL) program loans and Federal Perkins Loans, and any other student loan programs do not qualify for PSLF unless they have been consolidated into a Direct Loan.¹⁴

What is considered "full time" employment?

For purposes of PSLF eligibility, working "full time" means working in one or more jobs a minimum of 30 hours per week during the period being certified.¹⁵

Who certifies as a signing authority?

Any authorized official from a qualifying employer can certify that an attorney has performed qualifying work during a given time period.

- For direct employees of a statutory public defender office or qualified non-profits, certification should be delegated to the administration of the public defender or non-profit's office.
- For contract-based attorneys providing the equivalent work of a public defender, the bar association or county office overseeing the contract is

¹² See page 2 of [the PSLF manual application](#).

¹³ Id.

¹⁴ <https://studentaid.gov/articles/4-tips-pslf-success/> If a borrower has FFEL Program or Perkins Loan Program loans, they may consolidate them into a Direct Consolidation Loan to take advantage of PSLF. If an applicant consolidates their loans, the qualifying payments made on the Direct Loans (other loan types will not be considered) included in consolidation loan will be credited to the consolidation loan using a weighted average of those payments. Borrowers are strongly encouraged to certify all their qualifying employment applicable to the loans before they are consolidated to ensure that weighted average is correctly applied.

¹⁵ 34 CFR § 685.219(b)(i)(A).

suggested to serve the role of PSLF program certifier. That office is in the best position to have access to prior records that could substantiate an attorney's request for certification (by example, having access to prior monthly invoices submitted or the number and types of cases for flat fee contract-based attorneys).

Note: While a court that appointed a contract-based attorney on a case or cases may potentially be able to certify that an attorney has performed qualifying work during a given time period, substantiation of eligibility by a court or judge may be more difficult.

What is the process for applying?

To apply for PSLF, an applicant must submit a completed [PSLF application](#).¹⁶ The Department of Education has also developed a [PSLF Help Tool](#) for applicants who prefer to apply online.

After an applicant submits the PSLF application, the applicant will receive a count of the number of qualifying payments they have made towards PSLF.

Is PSLF eligibility retroactive?

Eligibility can be retroactive to the beginning of the PSLF program. Qualifying employment from October 2, 2007 to present can qualify if the applicant meets the other PSLF requirement.

Tax considerations

Student loans forgiven under the PSLF program are not considered income for federal tax purposes.¹⁷

Can an employer refuse to certify a PSLF application?

If an applicant cannot obtain certification from their employer because the organization is closed or the organization is unable to certify employment, an attorney seeking to participate in the PSLF program can indicate that information on the [PSLF application](#).¹⁸ The applicant can then submit alternative documentation that may allow employment to be certified. An optional form that can be used by contract indigent defense counsel to substantiate their request for certification from a qualifying employer is included in the appendix.

¹⁶ Submission of a manual PSLF application requires an "acceptable signature." The definition of acceptable signature includes: handwritten signature in dark ink, a hand drawn electronic signature made using a mouse or finger on a digital device, or a digitized image of a handwritten signature that has been embedded on the signature line of the PSLF form. See, page 5 of the PSLF manual application.

¹⁷ <https://studentaid.gov/pslf/>

¹⁸ See section 5B on the [PSLF manual application](#).

PSLF manual application



Public Service Loan Forgiveness (PSLF) & Temporary Expanded PSLF (TEPSLF) Certification & Application

OMB No. 1845-0110
Form Approved
Exp. Date: 12/31/2026

William D. Ford Federal Direct Loan (Direct Loan) Program

WARNING: Any person who knowingly makes a false statement or misrepresentation on this form or on any accompanying document is subject to penalties that may include fines, imprisonment, or both, under the U.S. Criminal Code and 20 U.S.C. 1097.

Section 1: Borrower Information

Please enter the following information:

Social Security Number (SSN): _____

Date of Birth: _____

Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Telephone – Primary: _____

Email: _____

For more information on PSLF, visit [StudentAid.gov/publicservice](https://studentaid.gov/publicservice). To apply online, visit [StudentAid.gov/PSLF](https://studentaid.gov/PSLF).

Section 2: Borrower Request, Understandings, and Certification

I request **(1)** that the U.S. Department of Education (the Department) consider this form an application for loan forgiveness to determine whether I qualify for PSLF or TEPSLF, and discharge any qualifying loans that I have, and **(2)** if none of my loans qualify for PSLF or TEPSLF forgiveness when I submit this form, determine how many qualifying payments I have made toward PSLF and TEPSLF.

- I believe I qualify for forgiveness now and request a forbearance while my application is being processed. I understand this period of forbearance will not count toward forgiveness, if the Department determines I am not yet eligible for forgiveness.

Borrower Name: _____ Borrower SSN: _____

I understand that:

1. To qualify for forgiveness, I must have made 120 qualifying payments on my Direct Loans while employed full-time by a qualifying employer. Neither the 120 qualifying payments nor the qualifying employment have to be consecutive.
2. To qualify for forgiveness, I must be employed full-time by a qualifying employer when I apply for forgiveness.
3. If the Department determines that I appear to be eligible for forgiveness, the Department may contact my employer before granting forgiveness to ensure that I was employed by the employer at the time I applied for forgiveness.
4. If I am eligible for forgiveness, the amount forgiven will be the principal and interest that was due on my eligible Direct Loans when I made my final qualifying payment. Any amount that I pay on those loans after I have made my final qualifying payment will be treated as an overpayment. I must continue to make payments on any of my other loans.
5. If I am not yet eligible for forgiveness, I will be notified of the determination, why it was made, and how many qualifying payments I have made toward PSLF and TEPSLF. If I requested my loans be placed in forbearance while this determination was being made, they will be placed back into repayment.

