

## PART 676--FEDERAL SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM

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Authority: 20 U.S.C. 1070b-1070b-3, unless otherwise noted.

Note: Heading amended December 21, 1992, effective February 4, 1993.

#### Sec. 676.1 Purpose and identification of common provisions.

(a) The Federal Supplemental Educational Opportunity Grant (FSEOG) program awards grants to financially needy students attending institutions of higher education to help them pay their educational costs.

\*(b) Provisions in these regulations that are common to all campus-based programs are identified with an asterisk.

(Authority: 20 U.S.C. 1070b)

Note: (a) amended November 30, 1994, effective July 1, 1995.

#### Sec. 676.2 Definitions.

(a) The definitions of the following terms used in this part are set forth in subpart A of the Student Assistance General Provisions, 34 CFR part 668:

Academic year  
Award year  
Clock hour  
Enrolled  
Federal Family Education Loan (FFEL) programs  
Federal Pell Grant Program  
Federal Perkins Loan Program  
Federal PLUS Program  
Federal SLS Program  
Federal Work-Study (FWS) Program  
Full-time student  
HEA  
Payment period  
Secretary

(b) The Secretary defines other terms used in this part as follows:

*\*Expected family contribution (EFC):* The amount a student and his or her spouse and family are expected to pay toward the student's cost of attendance.

*\*Financial need:* The difference between a student's cost of attendance and his or her EFC.

*\*Institution of higher education (institution):* A public or private nonprofit institution of higher education, a proprietary institution of higher education, or a postsecondary vocational institution.

*\*Need-based employment:* Employment provided by an institution itself or by another entity to a student who has demonstrated to the institution or the entity (through standards or methods it establishes) a financial need for the earnings from that employment for the purpose of defraying educational costs of attendance for the award year for which the employment is provided.

*Undergraduate student:* A student enrolled in an undergraduate course of study at an institution of higher education who--

(1) Has not earned a baccalaureate or first professional degree; and

(2) Is in an undergraduate course of study which usually does not exceed 4 academic years, or is enrolled in

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a 4 to 5 academic year program designed to lead to a first degree. A student enrolled in a program of any other length is considered an undergraduate student for only the first 4 academic years of that program.

(Authority: 20 U.S.C. 1087aa-1087ii)

Note: (b) amended July 21, 1992, effective September 18, 1992. (a) amended by adding "Full-time student" and (b) amended by removing "Full-time undergraduate student" December 1, 1995, effective July 1, 1996. "Payment period" added to (a); (a) introductory clause amended; and "Payment period" removed from (b) November 29, 1996, effective July 1, 1997.

### **Sec. 676.3 [Removed]**

Note: Section removed and reserved November 27, 1996, effective July 1, 1997.

### **Sec. 676.4 [Removed]**

Note: Section removed and reserved November 27, 1996, effective July 1, 1997.

### **Secs. 676.5-676.7 [Reserved]**

### **Sec. 676.8 Program participation agreement.**

To participate in the FSEOG program, an institution shall enter into a participation agreement with the Secretary. The participation agreement provides, among other things, that the institution shall--

(a) Use the funds it receives solely for the purposes specified in this part; and

(b) Administer the FSEOG program in accordance with the HEA, the provisions of this part, and the Student Assistance General Provisions regulations, 34 CFR Part 668.

(Authority: 20 U.S.C. 1070b et seq., and 1094)

### **Sec. 676.9 Student eligibility.**

A student at an institution of higher education is eligible to receive an FSEOG for an award year if the student--

(a) Meets the relevant eligibility requirements contained in 34 CFR 668.32;

(b) Is enrolled or accepted for enrollment as an undergraduate student at the institution; and

(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.

(Authority: 20 U.S.C. 1070b-1, 1070b-2 and 1091)

(a) revised September 26, 1997, effective October 27, 1997.

