**CYoshitomi - Department of Education Regulatory Negotiations**

**Conference Agenda**

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**Topic 5:   DOE Regulatory Negotiations: Religious Inclusion Subcommittee - 600.1 Scope**

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| 1. | **Let it go/Gellman-Danley** Through two rounds, you can see the group is not in favor of decimating regional accreditation. Please move onto more complex and important issues. We pledge to be very transparent on websites. |

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**Topic 6:   DOE Regulatory Negotiations: Religious Inclusion Subcommittee - 600.2 Definitions**

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| 1. | **Definition of Religious Mission** Definition of "Religious Mission"  Delete "is founded upon" - many, many private institutions in the US we founded a century ago or more in connection with religion. This has nothing to do with their mission today. This could inadvertently pick up institutions that do not have a stated religious mission.  My original suggestion was to delete the "including but not limited to section" but others felt that would open it up even more. My primary concern related to professional accreditation is that all programs, religious or not, must teach and students must learn core competencies to be safe and effective practitioners. Professional accreditors play a critical public protection role. There must be some allowance for coverage of required curriculum and student achievement related to that curriculum. |
| 2. | **Definition of Religious Mission** If "is founded upon" is deleted, and only "includes" were left, that might be read to require that the tenets etc. of the faith be spelled out in the mission statement. Therefore, I suggest replacing the ambiguous "founded upon" with "based upon" or "predicated upon" such that the beginning of the definition would read: An institutional mission that includes or is predicated upon religious tenets ......"  *Comments:*   1. I agree that "founded upon" open this up to a huge number of institutions and proves problematic. We must have some language that limits this to an extent where the religious mission is currently articulated in there existing mission statement/vision. |
| 3. | **Founded Upon/Gellman-Danley** This was a great insight by negotiators, who likely all went to religious institutions at some time if you include "founded upon." Apparenlty 2 of my 4 degrees make me a graduate of a faith-based/religious institution, so to be fair to the goals of the Faith-Based reps, let's do this right. |

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**Topic 8:DOE Regulatory Negotiations: Religious Inclusion Subcommittee 600.11Special rules regarding institutional accreditation or preaccreditation**

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| 1. | **(a) (2)(iii) ... last line, pg 18** Suggested language change as discussed: .... "as a result of the institution's mission, including religious mission". |
| 2. | **600.11 (b) (2) (iii) .... not a religious mission comment ...just unclear language ... only place I see 600.11 mentioned** "based on that (which?) accreditor's geographic scope (does this assume regionals are accrediting outside of their declared regions?) and national accreditation (does this mean if national accreditation is being sought rather than regional ... and how does this relate to programmatic accreditation which seems to be implied by the rest of the sentence?) based on that accreditor's program-area focus or mission" |

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**Topic 9:DOE Regulatory Negotiations: Religious Inclusion Subcommittee 602.18 Ensuring consistency in decision-making**

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| 1. | **Absolute exception from accreditaion criteria based on religious mission is unacceptable** The newly added a-c in 602.18 creates special rights for religious institutions not afforded to other institutions that surely is unintentional.  (b) Why would an institution be able to request a special report about respect to one mission and not another? Perhaps an institution states as its mission that it is open access and yet feels it was evaluated unfairly? Should they be able to request a special report? What if an institution has a teaching mission and is cited because it isn't using current research to inform teaching? Should it be able to request a special report? Equal treatment is what the law requires. Special treatment is not - or at least that was my understanding based on the subcommittee presentation.  (c) This language is unacceptable. This is an absolute exemption form the law. Accreditors can't take ANY action against an institution due to ANY of its policies and practices? Only if the institution is religious? This would handcuff accreditors' ability to fulfill their quality assurance role. Is there any evidence that this has happened? Has an institution or program lost accreditation because of its religious mission? What problem are we trying to fix? I may be able to live with the committee's "Option A" language, but am not sure why that needs to be spelled out either. Accreditors conduct activities with respect to mission anyway.  *Comments:*   1. The revised language seems to extend beyond the scope of the subcommittee and provide extra protection to religiously affiliated institutions. As a solution, I would suggest using the new language in (a) with the existing language in (b), (c), and (d). |
| 2. | **'mission, including religious mission'?** An example was provided in the full Committee where religious mission might come in conflict with accreditor's standards ... which example was deemed "inflammatory" ... but for which a solution was not proposed. Further discussion of another possible conflict led to agreement on an approach to standards. That conversation was a great example that some conflicts may be resolvable at the accreditor-institution level, but that some may not ... so that an appeal process is appropriate. The Establishment Clause does include that the government shall not prohibit the free exercise of religion. Particularly in the helping professions, institutions with religious missions are important contributors. Language that could potentially force them out of preparing students for those professions obviously would not be in the public interest. Although it could increase the burden on the Department & Secretary due to increased appeals, the compromise language may extend the right to appeal for any institution's "mission, including religious mission".  Determining academic curricular issues is not the role of the Department, That said, given the desire for innovation and competition, one could imagine a scenario where there might be a role for another accreditor in the same academic space .... who would, to be sure, need to convince licensing overseers if appropriate of the validity of the alternative accreditation. |

