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DEPARTMENT OF VETERANS AFFAIRS

State Approving Agency 

VA Education Update



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This presentation is available online at;
<https://tinyurl.com/OACRAO-VA-Update-22>



The URL and QR code will be provided again at the end of the presentation.



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Public Law No: 116-315 Johnny Isakson and David
P. Roe, M.D. Veterans Health Care and Benefits
Improvement Act of 2020
(Isakson Roe)

Legislative history of Isakson Roe

- Started as H.R.7105 — 116th Congress (2019-2020)
- Formal name Public Law No: 116-315 Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020
- Passed and signed into law on 01/05/2021

What Isakson Roe changed

- Oversight requirements
- School processes
- Restoration of Entitlement
- COVID-19 Pandemic Assistance
- Various topics not related to Educational Assistance

Subsequent laws that amend Isakson & Roe

- Public Law No: 117-16: Training in High-demand Roles to Improve Veteran Employment Act (THRIVE Act)
- Public Law No: 117-68: Colonel John M. McHugh Tuition Fairness for Survivors Act of 2021
- Public Law No: 117-76: Responsible Education Mitigating Options and Technical Extensions Act (REMOTE ACT)
- Public Law 117-174: Ensuring the Best Schools for Veterans Act of 2022



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What we aren't covering

What we aren't covering

- Revisions to the Edith Nourse Rogers STEM Scholarship program
- Expanded eligibility for the Fry Scholarship
- Extended election period for Montgomery GI Bill®
- The eventual sunset of Montgomery GI Bill program in 2030
- Expanded qualifying work-study activities
- Return of entitlement due to school closure
- Updated Yellow Ribbon terminology to be consistent with laws

What we aren't covering

- Clarification of educational assistance used while on active duty
- Expanded list of qualifying dependents for transfer of entitlement
- SAA conducts outreach activities
- Prohibits SAA from being colocated with a university
- Elimination of the 12-year cut-off for VR&E if discharged on/after 1/1/13.
- Subtitle B - Pandemic Assistance (Sec. 1101-1108)
- Any part of Title II-VII of Isakson/Roe (does not pertain to education)
- Any part of subsequent bills that does not pertain to education



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What we are covering



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What we are covering

- Debt Management
- Late Payment by the VA
- Approval as a deemed approved institution
- Title IV Participation
- In-state tuition requirements at State Schools
- Law Program Accreditation
- Section 1018



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What we are covering

- Limitations on Advertising
- 85/15 Basics
- Certification procedures
- Records Maintenance
- Risk Based Surveys
- ODVA SAA Systems Overview



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Debt Management

Isakson Roe Section 1019 changes debt management processes.

Tuition and fee (T&F) debts generated after 1/5/21 will be assigned to the institution.

- Based on the generation date of the debt, **not** the term date
- Does **not** consider the cause of debt
- Student may be indebted to the school for unpaid T&F balance
- Does **not** include any payment received by the student



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Late Payment by the VA

Late Payment by the VA

38 U.S. Code § 3679(e) requires that penalizing certain beneficiaries for late payment by the VA is grounds for immediate disapproval.

Covered individuals are:

- Chapter 31 beneficiaries
- Chapter 33 beneficiaries, including Transfer of Entitlement (TOE)

Note: Chapter 35 beneficiaries are included in the law. However, because the VA does not pay the school directly for these beneficiaries, the law is inapplicable in the case of Chapter 35 beneficiaries.

Late Payment by the VA

Institutions may **not** have a policy that prevents beneficiaries who have submitted a Certificate of Eligibility (CoE) from attending or participating until:

- The VA issues payment.
- Ninety (90) days after the school has certified the beneficiary's tuition and fees.

Late Payment by the VA

The institution may **not** have a policy that impose any penalty upon the beneficiary due to late payment by the VA, including:

- The assessment of late fees
- The denial of access to classes, libraries, or institutional facilities
- The requirement to borrow additional funds

Note: there is no allowable time frame to penalize a beneficiary.

