



March 2008

CB-08-04

Subject: 2008-2009 Federal Work-Study Program Community Service Waiver Requests

Summary: This letter provides information on requesting a waiver of the 2008-2009 community service expenditure requirements under the Federal Work-Study Program.

Dear Colleague:

Section 443(b)(2)(B) of the Higher Education Act of 1965, as amended (HEA) and the implementing regulations at 34 CFR 675.18(g) set forth the community service expenditure requirements under the Federal Work-Study (FWS) Program that a school must meet unless it is granted a waiver from the Secretary. The questions and answers that follow explain how a school requests a waiver of the community service expenditure requirements under the FWS Program for the 2008-2009 Award Year.

Note: In [Dear Colleague Letter CB-07-08](#), we reminded schools of the statutory community service expenditure requirements and informed schools of the sanctions for noncompliance with these requirements. As explained in [CB-07-08](#), a school that fails to meet one or both of the FWS community service requirements for the 2008-2009 Award Year will be required to return FWS Federal funds in an amount that represents the difference between the amount a school should have spent for community service and the amount it actually spent. Further, a school that is not compliant with the FWS community service requirements may be subject to a Limitation, Suspension, and Termination (L, S, & T) proceeding, through which the school could be denied future participation in the FWS Program, and possibly other Title IV, HEA programs, and/or subject to a substantial fine.

QUESTIONS AND ANSWERS

Q1: What are the FWS community service expenditure requirements?

A1: Each school that participates in the FWS Program is required to expend at least seven percent of its total FWS Federal allocation to compensate students employed in community service activities. Also, in meeting that seven percent community service expenditure requirement, one or more of the school's FWS students must be employed as a reading tutor for children in a reading tutoring project or performing family literacy activities in a family literacy project.

[34 CFR 675.18(g)(1)]

Q2: Who can approve a waiver request?

A2: The Secretary may waive one or both of these requirements for a school if she determines that the school has demonstrated that enforcing the requirement(s) would cause a hardship for the students at that school. The fact that it may be difficult for the school to comply with the requirement(s) is not in and of itself a basis for granting a waiver. [34 CFR 675.18(g)(2)]

Q3: What are some examples of previously approved waivers?

A3: In the past, the Secretary has approved a limited number of waivers when schools were able to demonstrate an exceptional circumstance. Some examples are as follows:

Small FWS Allocation – The school had a very small FWS allocation. The supporting information submitted by the school noted that seven percent of the school’s allocation only provided enough funds for a student to work in a community service job for a short period of time. Therefore, the school was unable to find placement for a student in community service.

Rural Area – The school was in a rural area that was located far from the type of organizations that would normally provide community service jobs. The school provided information that showed that its students lacked the means of transportation to get to the location of the community service jobs. In a similar waiver request in which transportation did exist, a school provided documentation that showed that the transportation costs were extremely high for the students.

Specialized Program – The school offered only a single program of specialized study that required its students to spend extensive amounts of time in classroom and non-classroom academic activities. The school provided information that demonstrated that this specialized educational program did not allow its students to have time for performing community service jobs at the time those work opportunities were available.

Q4: What must our waiver request include?

A4: A school’s waiver request must be in writing and—

- Include the school’s name, address, and OPEID Number;
- Specify whether the school is requesting a waiver of the seven percent community service requirement, the reading tutors of children or family literacy project requirement, or both;
- Include detailed information to demonstrate that complying with the requirement(s) would cause hardship for the school’s students;
- Include the following statement: “I certify that the information I provided in this waiver request is true and accurate to the best of my knowledge. I understand that the information is subject to audit and program review by the U.S. Department of Education.”; and
- Signed by a school official.

Q5: How do we submit our waiver request to the Department of Education (the Department)?

A5: A school may submit its waiver request to the Department by fax, hand delivery, or mail.

Fax to:

Pamela Wills
(202) 275-0950

Hand deliver (in person or by commercial courier) to:

FWS Coordinator
U.S. Department of Education
Campus-Based Systems and Operations Division
830 First Street, NE
Room 62A1
Washington, DC 20002

Mail to:

FWS Coordinator
U.S. Department of Education
Campus-Based Systems and Operations Division
830 First Street, NE
Room 62A1
Washington, DC 20202-5453

Q6: What is the deadline by which we must submit our waiver request to the Department?

A6: The deadline for submitting a school's waiver request to the Department is Friday, April 25, 2008. If the signed waiver request is faxed or hand delivered, it must be received by 4:30 P.M. (ET) on April 25th. If the signed waiver request is sent through the U.S. Postal Service, it must be postmarked by April 25th. Refer to Q&A #5 for fax and address information.

Q7: What happens if we are late in submitting our waiver request to the Department?

A7: A waiver request that is received or postmarked (as explained in Q&A #6) after April 25, 2008 will not be considered.

Q8: What can we expect after submitting our waiver request by the deadline?

A8: By July 1, 2008, we plan to notify a school via e-mail that a decision has been made. In this e-mail, we will inform the school that the Secretary's decision to approve or deny the school's waiver request has been posted to the [eCampus-Based \(eCB\) Web site](#). We will send this e-mail to the school's Financial Aid Administrator, as provided in the school's most recently submitted Fiscal Operations Report and Application to Participate or as updated via the "Contact Info" page on the [eCB Web site](#).

To access the decision following receipt of this e-mail, log in to the [eCB Web site](#), select the "Self-Service" link from the top navigation bar, and scroll to the "Campus-Based Notifications for All Available Award Years" section. Then, scroll to the "Community Service Waiver" bullet and select the "2008-2009" link next to it.

We hope this information is helpful to your school. If you have additional questions about the FWS community service expenditure requirements or the procedures for requesting a waiver, contact the Campus-Based Call Center at 877/801-7168. Customer service representatives are available Monday through Friday from 8:00 A.M. until 8:00 P.M. (ET). You may also e-mail CBFOB@ed.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Sherlene McIntosh". The signature is written in a cursive, flowing style.

Sherlene McIntosh
Director, Campus-Based Systems and Operations Division
Federal Student Aid