

## RELIGIOUS INCLUSION IN TITLE IV GRANT MAKING

### PART 674—FEDERAL PERKINS LOAN PROGRAM

#### §674.9 Student eligibility.

Prior to October 1, 2017, a student at an institution of higher education ~~is~~was eligible to receive a loan under the Federal Perkins Loan program for an award year if the student—

[...]

(c) Has financial need as determined in accordance with part F of title IV of the HEA. ~~A member of a religious order (an order, community, society, agency, or organization) who is pursuing a course of study at an institution of higher education is considered to have no financial need if that religious order—~~

~~(1) Has as its primary objective the promotion of ideals and beliefs regarding a Supreme Being;~~

~~(2) Requires its members to forego monetary or other support substantially beyond the support it provides; and~~

~~(3) Directs the member to pursue the course of study or provides subsistence support to its members;~~

#### §674.35 Deferment of repayment—Federal Perkins loans made before July 1, 1993.

[...] (c) The borrower need not repay principal, and interest does not accrue, for any period not to exceed 3 years during which the borrower is—

[...] (5) A full-time volunteer in service which the Secretary has determined is comparable to service in the Peace Corps or under the Domestic Volunteer Service Act of 1973 (ACTION programs). The Secretary considers that a borrower is providing comparable service if he or she satisfies the following ~~five~~four criteria:

[...] ~~(iv) The borrower, as part of his or her duties, does not give religious instruction, conduct worship service, engage in religious proselytizing, or engage in fundraising to support religious activities.~~

(iv) [...]

#### §674.36 Deferment of repayment—NDSLs made on or after October 1, 1980, but before July 1, 1993.

[...] (c) The borrower need not repay principal, and interest does not accrue, for a period of up to 3 years during which time the borrower is—

[...] (4) A full-time volunteer in service which the Secretary has determined is comparable to service in the Peace Corps or under the Domestic Volunteer Service Act of 1973 (ACTION programs). The Secretary

considers that a borrower is providing comparable service if he or she satisfies the following ~~five~~four criteria:

~~[...] (iv) The borrower, as part of his or her duties, does not give religious instruction, conduct worship service, engage in religious proselytizing, or engage in fundraising to support religious activities.~~

(iv) [...]

## **PART 675—FEDERAL WORK-STUDY PROGRAMS**

### **§675.9 Student eligibility.**

[...]

(c) Has financial need as determined in accordance with part F of title IV of the HEA. ~~...A member of a religious order (an order, community, society, agency, or organization) who is pursuing a course of study at an institution of higher education is considered to have no financial need if that religious order-~~

~~(1) Has as its primary objective the promotion of ideals and beliefs regarding a Supreme Being;~~

~~(2) Requires its members to forego monetary or other support substantially beyond the support it provides; and~~

~~(3) Directs the member to pursue the course of study or provides subsistence support to its members.~~

### **§675.20 Eligible employers and general conditions and limitation on employment.**

[...] (c) *FWS general employment conditions and limitation.*

[...] (2) FWS employment may not—

(iii) [...];

(iv) Involve the construction, operation, or maintenance of the any part of a facility used or to be used for religious worship or sectarian instruction; or

**Commented [FB1]:** The subcommittee agreed to this change.

## **PART 676—FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM**

### **§676.9 Student eligibility.**

(c) Has financial need as determined in accordance with part F of title IV of the HEA. ~~A member of a religious order (an order, community, society, agency, or organization) who is pursuing a course of study at an institution of higher education is considered to have no financial need if that religious order-~~

~~(1) Has as its primary objective the promotion of ideals and beliefs regarding a Supreme Being;~~

~~(2) Requires its members to forego monetary or other support substantially beyond the support it provides; and~~

~~(3) Directs the member to pursue the course of study or provides subsistence support to its members;~~

## **PART 682—FEDERAL FAMILY EDUCATION LOAN (FFEL) PROGRAM**

### **§682.301 Eligibility of borrowers for interest benefits on Stafford and Consolidation loans.**

[...]

~~(2) The Secretary considers a member of a religious order, group, community, society, agency, or other organization who is pursuing a course of study at an institution of higher education to have no financial need if that organization—~~

~~(i) Has as its primary objective the promotion of ideals and beliefs regarding a Supreme Being;~~

~~(ii) Requires its members to forego monetary or other support substantially beyond the support it provides; and~~

~~(iii) (A) Directs the member to pursue the course of study; or~~

~~(B) Provides subsistence support to its members.~~

~~(3) [...]~~

### **§682.210 Deferment.**

[...]

