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Federal Regulations
Pertaining To The
College Work-Study Program
with
Analysis and Finding List

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Document Number 5 A: CWSP Regulations

This is the fifth of a series of studies on the concept, development and operation of an Urban Corps student urban involvement program prepared by the Urban Corps National Development Office under a grant from the Ford Foundation.

Additional copies of this report and further information concerning Urban Corps programs may be obtained by writing:

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The reader is urged to use these regulations in conjunction with the College Work-Study Program Manual, published by the U. S. Office of Education, and the Urban Corps National Development Office report on Legal Considerations (Document No. 5). The CWSP Manual may be obtained from the College Work-Study Program Branch, Bureau of Higher Education, U. S. Office of Education, Washington, D. C. 20202.

The College Work-Study Program was established under the provisions of the Economic Opportunity Act of 1964 and was subsequently incorporated into the Higher Education Act of 1965. These legislative enactments provided the basic "skeleton" of CWSP; the Commissioner of Education was empowered to promulgate regulations governing the specific use of CWSP funds.

Although draft CWSP regulations were developed and distributed as early as November of 1964, the College Work-Study Program did not, until the promulgation of the attached Regulations, operate under legally binding regulations. The guidelines for the administration of CWSP, codified in the 1968 College Work-Study Program Manual, are only interpretations of the legislative mandate, and not, in accordance with the Federal Administrative Procedure Act, legally enforceable. However, since each institution is required by statute to enter into a formal agreement with the Office of Education, for the administration of its CWSP program, the effects of this lack of "legal" regulations has been largely obviated.

As the utilization of CWSP became more extensive, and the uses themselves more sophisticated, the need for a concise set of formal regulations became apparent. The new Regulations not only complete the legal base for the administration of CWSP programs, but also provide for several substantive changes, additions and clarifications.

Perhaps the most significant element of the new Regulations is the increased emphasis on the nature of the work-study assignment, and the involvement of participating students in "worthwhile job opportunities for qualified students in employment for the institution itself or for public or private non-profit organizations, especially those engaged in health, education, welfare and related public service activities." (Section 175.1(b)(4); emphasis added). One of the criteria for the approval of CWSP grants has now similarly been specifically keyed to public service activities (Section 175.14 (c)).

The new Regulations define in detail what is meant by an "area vocational school and establish student eligibility requirements" (Section 175.2 (c) and 175.5 (b)). These institutions became eligible for participation in CWSP under the 1968 Higher Education Amendments. A 120-day annual limit is imposed on the duration of a cooperative education program for funding under CWSP (Section 175.2 (p)) and definitions and limitations are provided for the full-time employment of students during "non-regular periods of enrollment" (e. g. summer school; Sections 175.2 (q), 175.2 (r) and 175.6 (b)).

Work performed for the institution itself is now required, under the new Regulations, to "result in an expansion or broadening of the institution's student employment programs" (Section 175.4 (b)). This is considerably stronger than the previous "maintenance of effort" requirement. The nature of off-campus work is also more clearly defined, including a concise definition (and proscription) of "political involvement " (Sections 175.4 (c) and 175.4 (d)).

The new Regulations set forth the minimum permissible rates of pay for participating students and impose as an upper limit such hourly rate as the Commissioner of Education establishes (Section 175.8 (b) and 175.9).

The right of an institution to contract with an outside agency or organization to administer the ministerial functions of its CWSP program is recognized, with the explicit proviso that the institution remains responsible for the proper execution of the program, and that it may not, under any circumstances, delegate the authority to determine the eligibility of its students to receive CWSP assistance. (Section 175.16 (a) (2)). This provision sanctions the usual Urban Corps arrangement, where the municipality (or other agency administering the Urban Corps) serves as paymaster and provides the requisite on-going supervision and control of the work performed.

A copy of the new CWSP Regulations is included in this document. Also included is a finding list, cross-indexing the new Regulations with the comparable provisions of the 1968 CWSP Manual.

Finding List

This index cross-references the new CWSP Regulations with the 1968 CWSP Manual. An asterisk (*) denotes a substantive change enacted by the Regulations; a # indicates new material added by the Regulations, and n/c indicates no comparable provision in the CWSP Manual. Numbers refer to Regulation and Manual sections.

<u>Regs.</u>	<u>Manual</u>	<u>Regs.</u>	<u>Manual</u>
175.1	102*	175.5	(a) 302
			(b) #
175.2	(a) 101		(c) 401-407
	(b) 606		(d) 306
	(c) #		(e) 311
	(d) 103		(f) 401 (D)
	(e) 511 (B)	175.6	(a) 509
	(f) 201 (A)		(b) 510*
	(g) 401 (C)		(c) 510
	(h) 203 (B)	175.7	(a) 603, 606
	(i) 302 (C), 303, 304		(b) 708
	(j) 302 (C)	175.8	(a) 603*
	(k) 302 (E)		(b) 503, 710, 507*
	(l) 201 (A)	175.9	505
	(m) 201 (C)	175.10	604
	(n) 307, 308	175.11	602
	(o) 302 (D)	175.12	104 (D)
	(p) 305 (B)-(E)*	175.13	(a) 202
	(q) #		(b) 201 (D)
	(r) #	175.14	202 (B)*
	(s) 517 (A)	175.15	(a) 702
	(t) 518 (B)		(b) 704, 705
	(u) n/c		(c) n/c
175.3	(a) 203	175.16	(a) (1) 801
	(b) 203		(2) #
	(c) 705		(3) 717
175.4	102		(b) 801 et. seq.
	(a) (1) (i) 519 (A)		(c) 901 et. seq.
	(ii) 519 (C)	175.17	n/c
	(2) (i) 519 (D)		
	(ii) 519 (B)		
	(b) 602*		
	(c) (1) 517 (B)*		
	(2) 517 (C), 517 (D)		
	(d) (1) 519 (D)		
	(2) 519 (D)		
	(3) 517 (B)*		