### **Sec. 676.10 Selection of students for FSEOG awards.**

(a)(1) In selecting among eligible students for FSEOG awards in each award year, an institution shall select those students with the lowest expected family contributions who will also receive Federal Pell Grants in that year.

(2) If the institution has FSEOG funds remaining after giving FSEOG awards to all the Federal Pell Grant recipients at the institution, the institution shall award the remaining FSEOG funds to those eligible students with the lowest expected family contributions who will not receive Federal Pell Grants.

(b) *Part-time and independent students.* If an institution's allocation of FSEOG funds is directly or indirectly based in part on the financial need demonstrated by students attending the institution as less-than-full-time or independent students, a reasonable portion of the allocation must be offered to those students.

(Authority: 20 U.S.C. 1070b-2)

Note: (b) amended October 28, 1999, effective July 1, 2000.

### **Sec. 676.11-676.13 [Reserved]**

### **Sec. 676.14 [Removed]**

Note: Section removed and reserved November 27, 1996, effective July 1, 1997.

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**Sec. 676.15 [Removed]**

Note: Section removed and reserved November 27, 1996, effective July 1, 1997.

**Sec. 676.16 Payment of an FSEOG.**

(a)(1) Except as provided in paragraphs (b) and (e) of this section, an institution shall pay in each payment period a portion of an FSEOG awarded for a full academic year.

(2) The institution shall determine the amount paid each payment period by the following fraction:

$$\frac{\text{FSEOG}}{N}$$

Where:

FSEOG=the total FSEOG awarded for an academic year and N=the number of payment periods that the institution expects the student will attend in that year.

(3) An institution may pay the student, within each payment period, at such times and in such amounts as it determines best meets the student's needs.

(b) If a student incurs uneven costs or resources during an academic year and needs additional funds in a particular payment period, the institution may pay FSEOG funds to the student for those uneven costs.

(c) An institution shall disburse funds to a student or the student's account in accordance with the provisions in Sec. 668.164.

(d)(1) The institution shall return to the FSEOG account any funds paid to a student who, before the first day of classes--

- (i) Officially or unofficially withdraws; or
- (ii) Is expelled.

(2) A student who does not begin class attendance is deemed to have withdrawn.

(e) Only one payment is necessary if the total amount the institution awards a student for an academic year under the FSEOG program is less than \$501.

(f) A correspondence student shall submit his or her first completed lesson before receiving an FSEOG payment.

(Authority: 20 U.S.C. 1070b. 1091)

(Approved by the Office of Management and Budget under control number 1840-0535)

Note: (f) and (g) redesignated as (g) and (h), new (f) added November 30, 1994, effective July 1, 1995. (d) removed and paragraphs (e), (f), (g), and (h) redesignated as paragraphs (d), (e), (f), and (g), respectively, and paragraph (c) amended December 1, 1994, effective July 1, 1995. (c) amended; (e) removed; and (f) and (g) redesignated as (e) and (f), respectively, November 29, 1996, effective July 1, 1997.

**Sec. 676.17 [Removed and Reserved]**

Note: Section removed and reserved December 1, 1995, effective July 1, 1996.

**Sec. 676.18 Use of funds.**

(a) *General.* An institution may use its FSEOG allocation and reallocation only for--

(1) Making grants to eligible students; and

(2) Paying administrative expenses as provided for in 34 CFR 673.7.

(b) *Transfer back of funds to FWS.* An institution shall transfer back to the FWS program any funds unexpended at the end of the award year that it transferred to the FSEOG program from the FWS program.

(c) *Carry forward funds.* (1) An institution may carry forward and expend in the next award year up to 10 percent of the sum of its initial and supplemental FSEOG allocations for the current award year.

(2) Before an institution may spend its current year Federal Supplemental Educational Opportunity Grants (FSEOGs) allocation, it must spend any funds carried forward from the previous year.

(d) *Carry back funds.* An institution may carry back and expend in the previous award year up to 10 percent of the sum of its initial and supplemental FSEOG allocations for the current award year. The institution's official allocation letter represents the Secretary's approval to carry back funds.