The institution *may* have requirements for the beneficiary to perform prior to being certified.

Examples:

- Submit a Certificate of Eligibility (CoE)
 - **Note:** The law allows, “...not later than the first day of a course of education...”. This does **not** excuse the institution from certifying beneficiaries in a timely manner.
- Submit a written request to use such entitlement.
- Provide additional information necessary to certify.



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Approval as a deemed approved institution

Approval as a deemed approved institution

Accredited institutions of higher learning (IHLs) may be deemed approved under 38 U.S. Code § 3672.

The institution must be:

- A public educational institution;
- or,
- A not-for-profit proprietary educational institution.

Approval as a deemed approved institution

Isakson Roe Section 1012 amends 38 U.S. Code § 3672, excluding schools at risk of losing accreditation.

The institution **cannot** be at risk of losing its accreditation due to notice from an accrediting agency or association of;

- Loss or revocation of accreditation
- Notice of probation
- Suspension
- A show cause order regarding policies, practices, or financial stability



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Title IV Participation

Isakson Roe Section 1015 amends 38 U.S. Code § 3672 & 3675 to require that accredited institutions must participate in Title IV.

The institution must be approved and participating in Title IV.

- Must have a current Title IV Program Participation Agreement.

-Or-

- Must have a waiver issued by the VA.
- **Note:** programs that are too short to meet Title IV requirements are exempt.



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In-state tuition requirements (at State Schools)



38 U.S. Code § 3679(c) requires public institution charging more than the in-state rate shall be immediately disapproved.

Covered individuals, living in the state, must receive the in-state rate, or less.

Covered individuals are:

- Chapter 30 beneficiaries
- Chapter 31 beneficiaries
- Chapter 33 beneficiaries, including Transfer of Entitlement (TOE)
- Chapter 35 beneficiaries



Institutions may have additional requirements.

- Institutions may require beneficiaries to demonstrate intent to establish residency.
- Institutions may have additional requirements.
- Institutions must publish and provide any requirements.



Isakson Roe Section 1016 amends the in-state tuition requirements of 38 U.S. Code § 3679(c).

- Chapter 35 is now included.
- The in-state tuition requirement is now effective regardless of when a veteran was discharged.

Note: See Oklahoma State Regents for Higher Education [Policy and Procedure Manual Chapter 3.18.7](#) for additional information regarding implementation in Oklahoma.



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Law Program Accreditation



Isakson Roe Section 1016 amends 38 U.S. Code § 3676 to require law programs to be accredited by a specialized agency/association.

Note: the American Bar Association is the ONLY such organization that is currently recognized.



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Section 1018

Isakson Roe Section 1018 creates 38 U.S. Code § 3679(f) adding new approval, oversight, and quality assurance measures.

Using the Department of Education College Financing Plan (CFP) exempts an institution from the requirements of 38 U.S. Code § 3679(f).

- Institutions **not** using the CFP must:
 - Develop and provide a shopping sheet to beneficiaries
 - Include several additional policies in their catalog
 - Adhere to such additional policies and several additional requirements

Institutions will be required to demonstrate compliance with 38 U.S. Code § 3679(f).

Institutions using the CFP:

- Be prepared to provide the CFP template during approval.
- Be prepared to provide individualized forms for students during surveys.



Institutions **not** using the CFP:

- Be prepared to provide evidence of a waiver granted by the VA.
- or -
- Be prepared to provide during approval:
 - Shopping sheet template
 - Compliant 1018 policies
 - Evidence of adherence to additional requirements
- Be prepared to provide individualized forms for students during surveys.

More information on Section 1018

See ODVA's FAQ - Public Law No: 116-315 (Isakson & Roe) section 1018 for detailed information: tinyurl.com/ODVASAA1018FAQ





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Limitations on Advertising



Isakson Roe Section 1020 completely rewrites 38 U.S. Code § 3696 to clarify limitations on advertising.

