



NATIONAL ASSOCIATION OF VETERANS' PROGRAM ADMINISTRATORS

Suite 1975, 2020 Pennsylvania Avenue, NW

Washington D.C. 20006-1846

www.navpa.org

Veterans' Education Programs Issues and Legislative Talking Points 2023

**Dr. Jan Del Signore
President**

**Dr. Takesha McMiller
Vice President**

**Raeleen Ziegler
Secretary**

**Andrea Siegrist-Baez
Treasurer**

NAVPA Legislation Committee

STATEMENT OF PURPOSE

The National Association of Veterans' Program Administrators (NAVPA) is an organization of institutions and individuals who are involved or interested in the operation of veterans' affairs programs and/or the delivery of services to veterans as Veterans' Education Program Administrators across the country. A Board of Directors elected at our annual conference governs NAVPA. The purpose of NAVPA is to promote professional competency and efficiency through an association of members and others allied with, and involved in, veterans' educational programs and to promote the development, improvement and extension of opportunities to any service member, veteran or dependent of a veteran, for his or her personal growth and development to its fullest potential. This is achieved through assisting with the assessment and attainment of individual needs, communicating and cooperating with communities, schools, agencies and organizations at the local, state, regional and federal levels; developing productive relations with the Department of Veterans Affairs, Department of Education, Department of Defense, and other federal or national Veterans Service Organization or agency serving veterans; participating in efforts to facilitate the education and/or training of educationally or otherwise disadvantaged veterans and to promote cooperative studies, research, evaluation, workshops, seminars, conferences, and other activities as may be desired or required to fulfill the purpose of NAVPA.

MEMBERSHIP

NAVPA has served as the voice of advocacy for veterans in higher education since its founding in 1975. Our research, training, and policy initiatives have developed programs and support services to ensure veterans achieve their academic and professional goals. NAVPA's membership includes over 400 Institutions of Higher Learning across the nation that represent over 530,000 veterans.

TOP LEGISLATIVE AND REGULATORY ISSUES

PRIORITY ISSUE #1

LACK OF ELRS TO SUPPORT SCOS

Issue: There are not enough Education Liaison Representatives (ELRs) to support the School Certifying Officials (SCO's) in the implementation of the many changes in recent Department Veterans Affairs (VA) policies, procedures, and legislation.

Discussion:

There have been many job postings by the VA for ELRs across the nation in the past two years. It is our understanding that the VA is experiencing a major employee shortage. This has been highlighted in the SCO community from lack of communication from ELRs, missing reports, delay in catalog approvals, and lack of training.

SCOs are reporting a decline of communication from the state ELR when addressing the numerous changes that have occurred in the past three years. Oftentimes, SCOs send emails asking questions or need clarification regarding a student veteran issue, and these emails will go unanswered. The VA established ELR email boxes for schools to submit concerns or questions however, these email boxes often are not monitored as the limited ELRs are backlogged in other responsibilities.

Per the SCO Handbook:

When to contact your **ELR**:

- *Updating Certifying Officials; VA Form 22-8794*
- *Questions about reporting student enrollment and related changes*
- *Access to VA-Once and related technical guidance*
- *85/15 reporting matters*
- *Clarification of approval issues, WEAMS 22-1998 reports*

NAVPA conducted a survey of SCOs in December 2022 and in this analysis, NAVPA found that 47% of the participants reported they will receive a response from their ELR within 1-2 months while 22% reported they may receive a response in 5 months or longer. This is most alarming for the SCO who is expected to report changes to the VA within 30 days or sooner but cannot receive an answer to a question to ensure the SCO is conducting daily operations in administration of GI Bill® benefits within compliance of Title 38.

