



**national  
healthy marriage  
resource center**

# **NHMRC January 2008 Webinar Frequently Asked Questions**

**Ensuring Compliance: How 45 CFR Part 87  
Applies to Curricula Use**

# Ensuring Compliance: How 45 CFR Part 87 Applies to Curricula Use

The National Healthy Marriage Resource Center broadcasted a webinar entitled “Ensuring Compliance: How 45 CFR Part 87 Applies to Curricula Use,” on January 23, 2008. During the course of the webinar, we received more questions than we were able to answer. This Frequently Asked Questions (FAQ) document is a follow-up to many of the questions posted during the webinar. For further information, please see the other documents associated with this webinar: the 45 CFR Part 87 handout, the “Safe-guards” memo and the “OFA Curricula Guidance” memo. Additionally, many general questions about abiding by 45 CFR Part 87 have been answered in a June 2007 webinar and FAQ available at [healthymarriageinfo.org](http://healthymarriageinfo.org).

## 1. Does ACF have a list of approved curricula or books that don't violate 45 CFR Part 87?

No. The Office of General Counsel only reviewed curricula and books that were brought to the attention of the Office of Family Assistance. There was no review of all curricula taught by ACF grantees or marriage curricula available. If you have any questions about the curricula, workbooks, books or other resources that you are using in your program, contact your Federal Project Officer. Your Project Officer can work with you to evaluate your materials to see if they abide by 45 CFR Part 87, or what can be done to bring your program in-line with the federal guidelines.

## 2. What should we do if parts of our curricula have been found in violation with 45 CFR Part 87?

Generally, you can still teach the curricula, as long as

you remove or don't teach the sections that are in violation. For example, if one chapter encourages people to join a religion or become religious, you should skip that chapter in class. Explain either verbally or in a written format (or both) that this section will not be taught during the program. If you chose to teach inherently religious sections of the curricula (allowed ONLY outside of the federal program), you will need to allocate the costs of the classroom material. See question 3 for more information on cost allocation.

## 3. Can you explain the cost allocation rules associated with curricula that have sections inappropriate to teach during a federal program?

Cost allocation is a way to appropriately account for materials bought for use in a federal program that are used elsewhere. Following the answer for question 2, if you teach a curriculum in the federal program that has inappropriate sections, you cannot teach those sections during the federal program. If you choose not to ever teach those sections, you can bill the entire costs of the resource to the grant. If you use those sections in a program unrelated to the federal program (i.e., a voluntary group separated from the federal program in time and space), you need to cost allocate. Basically, you need to calculate what percent of the total curriculum is taught in this other program. That is the percent of the cost of the curriculum that cannot be paid for with grant funds.

For example, say 25 percent of a book (2 of 8 chapters) is unallowed in a federal program. If you don't do anything with that section, the entire cost of the book can be paid for with grant funds. If you teach that section in a separate, non-federal program,

though, you need to cost allocate. The separate program needs to pay for 25 percent of each book, and 75 percent of each book can be billed to the grant.

#### 4. Can we use the 10 percent non-federal match money to conduct inherently religious activities?

No. Your non-federal match must follow the same rules and regulations that apply to your federal funds. You may, however, conduct religious activities with other organizational funding unrelated to the federal program you're providing.

#### 5. Can we buy resources that have been deemed unallowed if we only use them to develop lessons, but don't teach the inappropriate sections or lessons?

No. If a resource is inappropriate to be taught during a federal program, it cannot be bought with federal funds. You may not use grant moneys, including any match funds, to buy resources that have been found to be in violation of 45 CFR Part 87. Note this applies to resources that are in violation as a whole, not resources that can be parsed to be appropriate for a federal program (e.g., one section can be removed versus the whole resource is infused with inherently religious references and activities).

#### 6. We ask about religious affiliation, including no religious affiliation, as part of a basic demographic profile at intake. Is this allowed?

Generally, yes. Make sure that people know that the completion of the intake form, or any question on it, is completely voluntary and unrelated to inclusion in the program. The best way to do this is through the

use of a consent form for program and evaluation involvement. Additionally, if you don't already have a multiple choice response such as, "I prefer not to answer," we recommend including it as a response option. Finally, we encourage you to look at how you use this information. Ensure that you do not provide services differently based on people's religious affiliation, or lack thereof. You also cannot determine eligibility based on answers to this question. Such data should only be used for evaluation and program refinement purposes. For example, some evaluations may hypothesize that the program has differential effects based on religious affiliation. In terms of program refinements, you may find that people who are not religious are more likely to drop out of the program, indicating that you may want to revisit your program to make sure it is welcoming to people regardless of religious or non-religious beliefs.

#### 7. We have been using a curriculum that has now been deemed unallowable. What should we do – we've already bought it with federal funds?

You should contact your Federal Project Officer. Generally, as long as you didn't willingly buy materials that you knew were unallowed under the grant, you will not have to reimburse the grant. We want you to be successful and do not want to be punitive. Call your Federal Project Officer and he or she will work with you to figure out the most appropriate way to handle your individual case.

#### 8. We are teaching a curriculum based on one of the curricula mentioned as unallowable in the memo. If the course we are teaching does not include references to religion, inherently religious activities, pros-

## elytizing and other unallowed behaviors, can we continue to teach it?

Generally, yes. As long as the parts that are in violation of 45 CFR Part 87 have been removed and are not taught as part of the federal program, your curricula should be fine. Please talk with your Federal Project Officer for advice and support about your particular case.

## 9. What suggestions do you have to help us ensure that our service delivery partners are abiding by 45CFR Part 87?

Many grantees work with other organizations to deliver marriage education. As the grantee, you are required to make sure that all of your partner organizations, sub-contractors, contractors, volunteers, mentors and any other people/groups involved in your grant abide by all of the rules and regulations

associated with being a federal grantee. You need to distribute any guidance provided to you to all of your partners, and encourage them to participate or download any NHMRC webinars that address the written guidance. You should hold trainings for your partner organizations to teach federal guidance and answer any questions they have. Additionally, you should institute a monitoring and observation process into your partner relationships. You should visit the partners regularly to answer questions, provide guidance and observe services. Make it very clear that federal regulations and rules must be followed and offer support to help them figure out ways to remain in compliance. If your partners (organizations or individuals) violate regulations, you will be held responsible as the federal grantee.