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 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 forgo 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 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 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 not precluded from participation or determined to not have need
simply because of the nature of his or her membership or area of study. 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 forgo 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 so much of any facility as is used or is to be
used for sectarian instruction or as a place for religious worship; involve the construction, operation, or
maintenance of any part of a facility used or to be used exclusively for religious worship or sectarian
instruction; or

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;
§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.

§685.219 Public Service Loan Forgiveness Program.

[...]

(b) Definitions. The following definitions apply to this section:

[...]

Public service organization means:

(1) A Federal, State, local, or Tribal government organization, agency, or entity;

(2) A public child or family service agency;

(3) A non-profit organization under section 501(c)(3) of the Internal Revenue Code that
(i) Is exempt from taxation under section 501(a) of the Internal Revenue Code; and
(ii) Is not an organization engaged in religious activities, unless the qualifying activities are unrelated to religious instruction, worship services, or any form of proselytizing;

(4) A Tribal college or university; or

(5) A private organization that provides the following public services: Emergency management, military service, public safety, law enforcement, public interest law services, early childhood education (including licensed or regulated child care, Head Start, and State funded pre-kindergarten), public service for individuals with disabilities and the elderly, public health (including nurses, nurse practitioners, nurses in a clinical setting, and full-time professionals engaged in health care practitioner occupations and health care support occupations, as such terms are...
defined by the Bureau of Labor Statistics), public education, public library services, school library or other school-based services; and
(ii) Is not a business organized for profit, a labor union, a partisan political organization, or an organization engaged in religious activities, unless the qualifying activities are unrelated to religious instruction, worship services, or any form of proselytizing.

PART 690—FEDERAL PELL GRANT PROGRAM

§690.75 Determination of eligibility for payment.

[...]

(d) A member of a religious order, community, society, agency of 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—

[...] (4) Not involve the construction, operation, or maintenance of so much of any facility as is used or is to be used for sectarian instruction or as a place for religious worship.

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

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

§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) 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.

§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.
PART 600—INSTITUTIONAL ELIGIBILITY UNDER THE HIGHER EDUCATION ACT OF 1965, AS AMENDED

Subpart A—General

SOURCE: 59 FR 22336, Apr. 29, 1994, unless otherwise noted.

§600.1 Scope.

§600.2 Definitions.

The following definitions apply to terms used in this part:

Religious mission: A published institutional mission that is approved by the governing body of an institution of postsecondary education and that includes or is predicated upon religious tenets, beliefs, or teachings, and any policies or decisions related to such tenets, beliefs, or teachings (including, but not limited to, any policies or decisions concerning housing, student life and activities, employment, curriculum, facilities, self-governance, student admission, continuing enrollment, or graduation). An institutional mission that includes or is founded upon religious tenets, beliefs, or teachings, and any policies or decisions related to such tenets, beliefs, or teachings (including, but not limited to, any policies or decisions concerning housing, student life and activities, employment, curriculum, facilities, self-governance, student admission, continuing enrollment, or graduation).

§600.9 State authorization.

Link to an amendment published at 81 FR 92262, Dec. 19, 2016.

This amendment was delayed until July 1, 2020 at 83 FR 31303, July 3, 2018.

(a)(1) An institution described under §§600.4, 600.5, and 600.6 is legally authorized by a State if the State has a process to review and appropriately act on complaints concerning the institution including enforcing applicable State laws, and the institution meets the provisions of paragraphs (a)(1)(i), (a)(1)(ii), or (b) of this section.

(i)(A) The institution is established by name as an educational institution by a State through a charter, statute, constitutional provision, or other action issued by an appropriate State agency or State entity and is authorized to operate educational programs beyond secondary education, including programs leading to a degree or certificate.

(B) The institution complies with any applicable State approval or licensure requirements, except that the State may exempt the institution from any State approval or licensure requirements based on the institution’s accreditation by one or more accrediting agencies recognized by the Secretary or based upon the institution being in operation for at least 20 years.

(ii) If an institution is established by a State on the basis of an authorization to conduct business in the State or to operate as a nonprofit charitable organization, but not established by name as an educational institution under paragraph (a)(1)(i) of this section, the institution—
§600.11

(A) By name, must be approved or licensed by the State to offer programs beyond secondary education, including programs leading to a degree or certificate; and

(B) May not be exempt from the State's approval or licensure requirements based on accreditation, years in operation, or other comparable exemption.

(2) The Secretary considers an institution to meet the provisions of paragraph (a)(1) of this section if the institution is authorized by name to offer educational programs beyond secondary education by—

(i) The Federal Government; or

(ii) As defined in 25 U.S.C. 1802(2), an Indian tribe, provided that the institution is located on tribal lands and the tribal government has a process to review and appropriately act on complaints concerning an institution and enforces applicable tribal requirements or laws.

(b)(1) An institution is considered to be legally authorized to operate educational programs beyond secondary education if it is exempt from State authorization under the State constitution or by State law as a religious institution with a religious mission as defined in 600.2.