- Prohibits and defines misrepresentation
- Limits commissions, bonuses, and other incentives
- Clarifies record maintenance requirements for advertising



Prohibited misrepresentation is defined and categorized:

Misrepresentation by the school, its reps, partners, etc. is prohibited. This includes;

the nature of the program - accreditation - transfer credits - requirements
endorsements - facilities - equipment - faculty & staff - course content
charges - scholarships - policies - financial aid - institutional relationships
student placement - statistics - and more



Types and severity of misrepresentation are described.

- **Misleading statements:** any communication, action, omission, or intimation made by any means that is likely to mislead the intended recipient.
- **Misrepresentation:** any false, erroneous, or misleading statement, action, omission, or intimation made directly or indirectly.
- **Substantial misrepresentation:** any misrepresentation in which it could be reasonably expected for the recipient to rely upon, to their detriment.



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Limitations on Advertising

limitations on incentive pay is clarified and effectively limit most recruiter and admission to regular pay.

“No commission, bonus, or other incentive payment based directly or indirectly on success in securing enrollments or financial aid to any persons or entities engaged in any student recruiting or admission activities or in making decisions regarding the award of student financial assistance”



Record maintenance requirements are extended and retention requirements are more clearly defined.

Educational institutions must maintain a complete record of all advertising, sales, or enrollment materials (and copies thereof) utilized by or on behalf of the institution during the preceding two-year period.

- Maintain a complete record of all advertising, sales, or enrollment materials used for or by the institution over the last two-years.
 - The record must include the actual advertising.
- Record shall be available for inspection by SAA and VA.
- SAA will review samples during approval actions.



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85/15 Basics

What is 85/15?

- 85/15 is a rule requiring that a minimal number of non-Veterans find a program worthwhile.

Why is 85/15 required?

- Congress adopted the 85 percent rule in 1952 to combat predatory school abuses.

35% waivers are achievable for most programs at most schools.

- Submit waiver requests.
- 35% waivers are based on the total student population.
- A 35% waiver exempts the school from 85/15 for 24 months.

More information on 85/15

See ODVA's 85/15 basics presentation for detailed information:

<https://tinyurl.com/OVESA85-15>





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Certification procedures

38 U.S. Code § 3684 requires that all approved institutions must certify enrollments.

- Institutions must certify using the form prescribed by the VA:
 - Currently VA-Once
 - Soon to be Enrollment Manager
- Institutions must report interruptions or terminations of enrollment.
- Institutions must report “without delay”
 - Currently defined as being within 30 days



Isakson Roe Section 1010 adds “dual certification” to certification requirements/practices.

- Initial certification
 - Submitted after the beneficiary enrolls
 - Up to 180 days before the start of term
 - or -
 - Up to 1 year after the last day of the term

Isakson Roe Section 1010 adds “dual certification” to certification requirements/practices.

- Subsequent verification certification
 - Submitted after add/drop date
 - or -
 - Between 30 and 60 days after the first day of the term

Isakson Roe Section 1010 adds monthly verification by Chapter 33 Post 911 beneficiaries.

Performed by the student, **not** by school officials.

- Via Text Message (student must opt-in when the VA texts them)
- Via Email (if student opts-out of text or does not respond to the VA's text)
- Students can call the education hotline for assistance.



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Records Maintenance

38 U.S. Code § 3675 & 3676 call for, “adequate records to be maintained to show attendance and progress or grades, and satisfactory standards relating to attendance, progress, and conduct are enforced.

- Neither the VA, nor ODVA SAA have a specific SAP or attendance policy or procedure that they require in regard to how or when SAP is enforced.
- Neither the VA, nor ODVA SAA have a specific file retention procedures that schools are required to observe.

There are general record keeping requirements outlined in the SCO Handbook.