The December 2022 NAVPA survey also found that, SCOs reported a delay in receiving approval from the VA for their submitted school catalog by way of receiving an updated VA Web Enabled Approval Management System (WEAMS) report. The WEAMS database is the primary database used by the VA to determine if a GI Bill® recipient is enrolled in an approved program for veterans training. Student veterans cannot use their earned benefit in a program that is not listed on the published WEAMS report by the VA. Schools are required to report new catalogs and catalog addenda to their respective State Approving Agency (SAA) within 30 days of publication. Schools will receive an approval letter from the SAA but will wait for months or years to receive an

updated WEAMS report from the ELR. In the same survey, participating SCOs reported 13.4% of schools are still waiting on an updated WEAMS report from the 2021-2022 school year while 61.7% is still waiting for an updated WEAMS report for 2022-2023. Additionally, 32.9% of participants report they had to wait 3-4 months for an updated WEAMS report with the next largest group of schools reporting a wait time of 5-6 months. These wait times are recorded after the school receives their SAA approval letters.

It was noted during the survey that new SCOs are having to wait for the ELR to grant them access to the VA Once database even after completing the mandated Section 305 training. Some schools reported they had to wait longer than 9 months to receive access to certify their student veterans. Other SCOs reported 38.9% received access within 1-2 months while 23.1% had to wait 3-4 months for VA Once access. Schools cannot certify or process the student veterans benefits without access to the current VA Once system.

On a final note, NAVPA membership has reported there is no support from the VA in providing training to SCOs during state VA conferences. States across the nation have requested training from the VA National Training Team (NTT) only to be told they only support national and regional conferences. State conferences were directed by the NTT to reach out to their ELRs to provide training and when doing so, the ELRs responded they were not allowed to attend state conferences.

Recommendation: The ELR is someone to help with individualized communication and understanding of regulation, policies, and procedures to school specific issues. SCOs need that guidance and liaison to properly administer GI Bill® benefits and take care of student veterans. A stabilized and trained VA workforce will ensure proper communication and support functions are in place to better serve our student veteran population and support the institutions administering the GI Bill®.

As such, NAVPA recommends a review of the current organizational structure within the VA Education Services to ensure the ELR has administrative support to meet mission requirements. Hiring a team to input mundane data will free up the ELR to respond to the needs of SCOs in understanding specific student veteran issues and the many changes in policies and procedures.

NAVPA also recommends a strong mentoring and communication system be developed within the Veterans Benefits Administration (VBA) to support the necessary ELR communications and training. The lack of ELRs has been crippling in the administration of the GI Bill® to the detriment of student veterans.

PRIORITY ISSUE #2

INCREASE OF SCHOOL CERTIFYING OFFICIAL (SCO) RESPONSIBILITIES

Issue: Due to policy changes within the VA and/or Congressional legislation, SCOs continue to have an abundance of new responsibilities and expectations set upon them.

Discussion: The SCO is the gate keeper of administering GI Bill® benefits for student veterans. The Post 9/11 GI Bill® is the most comprehensive, complex, and robust benefit to manage. The SCOs

responsibilities have continued to evolve and expand oftentimes creating overworked employees who are leaving their positions in increasing numbers due to in large part, an increased administrative workload from the VA. In the NAVPA ELR survey conducted in December 2022, 55% of respondents reported having to submit a VA Form 22-8794 to garner access to VA Once for a new SCO.

NAVPA partnered with Purdue's Military Family Research Institute (MFRI) in a 3-year study of 1,345 SCOs. The analyzed data was presented in 2019 and showed 60% of the respondents reported working in the Financial Aid or Registrar's office whereas, only 7% reported they worked in a dedicated Military/Veterans Service office. The majority of SCOs surveyed have additional institutional duties and responsibilities other than administering GI Bill® benefits. This is applicable to all sectors of institutions.

Per the SCO Handbook:

The following information provides the basic responsibilities of an educational institution and VA School Certifying Official (SCO). Each school will designate at least one VA Certifying Official to carry out reporting requirements. VA recommends one (1) SCO full-time employee (FTE) for every 200 GI Bill students and/or dependents enrolled in the educational institution. This number should be adjusted as appropriate by the educational institution when the SCO's duties are expanded beyond certifying GI Bill beneficiaries' enrollments.