I certify that all the information I have provided on this form and in any accompanying document is true, complete, and correct to the best of my knowledge and belief.

Borrower's Signature: _____ **Date (mm/dd/yyyy):** _____

Pages 1 and 2 of this form must be completed in their entirety.

Section 3: Before You Begin

- We highly recommend that you complete this form online by going to [StudentAid.gov/pslf](https://studentaid.gov/pslf). Doing so allows you to search for your employer using the PSLF Employer Database to prepopulate this form, provide your own electronic signature, request that your employer sign electronically, and, once your employer signs electronically, submit this form directly to the Department on your behalf.
- You should complete this form annually or any time you change employers or have a change in your employment status.
- Review the instructions in Section 6 before you complete the remainder of this form.

Borrower Name: _____ Borrower SSN: _____

Section 4: Employer Information (to be completed by the borrower or employer)

1. Federal Employer Identification Number (FEIN/EIN): _____
2. Employer Name: _____
3. Employer Address:
Street: _____
City: _____ State: _____ Zip Code: _____
Employer Website (if any): _____
4. Employment Period:
Employment or Certification Begin Date (mm/dd/yyyy): _____
Employment or Certification End Date (mm/dd/yyyy): _____ OR Still Employed
5. Employment Status: Full-Time Part-Time
6. Average hours per week: _____ (round up to nearest whole number)
 Check this box if your employer cannot be contacted because the organization has closed or is unable to certify your employment, and skip to Section 5B.

Section 5A: Employer Certification (to be completed by the employer)

Terms in **Bold** are defined in Section 7.

By providing an **acceptable signature** below, I certify that (1) the information in Section 4 is true, complete, and correct to the best of my knowledge and belief (see Section 6 for instructions), (2) I am an **authorized official** of the organization named in Section 4, and (3) the borrower named in Section 1 is or was a **direct employee** of the organization named in Section 4; or is or was employed under a contract in a position or providing services that, under applicable state law, cannot be filled or provided by a direct employee of the organization named in Section 4.

If any of the information is crossed out or altered in Section 4 or 5A, the authorized official must initial those changes.

Official's Name: _____ Official's Phone: _____

Official's Title: _____

Official's Email: _____

Authorized Official's Signature: _____ Date (mm/dd/yyyy): _____

Section 5B: Alternative Documentation For Employment Certification (*only if Section 5A cannot be completed*)

If you cannot obtain certification from your employer because the organization is closed or because the organization is unable to certify your employment and indicated that by checking the box above on this form, you can submit alternative documentation that may allow your employment to be certified. See Section 6 for more information. If this form is submitted without the necessary supporting documents, we will contact you to request additional information before your employment can be certified.

Section 6: Instructions for Completing This Form

When completing this form, type or print using dark ink. Enter dates as month/day/year (mm/dd/yyyy). Use only numbers. Example: March 14, 2023 = 03/14/2023. If you need to correct any answer on this form, cross through the original answer, provide the correct answer, AND initial the change. If this form is completed using the PSLF Help Tool at [StudentAid.gov/pslf](https://studentaid.gov/pslf), you can request that your employer sign it electronically and submit it directly to the Department. If this form is being completed manually or was generated to sign manually, it must be signed using an **acceptable signature and submitted to us**. Terms in **BOLD** are defined in Section 7.

Notes for completing Section 4:

Question 1: **The Federal Employer Identification Number (FEIN/EIN)** is a 9-digit number that can generally be found in box b of your IRS Form W-2 (W-2). However, if your employer uses a **Professional Employer Organization (PEO)** or you are employed under a contract in a position or providing services that, under applicable state law, cannot be filled or provided by a **direct employee** of the qualifying employer, you will need to obtain the **FEIN/EIN** of the qualifying employer directly, because the **FEIN/EIN** on your W-2 or 1099 may be that of a different organization. An FEIN/EIN that is found using an internet search or on an IRS Form other than a W-2 (for example an IRS Form 1099), may not be the **FEIN/EIN** that an employer uses for payroll purposes and will not be included in the **PSLF Employer Database**.

Question 2: If this form was generated by the **Help Tool**, the employer name selected from the **PSLF Employer Database** or name you manually entered will be pre-populated. If this form is being completed manually, enter the name of your employer as it appears on your W-2 (unless your employer uses a PEO, in which case provide your non-PEO employer's name).

Question 3: If this form is being completed manually, enter the address of your employer. If your form was generated by the Help Tool, that information will be prepopulated on this form.

Question 4: *Employment or Certification Begin Date* Enter the date that you began your employment with the employer whose **FEIN/EIN** appears in Question 1:

- If this is the first time you are submitting this employer for certification, or
- If you have continued to be employed in the same **employment status** (Question 5) since you began employment with this employer.

Enter the begin date that you would like to be evaluated with the employer whose **FEIN/EIN** appears in Question 1:

- If your **employment status** has changed since you last had your employment certified with this employer, or
- If you have had a break in employment since you last had your employment certified with this employer.

Enter the date that you:

- Ended employment with the employer whose FEIN/EIN appears in Question 1, or
- Ceased to be in the **employment status** reported in Question 5.

Check the box labeled “Still Employed”, if you are still employed with the employer whose **FEIN/EIN** appears in Question 1 at the time you are completing this form.

Question 5: Check the **Full-Time** box if you worked an average of 30 hours or more per week for the period of time being certified in Question 4 or otherwise meet the definition of Full-Time provided in Section 7. If you worked an average of less than 30 hours per week, check the Part-Time box.