(e) *Use of funds carried forward and carried back.* An institution may use the funds carried forward or carried back under paragraphs (c) and (d) of this section, respectively, for activities described in paragraph (a) of this section.

(f) *Carry back funds for summer FSEOG awards.* An institution may carry back and expend in the

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previous award year any portion of its initial and supplemental FSEOG allocations for the current award year to make awards to eligible students for payment periods that begin on or after May 1 of the previous award year but end prior to the beginning of the current award year.

(Authority: 20 U.S.C. 1070b et seq., 1095 and 1096)

Note: (a) and (c) amended November 30, 1994, effective July 1, 1995. (b) removed and (c) redesignated as (b) November 27, 1996, effective July 1, 1997. (a)(2) amended and (c), (d), (e), and (f) added October 28, 1999, effective July 1, 2000.

### Sec. 676.19 Fiscal procedures and records.

(a) *Fiscal Procedures.* (1) In administering its FSEOG program, an institution shall establish and maintain an internal control system of checks and balances that insures that no office can both authorize payments and disburse funds to students.

(2) An institution shall maintain funds received under this part in accordance with the requirements in Sec. 668.163.

(b) *Records and reporting.* (1) An institution shall follow the record retention and examination provisions in this part and in 34 CFR 668.24.

(2) An institution shall establish and maintain program and fiscal records that are reconciled at least monthly.

(3) Each year an institution shall submit a Fiscal Operations Report plus other information the Secretary requires. The institution shall insure that the information reported is accurate and shall submit it on the form and at the time specified by the Secretary.

(Authority: 20 U.S.C. 1070b, 1094, and 1232f)

(Approved by OMB under control number 1840-0535)

Note: (a)(2) amended December 1, 1994, effective July 1, 1995. (c)(3) amended December 1, 1995, effective July 1, 1996. (b) amended and (c) removed November 27, 1996, effective July 1, 1997. (a)(2) revised September 26, 1997, effective October 27, 1997.

### Sec. 676.20 Minimum and maximum FSEOG award.

(a) An institution may award an FSEOG for an academic year in an amount it determines a student needs to continue his or her studies. However, except as provided in paragraph (c) of this section, an FSEOG may not be awarded for a full academic year that is--

(1) Less than \$100; or

(2) More than \$4,000.

(b) For a student enrolled for less than a full academic year, the minimum allowable FSEOG may be proportionately reduced.

(c) The maximum amount of the FSEOG may be increased from \$4,000 to as much as \$4,400 for a student participating in a program of study abroad that is approved for credit by the home institution, if reasonable costs for the study abroad program exceed the cost of attendance at the home institution.

(Authority: 20 U.S.C. 1070, 1070b-1)

Note: (a) amended and (c) added November 30, 1994, effective July 1, 1995.

### Sec. 676.21 FSEOG Federal share limitations.

(a) Except as provided in paragraph (b) of this section, for the 1993-94 award year and subsequent award years, the Federal share of the FSEOG awards made by an institution may not exceed 75 percent of the amount of FSEOG awards made by that institution.

(b) The Secretary authorizes, for each award year, a Federal share of 100 percent of the FSEOGs awarded to students by an institution that--

(1) Is designated as an eligible institution under the Strengthening Institutions program (34 CFR Part 607) or the Strengthening Historically Black Colleges and Universities program (34 CFR Part 608); and

(2) Requests that increased Federal share as part of its regular FSEOG funding application for that year.

(c) The non-Federal share of FSEOG awards must be made from the institution's own resources, which include for this purpose--

(1) Institutional grants and scholarships;

(2) Tuition or fee waivers;

(3) State scholarships; and

(4) Foundation or other charitable organization funds.

(Authority: 20 U.S.C. 1070b-2 and 1069a)

Note: (a) and (b) amended November 30, 1994, effective July 1, 1995.