- Retain a file of VA papers submitted and records of academic progress, program pursuit, etc.
- Maintain records for at least three years following the student's last date of attendance
- Ensure that records are kept in a safe place and that the privacy of VA students is protected



A school's file for a VA student should contain:

- Copies of all VA paperwork
- The school's transcript, grade reports, drop slips, registration slips (for those courses dropped during drop/add), tuition and fee charges, transcripts from previous schools with evaluations of same, student's school application, records of disciplinary action, program outline, a curriculum guide or graduation evaluation form, and any other pertinent forms



Electronic records are indeed allowed by the VA and are encourage by ODVA SAA.



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Risk Based Surveys



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Risk Based Surveys

38 U.S. Code § 3690(c) requires that all approved institutions are subject to examination of records by authorized Government representatives.

- Includes all records and accounts of the institution.
- Records required are determined by the authorized representative.
- Authorized representatives may include, but are not limited to:
 - SAA staff - Education Liaison Representatives - Compliance officers & contractors - Claims Examiners - Veterans Readiness Counselors - Supervisors

Types of surveys

- Compliance Survey
 - Ensures compliance with law and propriety of payments.
- Targeted Risk Based Review (TRBR)
 - Unannounced onsite review for severe risk, fraud, etc.
- Risk Based Survey
 - New requirements

Isakson Roe Section 1013 Establishes Risk-based surveys

- Performed by the State Approving Agency
- Highly focused on patterns of risk
- Prevent time consuming and expensive problems
- Mitigate risk before losses become significant

Risk factors identified in Isakson Roe

- Rapid increase in Veteran enrollment
- Rapid increase in tuition and fees
- Complaints 85/15 violations
- Veteran completion rates
- Indicators of financial instability
- Advertising and recruiting practices
- Federal/State actions



Other factors identified in Isakson Roe

- Conversion from private for-profit to private nonprofit or public
- Other accreditor actions
- Trend in deficiencies on compliance actions
- Suspension or withdrawal actions with risk concerns
- Rates of Federal Student Loan Defaults by Veterans
- 90/10 Rule violation

Isakson Roe Section 1014 requires a Risk Based Survey of institutions subject to government or accrediting body action.

Institutions will be subject to a Risk Based Survey if;

- Placed on heightened cash monitoring level 2
- Has been subject to punitive actions by any State or Federal agency
- Loses or at risk of losing accreditation, includes probation, suspension, and show cause

Isakson Roe Section 1017 amends 38 U.S. Code § 3679 to require immediate disapproval if an institution fails to comply with a risk-based survey.

- Participation in a Risk Based Survey is not optional.
- Providing material required for a Risk Based Survey is likely require input from institution staff beyond just the VA School Certifying Official.



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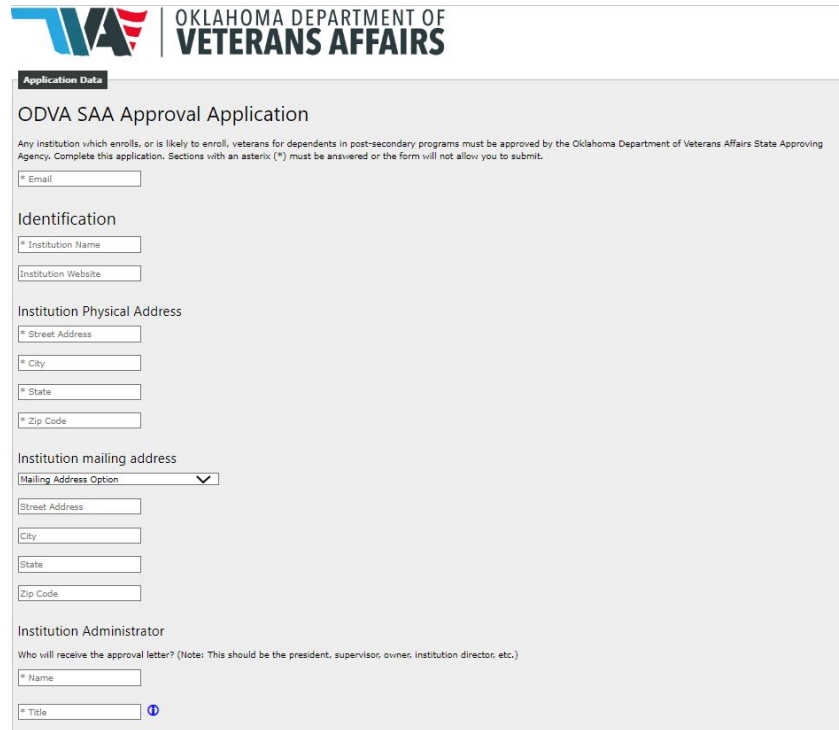
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ODVA SAA Systems Overview