Question 6: Provide the average number of hours you worked per week during the period being certified rounded up to the nearest whole number. This should include vacation, leave time, or any leave taken under the Family Medical Leave Act of 1993, but should not include time spent performing volunteer services.

Notes for completing Section 5A:

The **Authorized Official** must review the information provided in Section 4 for accuracy. As part of this review, they should ensure that the **FEIN/EIN** provided in Question 1 belongs to their organization OR is the **FEIN/EIN** that is used for payroll purposes, that the employee named in Section 1 is or was a **direct employee** of their organization for the period being certified, OR is or was employed under a contract in a position or providing services for their organization that, under applicable state law, cannot be filled or provided by a **direct employee** of their organization. If the **Authorized Official** needs to correct any answer in Section 4, they must cross through the original answer, provide the correct answer, AND initial the changes.

Notes for completing Section 5B:

If you are unable to have this form completed by an **Authorized Official** because the organization has closed or you are unable to contact your employer to obtain an **acceptable signature**, you may be able to certify your employment using alternative documentation. This process will add significant time to the review of this form. If the employment being certified is or was with the U.S. Military, you can submit this form with a Form DD-214 or an SCRA Status Report document that corresponds with the employment period in Question 4, instead of completing Section 5A. If the employment being certified is for any other employer, you must submit documentation that confirms both the **FEIN/EIN** of the employer AND your period of employment, instead of completing Section 5A. This would include an IRS Form W-2 for every calendar year included in your employment period (with or without corresponding **paystubs**), OR **paystubs** for every month that you were employed during the employment period. Any month that cannot be documented will not be certified as eligible employment.

Section 7: Definitions

Definitions Specific to this Form

The **PSLF Employer Database** is a searchable database maintained by the Department that borrowers search by entering their employer's FEIN/EIN when using the Help Tool to generate this form. Forms generated this way will be prepopulated with data from this database when the form is generated by using the Help Tool. Many employers are already included in the database and more are added every day. The database can be searched without logging in by going to StudentAid.gov/pslf/employer-search. The database will display if the employer is eligible, ineligible, or undetermined during the period of employment entered by the borrower.

The PSLF **Help Tool** can be accessed at StudentAid.gov/pslf. This Help Tool permits a borrower the ability to search the **PSLF Employer Database** to generate this form for eligible employers in the database. The Help Tool also allows a borrower to request the **Authorized Official** to sign this form electronically. By signing electronically, this form can be submitted for review without the need to print it out or obtaining an **acceptable signature**.

The **Federal Employer Identification Number (FEIN/EIN)** is a number issued by the IRS to an employer and is generally provided to the employee in box b of the employee's IRS Form W-2. This should not be confused with a similar State ID number that is found in box 15 of the W-2.

A **Professional Employer Organization (PEO)** is an organization that provides administrative services, such as payroll and benefits, for another organization under a contractual agreement. PEOs are co-employers of an employee, but for PSLF purposes, the employee is considered a direct employee of the non-PEO employer. A borrower whose employer uses a PEO, will need to obtain the non-PEO employer's FEIN/EIN because the FEIN/EIN that appears on their W-2 is that

of the PEO. A PEO is not the same as a staffing agency which instead is the sole employer of an individual who performs their work for a different organization.

A **direct employee** is an employee that is hired by and receives a W-2 to document their compensation from their employer or from a PEO contracted by the employer. An employee that is self-employed or receives an IRS Form 1099 is generally not considered a direct employee unless they are employed under a contract in a position or providing services that, under applicable state law, cannot be filled or provided by a direct employee of the **qualifying employer**.

An **Authorized Official** is an individual who by the authority of an employer has access to the borrower's employment or service records and is authorized by the employer to certify the employment status of the organization's employees or former employees, or the service of AmeriCorps or Peace Corps volunteers.

The **employment period** is the time between the employment or certification begin date and the employment or certification end date provided on the form or, if the borrower indicates they are still employed, the time between the employment or certification begin date and the date the Authorized Official certifies the form. Borrowers are encouraged to certify their employment annually or when they change employers or employment status.

Employment status is the determination of whether the borrower is Full-Time or Part-Time during the employment period on the form. A separate form must be submitted when there is a change in employment status with the same employer. A borrower with multiple simultaneous qualifying Part-Time employers during the same period can be considered to meet Full-Time employment if the Part-Time hours at each employer total 30 or more hours.

Full-Time employment, for PSLF purposes, means working 30 or more hours per week on average for the employment period on the form regardless of whether the employer considers that Full-Time for other purposes. Working less than 30 hours per week on average is considered Part-Time. When determining if a borrower is Full-Time, an employer must include all hours, including vacation, leave time, or any leave taken under the Family Medical Leave Act of 1993. However, do not include time spent performing volunteer services. If a borrower is employed on a contractual basis where they provide an average of 30 hours of work per week for a minimum of 8 months in a 12 month period, such as in an educational setting, but they continue to be considered employed for the full year, they should be considered Full-Time for the full 12 months.

If the borrower performs non-tenure track employment, such as an adjunct or non-tenure track faculty member, the employer can calculate the weekly average hours for determining Full-Time status by using a formula that multiplies the contact hours per week by at least 3.35 hours.

An **acceptable signature** for this form includes:

- a handwritten signature in dark ink,
- a hand drawn electronic signature made using a mouse or finger on a digital device, or
- a digitized image of a handwritten signature that has been embedded on the signature line of this form.

Other forms of signatures including, certificate-based signatures and typed names, even if using a font that mimics cursive text, are NOT acceptable signatures for this form.

General Definitions Related to PSLF and Student Loans

NOTE: Additional PSLF and TEPSLF specific terms are defined in-context in Section 10.