Notwithstanding paragraph (a)(1)(i) and (ii) of this section, an institution is considered to be legally authorized to operate educational programs beyond secondary education if it is exempt from State authorization as a religious institution under the State constitution or by State law.

(2) For purposes of paragraph (b)(1) of this section, a religious institution is an institution that—

(i) Is owned, controlled, operated, and maintained by a religious organization lawfully operating as a nonprofit religious corporation; and

(ii) Awards only religious degrees or certificates including, but not limited to, a certificate of Talmudic studies, an associate of Biblical studies, a bachelor of religious studies, a master of divinity, or a doctor of divinity.

(c) If an institution is offering postsecondary education through distance or correspondence education to students in a State in which it is not physically located or in which it is otherwise subject to State jurisdiction as determined by the State, the institution must meet any State requirements for it to be legally offering postsecondary distance or correspondence education in that State. An institution must be able to document to the Secretary the State's approval upon request.

(Registrant: 20 U.S.C. 1001 and 1002)

[75 FR 66946, Oct. 29, 2010]

§600.11 Special rules regarding institutional accreditation or preaccreditation.

(a) Change of accrediting agencies. For purposes of §600.4(a)(5)(i), 600.5(a)(6), and 600.6(a)(5)(i), the Secretary does not recognize the accreditation or preaccreditation of an otherwise eligible
institution if that institution is in the process of changing its accrediting agency, unless the institution provides to the Secretary—

(1) All materials related to its prior accreditation or preaccreditation; and

(2) Materials demonstrating reasonable cause for changing its accrediting agency. The Secretary determines such cause to be reasonable unless the institution—

(i) Has had its accreditation withdrawn, revoked, or otherwise terminated for cause during the preceding 24 months, unless such withdrawal, revocation, or termination has been rescinded by the same accrediting agency; or

(ii) Has withdrawn from accreditation voluntarily under a show cause or suspension order during the preceding 24 months, unless such order has been rescinded by the same accrediting agency.

(iii) Notwithstanding paragraphs (i) and (ii), the Secretary may determine the institution’s cause for changing its accrediting agency to be reasonable if the agency did not provide the institution its due process rights, the agency applied its standards and criteria differently to one institution over another, or was the result of an agency’s failure to respect an institution’s stated mission, including religious mission or program as a result of the institution’s religious mission.

(b) Multiple accreditation. The Secretary does not recognize the accreditation or preaccreditation of an otherwise eligible institution if that institution is accredited or preaccredited as an institution by more than one accrediting agency, unless the institution—

(1) Provides to each such accrediting agency and the Secretary the reasons for that multiple accreditation or preaccreditation;

(2) Demonstrates to the Secretary reasonable cause for that multiple accreditation or preaccreditation.

The Secretary determines the institution’s cause for multiple accreditation to be reasonable unless the institution—

(i) Has had its accreditation withdrawn, revoked, or otherwise terminated for cause during the preceding 24 months, unless such withdrawal, revocation, or termination has been rescinded by the same accrediting agency; or

(ii) Has withdrawn from accreditation voluntarily under a show cause or suspension order during the preceding 24 months, unless such order has been rescinded by the same accrediting agency;

(iii) Notwithstanding paragraphs (i) and (ii), the Secretary may determine the institution’s cause for seeking multiple accreditation or preaccreditation to be reasonable if the institution’s primary interest in seeking multiple accreditation is based on that agency’s geographic scope and national accreditation based on that agency’s program-area focus or mission; and

(Authority: 20 U.S.C. 1099b)
§602.18 Ensuring consistency in decision-making.
The agency must consistently apply and enforce standards that do not violate the stated mission of the institution, including religious mission, and that ensure that the education or training offered by an institution or program, including any offered through distance education, correspondence courses, or direct assessment education, is of sufficient quality to achieve its stated objective for the duration of any accreditation or preaccreditation period granted by the agency. The agency meets this requirement if the agency—

(a) Has written specification of the requirements for accreditation and preaccreditation that include clear standards for an institution or program to be accredited, and such standards shall address how an institution’s stated mission, including religious mission, shall be respected that take into account institutional mission;

(b) Has effective controls against the inconsistent application of the agency’s standards;

(c) Bases decisions regarding accreditation and preaccreditation on the agency’s published standards;

(d) Has a reasonable basis for determining that the information the agency relies on for making accrediting decisions is accurate; and

(e) Provides the institution or program with a detailed written report that clearly identifies any deficiencies in the institution’s or program’s compliance with the agency’s standards;

(b) At the request of an institution, performs a review of the agency’s respect for the institution’s stated mission, including religious mission, and provides a written report of the results of that review;

(f) Does not deny preaccreditation or accreditation, or take action against an institution or program, due to an institution’s adherence to its religious mission in any of its particular policies or and practices specific to religious tenets, beliefs or teachings and, as applicable, to housing, student life and activities, employment, curriculum, facilities, self-governance, student admission, continuing enrollment, or graduation; and

(g) Publishes any policies for retroactive application of an accreditation decision.

(Authority: 20 U.S.C. 1099b)