Approval Application

- Feeds into database system; linked with your school records and information
- Requires affirmations of compliance
- Takes less than three minutes to complete.



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Application Data

ODVA SAA Approval Application

Any institution which enrolls, or is likely to enroll, veterans for dependents in post-secondary programs must be approved by the Oklahoma Department of Veterans Affairs State Approving Agency. Complete this application. Sections with an asterisk (*) must be answered or the form will not allow you to submit.

* Email

Identification

* Institution Name

Institution Website

Institution Physical Address

* Street Address

* City

* State

* Zip Code

Institution mailing address

Mailing Address Option

Street Address

City

State

Zip Code

Institution Administrator

Who will receive the approval letter? (Note: This should be the president, supervisor, owner, institution director, etc.)

* Name

* Title ⓘ

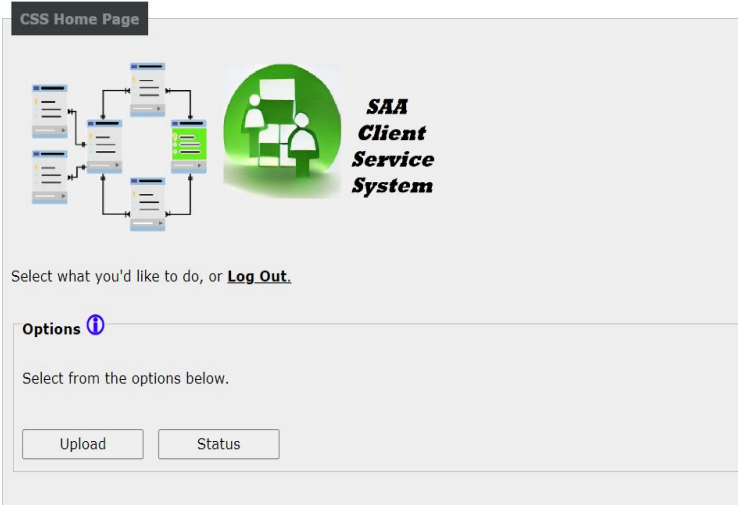


Client Service System (CSS)

- CSS offers simplified document submissions directly to SAA.
- CSS allows SCOs to check approval review status and confirm file uploads.
- CSS includes intelligent review and feedback on timelines and materials needed.