A loan enters **default** when a borrower's payment is delinquent more than 270 days. A loan in default is not eligible for PSLF and payments made while in default are not eligible payments for PSLF. A borrower can resolve a defaulted loan by contacting their servicer.

A **deferment** is a period during which you are allowed to postpone making payments temporarily, on the basis of meeting the eligibility requirements for the deferment.

Eligible Loans are loans made under the William D. Ford Federal Direct Loan (Direct Loan) Program that are not in default.

An **eligible payment** is a payment that is made in full for a month that you are repaying your loan under an eligible repayment plan or is the equivalent of an eligible payment attributed to a month in which you are in repayment.

A **forbearance** is a period during which you are allowed to postpone making payments temporarily, allowed an extension of time for making payments, or temporarily allowed to make smaller payments than scheduled.

An **Income Driven Repayment (IDR) plan** is a repayment plan that bases your monthly payment on your annual income and family size. These plans are qualifying repayment plans for PSLF and are, generally, the only plans that would have a remaining loan balance after you have made 120 qualifying payments. You must recertify your income annually to remain on an IDR plan.

A **qualifying employer** is a U. S. based governmental organization, an organization under Section 501(c)(3) of the Internal Revenue Code that is exempt from taxation under section 501(a) of the Internal Revenue Code, or a non-profit organization that dedicates a majority of its full-time equivalent employees to providing certain non-governmental public services. Serving in an AmeriCorps or Peace Corps position is also qualifying employment.

A **qualifying payment** is recorded when an eligible payment (or equivalent) is matched to a month of eligible full-time employment with a qualifying employer.

Section 8: Where to Send This Form

Return the completed form and any documentation to:

U.S. Department of Education
P.O. Box 300010
Greenville, TX 75403
Fax to: 540-212-2415

Section 9: Help With Completing the Application

If you need help completing this form, contact us:

1-800-433-3243 (TTY: dial 711, then phone number)
Website: [StudentAid.gov](https://studentaid.gov)

Section 10: Important Information About PSLF and TEPSLF

Terms in **Bold** are defined in Section 7.

The Public Service Loan Forgiveness (PSLF) program was created by Congress in October 2007, to encourage employment in the public service sector. A borrower qualifies for forgiveness of any remaining principal and interest on their **eligible loans** once they have made the equivalent of 120 **qualifying payments** after October 1, 2007, while employed **full-time** with a **qualifying employer**. Congress authorized a Temporary Expansion of the PSLF program (TEPSLF) in March 2018, that allowed borrowers that were otherwise eligible for PSLF to become eligible if the only reason they did not qualify for PSLF was because some or all of their payments were made under an ineligible repayment plan. For a more comprehensive overview of these programs, including FAQ's, visit [StudentAid.gov/publicservice](https://studentaid.gov/publicservice).

Loan Eligibility

Only Direct Loan Program loans that are not in **default** are eligible for PSLF. Loans you received under the Federal Family Education Loan (FFEL) Program, the Federal Perkins Loan (Perkins Loan) Program, or any other student loan program are not eligible for PSLF.

If you have FFEL Program or Perkins Loan Program loans, you may consolidate them into a Direct Consolidation Loan to take advantage of PSLF. However, payments made on those loans before you consolidated them do not count as eligible PSLF payments. In addition, if you made eligible payments on a Direct Loan and then consolidate it into a Direct Consolidation Loan, the eligible payments you

made on the original Direct Loan(s) will be added as eligible payments to the new Direct Consolidation Loan based on a weighted average of the loans that were consolidated.

If you are planning to consolidate your FFEL Program or Perkins Loan Program loans into a Direct Consolidation Loan to take advantage of PSLF and do not have any Direct Loans, do not submit this form until you have consolidated your loans. The online application for Direct Consolidation Loans contains a section that allows you to indicate that you are consolidating your loans for PSLF.

If you plan to consolidate Perkins Loan Program loans, first understand that Perkins Loan Program loans may be cancelled for certain types of public service. If you consolidate a Perkins Loan Program loan, you will no longer be eligible for Perkins cancellation.

The online application is available at [StudentAid.gov/consolidation](https://studentaid.gov/consolidation). If you don't know whether you have Direct Loans, log in to your account on [StudentAid.gov](https://studentaid.gov).

Payment Eligibility

An eligible payment is one that is made in full for a month that you are repaying your loan under an eligible repayment plan or is the equivalent of an eligible payment attributed to a month in which you are in repayment. Only eligible payments made on or after October 1, 2007, can become a qualifying payment for PSLF or TEPSLF.

A payment is considered made in full if it is received for the full amount due based on your scheduled payment or if you make multiple payments within the payment period that add up to at least the full scheduled amount due. A payment is also considered paid in full if it is any of the eligible payment equivalents described in this section.

Eligible Repayment Plans

Your payments must be made under a qualifying repayment plan. Qualifying repayment plans for PSLF include:

any of the following Income Driven Repayment (IDR) plans:

- Saving on a Valuable Education (SAVE) (formerly REPAYE),
- Pay As You Earn (PAYE),
- Income-Based Repayment (IBR),
- Income-Contingent Repayment (ICR).

Or

The 10-Year Standard Repayment plan, or any other Direct Loan repayment plan (except the Alternative Repayment plan), if those payments are at least equal to the monthly payment amount that would be required under the 10-Year Standard Repayment plan.

NOTE: The Standard Repayment Plan for Direct Consolidation Loans made on or after July 1, 2006, has repayment periods that range from 10 to 30 years. Monthly payments you make under this plan are eligible payments for PSLF only if the repayment period is 10 years. This repayment plan is always a qualifying repayment plan for TEPSLF (for more information regarding eligible repayment plans for TEPSLF, see below).

