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RELIGIOUS INCLUSION IN TITLE IV GRANT MAKING

§600.2 Definitions.

Religious mission: A published institutional mission that is approved by the governing body of an institution of postsecondary education and that includes, refers to, or is predicated upon religious tenets, beliefs, or teachings.

PART 674—FEDERAL PERKINS LOAN PROGRAM

§674.9 Student eligibility.

APrior 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 criteria:

(i) The borrower serves in an organization that is exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954.

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(ii) The borrower provides service to low-income persons and their communities to assist them in eliminating poverty and poverty-related human, social, and environmental conditions.

(iii) The borrower 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) Any time spent participating in religious instruction, worship services, or any form of proselytizing is not included toward meeting the full-time volunteer requirement, except that time spent by military chaplains participating in religious instruction, worship services, and proselytizing may count towards meeting the full-time volunteer requirement, 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.~~

(v) The borrower has agreed to serve on a full-time basis for a term of at least one year.

§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). ~~Any time spent participating in religious instruction, worship services, or any form of proselytizing is not included toward meeting the full-time volunteer requirement, except that time spent by military chaplains participating in religious instruction, worship services, and proselytizing shall count towards meeting the full-time volunteer requirement, 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.~~ The Secretary considers that a borrower is providing comparable service if he or she satisfies the following **four** criteria:

(i) The borrower serves in an organization that is exempt from taxation under the provisions of section 501(c)(3) of the Internal Revenue Code of 1954.

(ii) The borrower provides service to low-income persons and their communities to assist them in eliminating poverty and poverty-related human, social, and environmental conditions.

(iii) The borrower 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) The borrower has agreed to serve on a full-time basis for a term of at least one year.

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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; 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 so much of any part of a facility as is used or is to be used for religious worship or sectarian instruction; or or as a place for religious worship

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~~

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~~(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—(2) 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 -

(i) Serves in an organization that has obtained an exemption from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

(ii) Provides service to low-income persons and their communities to assist them in eliminating poverty and poverty-related human, social, and environmental conditions;

(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;

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(iv) Does not include time spent participating in, as part of his or her duties, give religious instruction, conduct worship services, or any form of engage in religious proselytizing; or engage in fund raising to support religious activities in meeting the full time requirement, except that time spent by military chaplains participating in religious instruction, worship services, and proselytizing may count towards meeting the full time volunteer requirement; and

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

(2) The date on which the borrower's service began; and

(3) The date on which the borrower's service is expected to end.

PART 685—WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

§685.200 Borrower eligibility.

(a)

[...]

(2)(i) [...] (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:

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(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)(i) A private organization that --

~~(i) 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.~~

(c) *Borrower eligibility.* (1) A borrower may obtain loan forgiveness under this program if he or she

--

(i) is not in default on the loan for which forgiveness is requested;

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(ii) is employed full-time by a public service organization or serving in a full-time AmeriCorps or Peace Corps position. Time spent participating in religious instruction, worship services, or any form of proselytizing while employed by a non-profit organization under section 501(c)(3) of the Internal Revenue Code is not included toward meeting the full-time requirement, except that time spent by military chaplains participating in religious instruction, worship service and proselytizing may count towards meeting the full-time requirement;

- (A) When the borrower makes the 120 monthly payment described under paragraph (c)(1)(iii) of this section;
- (B) At the time of application for loan forgiveness; and
- (C) At the time the remaining principal and accrued interest are forgiven.

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—

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

~~(6)~~

[...](Authority: 20 U.S.C. 1070c–2, ~~1070~~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~~ When providing GEAR UP services to students attending private schools, the employee, individual, association, agency, or organization must be independent~~employed or contracted independently~~ of the private school that the students attend, and of any religious~~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.~~

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§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.~~