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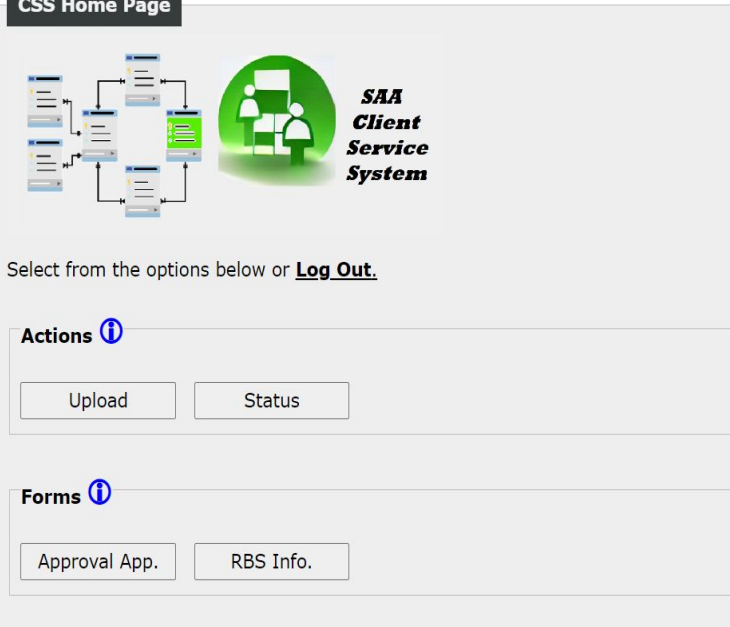
The screenshot shows the 'CSS Home Page' interface. At the top left, there is a flowchart diagram. To its right is a circular icon with a green background and white figures, labeled 'SAA Client Service System'. Below these elements, the text reads 'Select what you'd like to do, or **Log Out**.' Underneath is a section titled 'Options' with a help icon, containing the instruction 'Select from the options below.' At the bottom of this section are two buttons: 'Upload' and 'Status'.



Client Service System (CSS)

- Registered CSS users can submit an application for approval without first requesting a link.
- CSS eases the burden of submitting RBS documents and information.

CSS Home Page

A screenshot of the CSS Home Page. It features a navigation menu on the left, a central graphic of a green circle with three people icons and the text 'SAA Client Service System', and a main content area with two sections: 'Actions' containing 'Upload' and 'Status' buttons, and 'Forms' containing 'Approval App.' and 'RBS Info.' buttons. Below the buttons is a 'Log Out' link.

*SAA
Client
Service
System*

Select from the options below or [Log Out](#).

Actions ⓘ

Upload Status

Forms ⓘ

Approval App. RBS Info.



File Management System (FMS)

- FMS ensures that your documents are submitted securely.
- CSS and FMS work together to streamline approval reviews.
- Control numbers used in CSS and FMS allow tracking of each action.



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Questions?



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Resources



The laws discussed

- [38 USC § 3672- Approval of courses](#)
- [38 USC § 3675- Approval of accredited courses](#)
- [38 USC § 3676- Approval of nonaccredited courses](#)
- [38 U.S. Code § 3679 - Disapproval of courses](#)
- [38 U.S. Code § 3696 - Prohibition on certain advertising, sales, and enrollment practices](#)



VA training resources

- [School Certifying Official Handbook \(On-line\)](#) The official guide for SCOs.
- Education Liaison Representative (ELR) compliance_liaison@va.gov
 - Please consult the SCO handbook *before* contacting the ELR.
- [School Certifying Official \(SCO\) Training](#) The official training page for SCOs.
- [Resources for schools](#) a one-stop shop for SCOs and school administrators assisting students with VA benefits.

VA 85/15 guidance and resources

- [The 85/15 Rule](#)
- [85/15 FAQ](#)
- [Reporting Requirements](#)
- [Suspension and Review](#)

Guidance for calculating 85/15

- [Restricted Aid](#)
- [Full-time Equivalency \(FTE\)](#)
- [Supported and Non-Supported Students](#)
- [Supported or Non-Supported Student Checklist](#)

85/15 waiver guidance and resources

- [35 Percent Exemption](#)
- [Department of Defense \(DoD\) Exemption](#)
- [Education Service Waiver](#)

Procedural Advisory: Summary of Provisions of the ‘Ensuring the Best Schools for Veterans Act of 2022’

- 2022-08-26_-_PA-Summary_PL_117-174_85-15.pdf
https://saaodva.org/SAA_EXTERNAL_DATA/documents/20221026080622_0



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On the web:

<https://oklahoma.gov/veterans/education/state-approving-agency.html>



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