While repayment plans other than an IDR plan may be qualifying repayment plans for PSLF, you must have a remaining balance to forgive when you reach 120 qualifying payments. Otherwise, your loans will be fully repaid within 10 years. You will generally only have a remaining balance if you have been repaying under an IDR plan. To apply for an IDR plan, visit [StudentAid.gov/idr/](https://studentaid.gov/idr/).

Eligible Payment Equivalents

You can receive a payment equivalent by making a payment that exceeds your monthly scheduled payment due so long as it also satisfies a future scheduled payment. This is often referred to as a lump sum payment. The number of payment equivalents depends on the amount received and your scheduled monthly payment due. You cannot receive a payment equivalent beyond your next IDR recertification date or 12 months, whichever is sooner. Any payments in excess of this amount will be applied to principal but will not result in additional eligible payments.

Scheduled payments are those that are made while you are in repayment. They do not include payments made while your loans are in an in-school or grace status, or in a deferment or forbearance status (except those included below).

Receiving one of the following deferments or forbearances at any time during a month is equivalent to an eligible payment:

- Cancer treatment deferment,
- Economic hardship deferment,
- Military service deferment,
- Post-active-duty student deferment,
- AmeriCorps forbearance,
- National Guard Duty forbearance,
- U.S. Department of Defense Student Loan Repayment Program forbearance,
- Administrative forbearance; or
- Mandatory administrative forbearance

Employment Eligibility

To qualify for PSLF, you must be a **direct employee** of a qualifying employer. A direct employee is someone who is hired and paid by the employer, and who receives an IRS Form W-2 from the

employer. You may physically perform your work at a qualifying or non-qualifying organization, as long as you are a direct employee of a qualifying employer.

However, if you are employed under a contract in a position or providing services that, under applicable State law, cannot be filled or provided by direct employees of the qualifying employer, you can be treated as a direct employee of the qualifying employer where you perform your work.

Qualifying Employer

For PSLF, a qualifying employer is a:

- U.S. based governmental organization (at the federal, state, local, or Tribal level, including the U.S. Armed Forces and National Guard)
- a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code (IRC), or
- a non-profit organization that provides certain non-governmental public services.

Service in an AmeriCorps position approved by the Corporation for National and Community Service under Section 123 of the National and Community Service Act of 1990 (42 U.S.C. 12573) or a full-time assignment in a Peace Corps position under 22 U.S.C. 2504 is also qualifying employment.

A non-profit organization that is not a tax-exempt organization under Section 501(c)(3) of the IRC may be a qualifying organization if a majority of its full-time equivalent employees are engaged in one or more specific non-governmental public services.

These services include:

- Emergency management,
- Civilian service to military personnel,
- Military service,
- Public safety,
- Law enforcement services,
- Public health services,
- Public education,
- Public library services,
- School library and other school-based services,
- Public interest legal services,
- Early childhood education, and
- Public service for individuals with disabilities and the elderly.

Full definitions of each of these non-governmental public services are available at [StudentAid.gov/publicservice](https://studentaid.gov/publicservice).

Non-Qualifying Employer

For PSLF, a qualifying employer cannot be a:

- business organized for profit,
- labor union, or
- partisan political organization.

Additionally, employment as a member of the U.S. Congress is not qualifying employment.

Full-Time Employment

For PSLF purposes, **full-time** means at least an average of 30 hours per week for the employment period being certified.

All hours for which you are paid should be included in the average hours worked per week, however, time spent performing volunteer work should not be included.

Vacation or leave time provided by the employer or leave taken for a condition that is a qualifying reason for leave under the Family and Medical Leave Act of 1993, 29, U.S.C. 2612(a)(1) and (3) should be included in the average hours worked per week.

If you are a teacher or in another position under contract for at least eight out of 12 months, you meet the full-time standard if you work an average of at least 30 hours per week during the contractual period and receive credit by your employer for a full year's worth of employment.

If you are a non-tenure or adjunct faculty member at an institution of higher education meaning you are paid solely for the credit hours you teach, you meet the definition of full-time if you are employed the equivalent of 30 hours per week as determined by multiplying each credit or contact hour taught per week by at least 3.35.

If you are employed part-time by more than one qualifying employer simultaneously, you may meet the full-time employment requirement if you work a combined average of at least 30 hours per week with your employers.

Qualifying Payment

You must accumulate 120 **qualifying payments** to have your eligible loans forgiven through PSLF. These qualifying payments do not need to be consecutive.

An **eligible payment** is considered to become a **qualifying payment** when the month to which the eligible payment is attributed is matched to a month that you have certified full-time employment with a **qualifying employer**.

TEPSLF Eligibility

To qualify for TEPSLF, you must be ineligible for PSLF *only* because some or all of your payments were not made under a qualifying repayment plan for PSLF and if the payment that you made 12 months prior to reaching 120 qualifying payments for TEPSLF and the 120th qualifying payment were at least as much as you would have paid under the lowest payment available to you on an **IDR plan**.

If you meet these requirements, you will be evaluated for TEPSLF eligibility under the expanded list of qualifying repayment plans for TEPSLF which include the:

- Qualifying repayment plans for PSLF,
- Graduated Repayment Plans,
- Extended Repayment Plans,
- Standard Repayment Plan for Direct Consolidation Loans, and
- Graduated Repayment Plan for Direct Consolidation Loans.

Other Important Information

The period of service used to qualify for Teacher Loan Forgiveness or Civil Legal Assistance Attorney Student Loan Repayment programs cannot also count as eligible payments for PSLF.

