

Higher Education Act of 1965, Title IV

Earliest appearance of regulations relating to eligibility of members of religious orders, etc. for student financial aid

**Supplemental Educational Opportunity Grants (SEOG) Program – 45 CFR Part 176**

NPRM: March 6, 1974 at 39 FR 8624, 8627

§176.11. Student eligibility.

(c) A member of a religious community, society, or order who by direction of his or her order is pursuing a course of study in an institution of higher education or who receives support and maintenance from the community, society, or order shall be deemed not to have financial need.

Final: Oct. 21, 1974 at 39 FR 37380, 37382, 37388 – 89

§176.9. Student eligibility. (redesignated)

(c) A member of a religious community, society, or order who by direction of his or her order is pursuing a course of study in an institution of higher education or who receives support and maintenance from the community, society, or order shall be deemed not to have financial need.

Preamble (at 37382): Discussed §176.9, but not subsection (c).

**Basic Educational Opportunity Grant (BEOG) Program – 45 CFR Part 190**

NPRM: June 3, 1975 at 40 FR 23970, 23971

§190.3 Eligible student.

(c) A member of a religious community, society, or order who by direction of his or her order is pursuing a course of study in an institution of higher education or who receives support and maintenance from the community, society, or order shall be deemed to have a family contribution of not less than \$1,201. For purposes of this part "a religious community, society, or order" includes an agency or organization which has, as a primary objective, the promotion of ideals and beliefs regarding a Supreme Being and which provides subsistence support to its members and require *[sic]* its members to forego monetary compensation or other support substantially beyond other support provided by the agency or organization.

Preamble (at 23970): The regulations further provide that a member of a religious order, who by the direction of the order is pursuing a course of study at an institution of higher education, or who is receiving support and maintenance from the order shall be deemed to have a family contribution of not less than \$1,201. As such, such an individual would not receive a Basic Grant. These amendments will provide comparability with similar provisions governing the Supplemental Educational Opportunity Grant, College Work-Study, and National Direct Student Loan Programs. Under the college based programs such individuals are not considered to have financial need which should be met by the Federal Government since their order is responsible for their maintenance and support. To provide a parallel treatment in the Basic Grant program such individuals are deemed to have family contributions of \$1,201.

Final: August 10, 1976 at 41 FR 33868, 33869

§190.3 Eligible student.

(c) A member of a religious community, society, or order who by direction of his or her order is pursuing a course of study in an institution of higher education or who receives support and maintenance from the community, society, or order shall be deemed to have a family contribution of not less than \$1,201. For purposes of this part "a religious community, society, or order" includes an agency or organization which has, as a primary objective, the promotion of ideals and beliefs regarding a Supreme Being and which provides subsistence support to its members and require *[sic]* its members to forego monetary compensation or other support substantially beyond other support provided by the agency or organization.

Preamble (at 33868):

COMMENT

Several commenters expressed concern regarding the exclusion of members of religious orders (45 CFR 190.3(c) in the proposed regulation, and 190.3(b) in the final regulation). The regulation provides that a member of a religious order, who by direction of the order is pursuing a course of study at an institution of higher education, or who is receiving support and maintenance from the order, shall be deemed to have a family contribution of \$1201, and, consequently would not be eligible to receive a Basic Grant. The comments received indicated that members of religious orders should meet the same requirements as any other candidate and should not be penalized for choosing to dedicate their lives as members of a particular religious community.

RESPONSE

The regulation has not been changed. This provision was included to provide comparability with similar ones governing the Supplemental Educational Opportunity Grant, College Work-Study and National Direct Student Loan Programs. That rationale for these provisions is the view that such individuals are not considered to have financial need which should be met by the Federal government since their religious order is responsible for their maintenance and support.

**College Work-Study – 45 CFR Part 175**

NPRM: Oct. 14, 1975 at 40 FR 48266, 48270

§175.9. Eligibility and selection of students.

(c) Need.

(2) A member of a religious community, society, or order who by direction of his or her order is pursuing a course of study in an institution of higher education or who receives support and maintenance from the community, society, or order shall be deemed not to have financial need.

Preamble (at 48266): Not discussed.

Final: Sept. 1, 1976 at 36872, 36887

§175.9. Eligibility and selection of students.

(d) Need.

(2) A member of a religious community, society, or order who by direction of his or her community, society, or order is pursuing a course of study in an institution of higher education or who receives support and maintenance from the community, society, or order shall be deemed not to have financial need.

Preamble (at 36875 - 76): Many comments and responses relating to §175.9, but not on proposed subsection (c)(2) [final subsection (d)(2)].

### **National Direct Student Loan (NDSL) Program – 45 CFR Part 144**

**NPRM**: Oct. 14, 1975 at 48252, 48256

#### **§144.9. Student eligibility.**

(c) Religious communities. For purposes of paragraph (a)(2) of this section a member of a religious community, society, or order who by direction of his or her order is pursuing a course of study in an institution of higher education or who receives support and maintenance from the community, society, or order shall be deemed not to have financial need.

*[Paragraph (a)(2) provided that a student is eligible for an NDSL loan if, among other things, the student is "in need of the amount of the loan to pursue a course of study at an eligible institution".]*

Preamble : no discussion of individual sections.

**Interim Final**: Nov. 24, 1976 at 41 FR 51946, 51962.

#### **§144.9. Student eligibility.**

(d) Religious communities. For purposes of paragraph (a)(2) of this section a member of a religious community, society, or order who by direction of his or her community, society or order is pursuing a course of study in an institution of higher education or who receives support and maintenance from the community, society, or order shall be deemed not to have financial need.

Preamble (at 51949 – 50): Many comments and responses relating to §144.9, but not on proposed subsection (c) [final subsection (d)].

[END]