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**Topic 11: DOE Regulatory Negotiations: Religious Inclusion Subcommittee - 674.9 Student eligibility**

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| 1. | **Perkins Loan --- overtaken by events** |
| 2. | **Religious order** The financial aid negotiators present during the Committee discussion of the subcommittee's report indicated that this issues has long since been addressed by the financial aid community and need not be in the regulations.  *Comments:*   1. agreed |

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**Topic 12:DOE Regulatory Negotiations: Religious Inclusion Subcommittee 674.35 Deferment of repayment Federal Perkins loans made before July 1, 1993**

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| 1. | **Perkins Loan --- overtaken by events** |
| 2. | **assigned duties** I suggest leaving the proposed cut language and adding the word assigned.  The borrower, as part of his or her assigned duties, does not..... |

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**Topic 13:DOE Regulatory Negotiations: Religious Inclusion Subcommittee 674.36 Deferment of repayment NDSLs made on or after October 1, 1980, but before July 1, 1993**

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| 1. | **on 'part of his or her duties'** If a religiously motivated person is performing a "secular" service, but in conversation with the persons served, voluntarily shares his or her faith ... some might see that sharing as religious instruction, or proselytizing so that retention of this language would preclude that service from counting toward deferment. If (iv) is to be retained, could the language be modified as: "part of his or her assigned duties"?  *Comments:*   1. agreed 2. I support keeping the language and adding the word "assigned" -- Karen |

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**Topic 14: DOE Regulatory Negotiations: Religious Inclusion Subcommittee - 675.9 Student eligibility**

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| 1. | **Religious order language** The financial aid negotiators present during the Committee discussion of the subcommittee's report indicated that this issues has long since been addressed by the financial aid community and need not be in the regulations. |

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**Topic 15:DOE Regulatory Negotiations: Religious Inclusion Subcommittee 675.20 Eligible employers and general conditions and limitations on employment**

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| 1. | **Facility used or to be used for religious worship** Although the subcommittee has adopted revised language "the" vs "any" ... there seems to be another question: If a school has an auditorium used for regular instruction, for student theatrical and music performances, for public events in support of the surrounding community ... and also for worship .... would that auditorium be excluded from the area a student worker could clean? Should the language read "exclusively for religious worship or sectarian instruction"? .... or primarily?  *Comments:*   1. fair point, clarification is needed. |

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**Topic 16: DOE Regulatory Negotiations: Religious Inclusion Subcommittee - 676.9 Student eligibility**

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| 1. | **Religious order** The financial aid negotiators present during the Committee discussion of the subcommittee's report indicated that this issues has long since been addressed by the financial aid community and need not be in the regulations. |

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**Topic 17:DOE Regulatory Negotiations: Religious Inclusion Subcommittee 682.301 Eligibility of borrowers for interest benefits on Stafford and Consolidation loans**