You have the option to request a **forbearance** on your Direct Loans if you are submitting this form and you believe that you qualify for forgiveness right now because you have made 120 qualifying payments. However, when evaluating whether to choose forbearance, it is important to understand that these periods of forbearance will not count toward PSLF or TEPSLF if it is determined you do not have 120 **qualifying payments** yet. Note: If you do not request a forbearance, any payments made after your 120th qualifying payment will be refunded to you or applied to any other outstanding loans held by the Department.

If you have a month in your payment history that would otherwise count as a qualifying payment, but it is not because you were in a **deferral** or **forbearance** status other than those that are considered an eligible payment equivalent, you can take action to make that month a qualifying payment. To do so you must make a payment of at least as much as what you would have made

under an IDR plan that you were eligible for each month that meets the condition. More information about this process is available at [StudentAid.gov/publicservice](https://studentaid.gov/publicservice).

Section 11: Important Notices

Privacy Act Statement.

Authority: The authorities for collecting the requested information from and about you are §421 et seq., §451 et seq., or §461 of the Higher Education Act of 1965, as amended (20 U.S.C.1071 et seq., 20 U.S.C. 1087a et seq., or 20 U.S.C. 1087aa et seq.) and the authorities for collecting and using your Social Security Number (SSN) are §§428B(f) and 484(a)(4) of the HEA (20 U.S.C. 1078-2(f) and 1091(a)(4)) and 31 U.S.C.7701(b). Participating in the William D. Ford Federal Direct Loan (Direct Loan) Program, Federal Family Education Loan (FFEL) Program, or Federal Perkins Loan (Perkins Loan) Program and giving us your SSN are voluntary, but you must provide the requested information, including your SSN, to participate.

Purpose: The principal purposes for collecting the information on this form, including your SSN, are to verify your identity, to determine your eligibility to receive a loan or a benefit on a loan (such as a deferment, forbearance, discharge, or forgiveness) under the Direct Loan, FFEL, or Federal Perkins Loan Programs, to permit the servicing of your loans, and, if it becomes necessary, to locate you and to collect and report on your loans if your loans become delinquent or default. We also use your SSN as an account identifier and to permit you to access your account information electronically.

Routine Uses: The information in your file may be disclosed, on a case-by-case basis or under a computer matching program, to third parties as authorized under routine uses in the appropriate systems of records notices.

These routine uses include, but are not limited to:

To verify the identity of the individual whom records indicate has applied for or received title IV, HEA program funds, disclosures may be made to guaranty agencies, educational and financial institutions, and their authorized representatives; to Federal, State, Tribal, or local agencies, and their authorized representatives; to private parties, such as relatives, business and personal associates, and present and former employers; to creditors; to consumer reporting agencies; to adjudicative bodies; and to the individual whom the records identify as the party obligated to repay the title IV, HEA obligation. To determine program eligibility and benefits, disclosures may be made to guaranty agencies, educational and financial institutions, and their authorized representatives; to Federal, State, or local agencies, and their authorized representatives; to private parties, such as relatives, business and personal associates, and present and former employers; to creditors; to consumer reporting agencies; and to adjudicative bodies. To permit originating, disbursing, servicing, collecting, assigning, adjusting, transferring, referring, furnishing of credit information, or discharging title IV, HEA obligations, disclosures may be made to guaranty agencies, educational institutions, or financial institutions that originated, held, serviced, or have been assigned the title IV, HEA obligation, and

their authorized representatives; to a party identified by the debtor as willing to advance funds to repay the title IV, HEA obligation; to Federal, State, or local agencies, and their authorized representatives; to private parties, such as relatives, business and personal associates, and present and former employers; to creditors; to consumer reporting agencies; and to adjudicative bodies. To investigate possible fraud or abuse or to verify compliance with contractual requirements or Federal, State, local, or Tribal statutory, regulatory, or program requirements, disclosures may be made to guaranty agencies, educational and financial institutions, third-party servicers, and their authorized representatives; to Federal, State, Tribal, or local agencies, and their authorized representatives; to private parties, such as relatives, present and former employers, and business and personal associates; to creditors; to consumer reporting agencies; and to adjudicative bodies. To verify whether a title IV, HEA obligation qualifies for discharge, disclosures may be made to guaranty agencies, educational and financial institutions, and their authorized representatives; to Federal, State, or local agencies, and their authorized representatives; to private parties, such as relatives, present and former employers, and business and personal associates; to creditors; to consumer reporting agencies; and to adjudicative bodies.

Effects of Not Providing Information: Providing information on this form, including an aid recipient's SSN, is voluntary; however, if not enough information is provided to process this form, the request may be delayed or denied.

Paperwork Reduction Notice. According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is 1845-0110. Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. The obligation to respond to this collection is required to obtain a benefit (34 CFR 685.219).

If you have comments or concerns regarding the status of your individual submission of this form, please contact us (see Section 9).

Court Appointed Appellate Counsel
Program information sheet

The California Appellate Court Appointed Counsel Program
(Background Information for Assessment of Panel Attorney
Eligibility for Student Loan Forgiveness)
Prepared December 2023

The five California Court of Appeal appellate projects provide the following background to assist in the assessment of whether California’s court-appointed appellate panel attorneys are eligible for forgiveness of student loans.

A. California’s Court Appointed Counsel (CAC) Program Overview

In 1976, the California Office of the State Public Defender (OSPD), a state agency, was formed to provide representation for indigent criminal appellants. In that era, OSPD handled no more than about one-third of the annual indigent appeals. The remainder of the cases were appointed to contracted panel attorneys.