(m) *Deferment for full-time volunteer service for a tax-exempt organization.* To qualify for a deferment as a full-time paid volunteer for a tax-exempt organization, a borrower shall provide the lender with a statement from an authorized official of the volunteer program certifying—

(1) That the borrower—

[...]

(iii) Does not receive compensation that exceeds the rate prescribed under section 6 of the Fair Labor Standards Act of 1938 (the Federal minimum wage), except that the tax-exempt organization may provide health, retirement, and other fringe benefits to the volunteer that are substantially equivalent to the benefits offered to other employees of the organization;

~~(iv) Does not, as part of his or her duties, give religious instruction, conduct worship services, engage in religious proselytizing, or engage in fund-raising to support religious activities; and~~

(iv) Has agreed to serve on a full-time basis for a term of at least one year;

## **PART 685—WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM**

### **§685.200 Borrower eligibility.**

(a)

[...]

(2)(i) [...]

~~(ii) The Secretary considers a member of a religious order, group, community, society, agency, or other organization who is pursuing a course of study at an institution of higher education to have no financial need as that term is used in paragraph (a)(2)(i)(A) of this section if that organization—~~

~~(A) Has as its primary objective the promotion of ideals and beliefs regarding a Supreme Being;~~

~~(B) Requires its members to forego monetary or other support substantially beyond the support it provides; and~~

~~(C)(1) Directs the member to pursue the course of study; or~~

~~(2) Provides subsistence support to its members.~~

## **PART 690—FEDERAL PELL GRANT PROGRAM**

### **§690.75 Determination of eligibility for payment.**

[...]

~~(d) A member of a religious order, community, society, agency or organization who is pursuing a course of study in an institution of higher education is considered to have an expected family contribution amount at least equal to the maximum authorized award amount for the award year if that religious order—~~

~~(1) Has as a primary objective the promotion of ideals and beliefs regarding a Supreme Being; and~~

~~(2) Provides subsistence support to its members, or has directed the member to pursue the course of study.~~

## **PART 692—LEVERAGING EDUCATIONAL ASSISTANCE PARTNERSHIP PROGRAM**

### **§692.30 How does a State administer its community service-learning job program?**

[...] (c) Each community service-learning job must—

[...] ~~(5) Not involve the construction, operation, or maintenance of any part of a facility used or to be used for religious worship or sectarian instruction; and~~

~~(56)~~

[...](Authority: 20 U.S.C. 1070c-2, 1070c-4)

## **PART 694—GAINING EARLY AWARENESS AND READINESS FOR UNDERGRADUATE PROGRAMS (GEAR UP)**

### **§694.5 What requirements must be met by a Partnership or State that chooses to provide services to private school students under the program's early intervention component?**

~~(a) Secular, neutral, and nonideological services or benefits. Educational services or other benefits, including materials and equipment, provided under GEAR UP by a Partnership or State that chooses to provide those services or benefits to students attending private schools, must be secular, neutral, and nonideological.~~

~~(b)~~

### **§694.6 Who may provide GEAR UP services to students attending private schools?**

(a) GEAR UP services to students attending private schools must be provided—

- (1) By employees of a public agency; or
- (2) Through contract by the public agency with an individual, association, agency, or organization.

~~(b) In providing GEAR UP services to students attending private schools, the employee, individual, association, agency, or organization must be independent of the private school that the students attend, and of any religious organization affiliated with the school, and that employment or contract must be under the control and supervision of the public agency.~~ (b) When providing GEAR UP services to students attending private schools, the employee, individual, association, agency, or organization must be employed or contracted independently of the private school that the students attend, and of any other organization affiliated with the school, and that employment or contract must be under the control and supervision of the public agency.

~~(c) Federal funds used to provide GEAR UP services to students attending private schools may not be commingled with non-Federal funds.~~

### **§694.10 What are the requirements that a Partnership must meet in designating a fiscal agent for its project under this program?**

Although any member of a Partnership may organize the project, a Partnership must designate as the fiscal agent for its project under GEAR UP—

- (a) A local educational agency; or
- (b) An institution of higher education ~~that is not pervasively sectarian.~~

#### **Commented [FB2]:**

There was an alternate proposal to match language to FWS since LEAP and FWS are statutorily linked, but not all members were in agreement.

(iv) Involve the construction, operation, or maintenance of the part of a facility used or to be used for religious worship or sectarian instruction; or

**Commented [FB3]:** The subcommittee agreed on this change.