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| 1. | **Religious order** The financial aid negotiators present during the Committee discussion of the subcommittee's report indicated that this issues has long since been addressed by the financial aid community and need not be in the regulations. |

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**Topic 19: DOE Regulatory Negotiations: Religious Inclusion Subcommittee 685.200 Borrower eligibility**

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| 1. | **Religious order** The financial aid negotiators present during the Committee discussion of the subcommittee's report indicated that this issues has long since been addressed by the financial aid community and need not be in the regulations. |

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**Topic 20:DOE Regulatory Negotiations: Religious Inclusion Subcommittee 690.75 Determination of eligibility for payment**

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| 1. | **Religious order** The financial aid negotiators present during the Committee discussion of the subcommittee's report indicated that this issues has long since been addressed by the financial aid community and need not be in the regulations. |

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**Topic 22: DOE Regulatory Negotiations: Religious Inclusion Subcommittee 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?**

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| 1. | **'not pervasively sectarian'** Leaving aside the question of definition of "pervasively sectarian", the implicit assumption in retaining this language is that an institution with a religious mission cannot under any circumstances provide a secular service, and so should not even be permitted to apply to participate in GEAR UP. To preclude their even being considered as possible fiscal agents/grantees is akin to the practice decried by the Department in these deliberations of certain regionally accredited institutions refusing even to consider transcripts from nationally accredited institutions. Would it not make more sense to permit the administrators of GEAR UP to review all would-be partnerships and applicants? A comment was made that if a state's only GEAR UP entity had a fiscal agent with a religious mission that could have a "chilling effect" on participation by school children. This seems highly unlikely if those who chose to participate were well served and so informed their peers. If students were not well-served, the Federal program administrator would undoubtedly take action. The "not pervasively sectarian" language should be removed. |
| 2. | **'secular, neutral and nonideological'** Apologies ... I wrote the paragraph on "not pervasively sectarian" that rightly belongs under 694.10 ...not germane to 694.5  If some version of (a) is retained, I suggest something along the lines of:  "Services and benefits provided to students attending private schools must be the same as those provided to students attending public schools." |

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**Topic 24:DOE Regulatory Negotiations: Religious Inclusion Subcommittee 694.10 What are the requirements that a Partnership must meet in designating a fiscal agent for its project under this program?**

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| 1. | **'not pervasively sectarian'** Leaving aside the question of definition of "pervasively sectarian", the implicit assumption in retaining this language is that an institution with a religious mission cannot under any circumstances provide a secular service, and so should not even be permitted to apply to participate in GEAR UP. To preclude their even being considered as possible fiscal agents/grantees is akin to the practice decried by the Department in these deliberations of certain regionally accredited institutions refusing even to consider transcripts from nationally accredited institutions. Would it not make more sense to permit the administrators of GEAR UP to review all would-be partnerships and applicants? A comment was made that if a state's only GEAR UP entity had a fiscal agent with a religious mission that could have a "chilling effect" on participation by school children. This seems highly unlikely if those who chose to participate were well served and so informed their peers. If students were not well-served, the Federal program administrator would undoubtedly take action. The "not pervasively sectarian" language should be removed. |

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**Topic 18:   DOE Regulatory Negotiations: Religious Inclusion Subcommittee - 6682.210 Deferment**

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| 1. | **(iv) 'part of his or her duties'** If a religiously motivated person is performing a "secular" service, but in conversation with the persons served, voluntarily shares his or her faith ... some might see that sharing as religious instruction, or proselytizing so that retention of this language would preclude that service from counting toward deferment. If (iv) is to be retained, could the language be modified as: "part of his or her assigned duties"? |
| 2. | **Agree** Personally, there is a fundamental difference between the intention of the existing language and striking iv, altruistic work to benefit society vs engaging in the religious nature of the work described in iv. I agree with the above state that a fair compromise would be the addition of the word "assigned" |
| 3. | **Agree** Personally, there is a fundamental difference between the intention of the existing language and striking iv, altruistic work to benefit society vs engaging in the religious nature of the work described in iv. I agree with the above state that a fair compromise would be the addition of the word "assigned" |