In 1983, Governor George Deukmejian cut OSPD’s funding. For indigent appellants not represented by OSPD, this often resulted in poor or inconsistent representation and limited oversight. Moreover, due to a steadily growing death row, “since 1990, OSPD’s mandate from all three branches of government has been redirected toward an exclusive focus upon death penalty cases.” ([Office of State Public Defender, website “About Us”](#).)

In answer to this crisis, and even prior to the 1990 redirection of OSPD’s mission, the California courts contracted with private sector nonprofit law firms—the appellate projects—to oversee panels of contract attorneys to serve as appointed counsel in Court of Appeal cases. (The appellate projects also provide direct representation in a small percentage of the cases.) The five California appellate projects still operate today under contract with the State of California, subject to administrative oversight by the California Judicial Council, now called the CAC program. The appellate projects administer their court-appointed counsel panel and ensure quality control for indigent appellate representation in non-capital criminal, civil commitment, juvenile delinquency, and juvenile dependency appeals.

B. In California, Statutory Limits and State Budget Bills Limit Employment Availability of Attorneys to Handle Court-Appointed Appeals

Due to statutory limits and due to state budget bill funding limitations, OSPD’s and the appellate projects’ employed staff attorneys can only handle a tiny percentage of non-capital appeals, with the vast majority of the cases being handled by the contracted panel attorneys. OSPD’s mandate (and funding) is to provide representation in death penalty cases in the California Supreme Court (Cal. Gov. Code, sec. [15421](#)(a) and (b)) and to train trial lawyers through its Indigent Defense Improvement Division and through grants (Cal. Gov. Code, secs. [15420](#)(b) and [15421.1](#)). OSPD attorneys may provide direct representation in non-capital Court of Appeal cases if either it has fulfilled its capital-case responsibilities or if “a limited number of those cases is necessary for staff training.” (Cal. Gov. Code, secs. [15421](#)(c).) Moreover, Section 15421 does not appear to authorize OSPD to handle any civil commitment, juvenile delinquency, or juvenile dependency appeals.

As is true for OSPD, the annual state budget bills do not fund the appellate projects at a level sufficient to hire the number of staff attorneys required to handle all the appeals. As [the state judiciary’s website](#) describes the program, “The Judicial Council of California staff works with nonprofit organizations (“projects”) that recommend to the Courts of Appeal *the appointment of private attorneys to represent indigent appellants.*” (Emphasis added.)

To meet this challenge, the Courts of Appeal must rely on the panel attorneys, and this is borne out by the numbers. In Fiscal Year 2022-2023, contracted panel attorneys handled 9,019 court-appointed appeals, appellate project staff attorneys handled 634, and OSPD handled 4. This is not surprising in that OSPD has 61¹ attorneys who must dedicate most of their time to death penalty cases and trial attorney training, and the appellate projects have approximately 78 attorneys who must dedicate most of their time to oversight of the contracted panel attorneys. In contrast, there are (as of July 1, 2023) 663 contracted panel attorneys.

Provider	Number of Attorneys	Main Duties	Number of Non-Capital Appeals as Counsel of Record in FY 2022-2023	Percentage of Non-Capital Appeals as Counsel of Record in FY 2022-2023
OSPD	61	Death penalty appeals in the State Court of Appeal; training trial attorneys	4	.04%
Appellate Projects	78	Oversight of contracted panel attorneys	634	6.56%
Contracted Panel Attorneys	663	Direct representation in court-appointed appeals	9,019	93.39%

In sum, the annual state funding bills do not fund jobs for most of the attorneys doing this public service work. Without a future state budget bill providing significantly more funding than historically provided, the vast majority of non-capital court-appointed appeals must continue to be handled by the contracted panel attorneys.

C. Practical Implications of CAC Structure

In this public/private pairing between court and appellate project, the panel attorney is consigned to the role of a contractor who is appointed by the court and compensated by the State of California as a state “vendor.” As such, they are provided no employment benefits such as medical insurance, sick leave, a retirement plan, or other employer benefits. Although ethically obligated to competently represent their client and complete each case they accept

¹ Number reported by OSPD as of December 4, 2023.

appointment for, the panel attorney is not considered an employee for either the project, or the state, under IRS definitions.

To receive compensation, a panel attorney submits a claim for time worked on each case and is paid at a rate determined by case category and type of appointment, earning—under current rates—between \$110-\$130 per hour. The California State Controller issues the “vendor attorney” an IRS 1099 form for annual accumulated earnings.

D. Contact Information for Inquiries

For additional information or clarifying questions, please contact the Executive Director at any of the California Court Appointed Counsel appellate projects listed below.

<p>First Appellate District First District Appellate Project 1212 Broadway, Suite 1200 Oakland, CA 94612 (415) 495-3119</p>	<p>Second Appellate District California Appellate Project/Los Angeles 520 S. Grand Ave., 4th Floor Los Angeles, CA 90071 (213) 243-0300</p>
<p>Third and Fifth Appellate Districts Central California Appellate Program 2150 River Plaza Dr., Ste. 300 Sacramento, CA 95833 (916) 441-3792</p>	<p>Fourth Appellate District Appellate Defenders, Inc. 555 West Beech St., Suite 300 San Diego, CA 92101 (619) 696-0282</p>
<p>Sixth Appellate District Sixth District Appellate Program 95 S. Market Street, Suite 570 San Jose CA 95113 Phone: 408 241-6171</p>	

Self-certification form
(optional for contract defenders)

Public Service Loan Forgiveness Self-Certification Form (Optional)

Note: This optional form can be used by contract indigent defense counsel to substantiate their request for certification from a qualifying employer. This form does not replace the mandatory [manual](#) or [online](#) PSLF certification and application form.

First Name

Last Name

Street Address

City

State

Zip Code

Phone

Email Address

I am an attorney who has provided indigent defense pursuant to a contract with _____

Contract period start: _____ Contract period end: _____

Full-time or part-time:

- During the following time period I worked *full time*, or 30 hours or more per week on average, pursuant to the contract by providing indigent defense.*
- During the following time period I worked *part time*, or less than 30 hours per week on average, pursuant to the contract by providing indigent defense.*

Average hours per week: _____

Continuous service or a break in time:

- This work was continuous.
- There was a break in this work from _____ to _____.**
- I would be able to substantiate the average hours worked during the identified time period. This substantiation could include written documentation (such as invoices or time logs) or a declaration describing the work performed.

I certify that all the information I have provided on this form is true and correct to the best of my knowledge and belief.

Contractor's Signature

Date

* For the purpose of PSLF, full time means working 30 or more hours per week on average for the contract period and can include time spent on administrative responsibilities and obtaining relevant continuing education.

** Use multiple sheets if there were additional breaks in work.

OSPD memorandum to county and non-profit administrators

Memo



To: County and non-profit indigent defense administrators
From: Office of the State Public Defender
Date: June 5, 2024
Re: PSLF program participation for contract and panel attorneys

The purpose of this memorandum is to outline recent changes made in the Public Service Loan Forgiveness (PSLF) program. Those changes expanded PSLF program eligibility to contractors who meet the required regulations. This information is provided to assist qualified employers – including county agencies and non-profit organizations – in their assessment of whether they are permitted to certify PSLF [forms](#) for eligible indigent defenders.

PSLF program background

The [PSLF program](#) is a federal program established in 2007. The program allows for loan forgiveness of the balance of a person’s qualifying federal student loans after 10 years (120 months) of qualifying payments made while engaged in “qualifying employment” with a public service employer. Qualifying public service employers are generally defined as not-for-profits and government agencies.¹ The PSLF program is intended to encourage individuals to enter and continue full time public service in their communities, including serving the important roles of public defenders and court appointed defense attorneys.

Important program changes

Prior to July 1, 2023, participation in the PSLF program was limited to those who were direct, full time, employees of a qualified public service organization (W-2 employees). However, changes to the PSLF program regulations took effect on July 1, 2023. These changes included an expansion of the way in which the Department of Education defined “qualifying employment” for purposes of loan forgiveness.

The Department of Education continues to consider direct employees (W-2 employees) of qualifying employers to be eligible for PSLF. But now, those who work full time “as a contracted employee for a qualifying employer in a position or providing services which, under applicable state law, cannot be filled or provided by a direct employee of the qualifying employer,” are also eligible to participate in the PSLF program.²

¹ 34 CFR § 685.219(b).

² Id.

With this definitional change, contractors for qualified employers (including contract and panel attorneys who receive an IRS Form 1099) are potentially eligible for loan forgiveness under the PSLF program.

Frequently Asked Questions

What is a qualifying employer?

Local governments are expressly defined as qualifying employers under the PSLF program.³

Non-profit agencies that provide a “non-governmental public service” are also qualifying employers for the PSLF program. “Non-governmental public service” explicitly includes “public interest law services” which are defined as “legal services that are funded in whole or in part by local, State, Federal or Tribal government.”⁴

What constitutes “full time employment”?

For purposes of the PSLF program, “full time employment” means working for a qualifying employer for a weekly average of 30 hours per week during the time period certified.⁵

There is no local public defender’s office in my county, are contract indigent defenders eligible for PSLF?

Twenty-five counties in California do not have a statutory public defender’s office. Those counties typically rely on contract-based defenders to provide indigent defense services and in these counties, they are the only provider of public defense services. These contract-based employees may qualify to participate in the PSLF program, provided they meet the other program requirements.

There is a statutory public defender office in my county, did the changes to the PSLF program impact direct employees of the local office?

No. Direct employees of a local statutory public defender’s office continue to be eligible to participate in the PSLF program.

³ Id.

⁴ Id.

⁵ Id.

There is a statutory public defender office in my county, are contract indigent defenders also eligible to participate in the PSLF program?

Many counties in California have a statutory public defender office as the primary provider of indigent defense in their systems. However, even where an institutional office exists, it is common for contract-based defenders to be used in situations where the public defender's office cannot represent a person entitled to counsel (for example, where the public defender's office has a conflict of interest, in multiple defendant cases, in situations where the public defender's office is relieved, or where the public defender's office lacks capacity).

In those situations, contract-based attorneys provide constitutionally required assistance of counsel and those services cannot be performed by a statutory public defender's office (because of legal, ethical, or practical concerns). These contract-based attorneys may qualify to participate in the PSLF program, so long as they meet the other criteria.

Who can certify eligibility?

Any authorized official from a qualifying employer [can certify](#) that an attorney has performed qualifying work during a given time period. Certification means that the employer signs the Department of Education document verifying that the contractor or employee provided full time indigent defense services during a specified time period.

- For direct employees of a statutory public defender office or qualified non-profits, certification should be delegated to the administration or human resources of the public defender or non-profit's office.
- For contract-based attorneys providing the services of a public defender, the county department overseeing the contract is suggested to serve the role of PSLF program certifier. That department is in the best position to have access to prior records substantiating an attorney's request for certification, including the hours and months they have worked (for example, having access to prior monthly invoices submitted or the number and types of cases for flat fee contract-based attorneys).

For additional questions about PSLF in California, feel free to reach out to Jason Gundel Jason.Gundel@ospd.ca.gov or Laurel Arroyo Laurel.Arroyo@ospd.ca.gov from the Capacity Building Team at the Office of the State Public Defender.