An example of the increased workload is the recent *Veterans Auto and Education Improvement Act of 2022*, which added a time limitation upon the SCO to prepare for either a VA Compliance or Risk Based Survey. The Compliance Survey change now only grants institutions 10 business days to prepare for a 3rd party assessment.

In preparation, SCOs are expected to complete and gather a variety of information to include items from other departments at their institution.

Depending on how many GI Bill® recipients are attending the school, SCOs must create 10 to 35 student files, to include creating 1 to 2 non GI Bill® receiving student files, with printed hard copies of the following documents. SCOs must create a file for each individual student, and place in a folder, and then sent electronically to the VA. A comprehensive list of the documents required for a student file include but are not limited to:

- *Unofficial Transcript*
- *Financial Ledgers (showing charges and credits)*
- *Degree/Program Requirements*
- *Enrollment Agreement (if applicable)*
- *Application for Admission to School*
- *Transfer Credit Evaluation*
- *Class Schedule*
- *Course Substitution Forms (if applicable)*
- *Course Elective Approvals (if applicable)*
- *Copies of Drop Slips and Withdrawal Forms (if applicable)*
- *Attendance Records (if applicable)*
- *Unsatisfactory Progress Documentation (if applicable)*
- *Remedial Test Scores (if applicable)*

- *Related Student Documents* (e.g., Drop/Withdrawal Slips, Mitigating Circumstances Documentation, Parent Institution Letter)*
- *VA Work Study Files (if applicable)*
- *Non-Veteran Record(s)*
- *Copies of VA Form 22-1990 or 22-5490 if available*
- *Copies of VA Form 22-1995 or 22-5495 if available*
- *Copies of all enrollment certifications (VA Form 22-1999)*
- *Copies of all notices of changes in student status (VA Form 22-1999b)*
- *Any correspondence from the Department of Veterans Affairs, which may have received for the student*

Records Checklist – to be signed by SCO

Required School Information – to be signed by SCO

School Procedures Questionnaire – to be signed by SCO

Statement of Compliance with Principles of Excellence – to be signed by SCO with 3-years of Shopping Sheets

VA Form 22-102015 - Statement of Assurance of Compliance with 85% Enrollment Ratios – to be signed by SCO (Must provide even if 35% Exemption Waiver has been approved.)

VA Form 22-102015a – Statement of Assurance of Compliance with 85% Enrollment Ratios (cont'd) – to be signed by SCO (Must provide even if 35% Exemption Waiver has been approved.)

VA Form 22-1919 - Conflicting Interests Certification for Proprietary Schools (Required for all Proprietary schools)

VA Form 22-8794 – Designation of Certifying Official (Applicable if there are changes to SCO staff)

Three years of school catalog information

Copies of all advertising material for the past 12-months

Yellow Ribbon agreement (if applicable)

In addition to printing all the above, SCOs are now required to label all electronic documents with a specific VA naming convention and upload directly into the VA computer portal known as “Salesforce” which was previously completed by the reviewer.

The amount of time and work that goes into completing a required and complicated 85/15 report has been cumbersome, at best, requiring the SCO to track data from different departments not normally in their purview. Schools with the 35% exemption are still required to complete these complicated reports for Compliance and Risk-Based Surveys.

Schools are reporting that they are being tasked to complete both a Compliance and Risk-Based Survey at times within weeks of each other.

NAVPA is receiving reports that small schools are no longer participating in administering GI Bill® benefits due to the amount of the SCO administrative workload. As an example, these schools include first responders (police and fire academies) and truck driving schools.

From a communication from Saint George Consulting company:

In July of 2021, Saint George Consulting (SGC) was contracted to conduct on-site compliance survey's (sic) by the Department of Veterans Affairs (VA). The VA provided SGC a list of 2500 Educational Training Institutions (ETIs) we are contractually obligated to survey.

The contract explicitly denies SGC the ability to conduct remote, consolidated or centralized survey's (sic). Additionally, the VA has asked us to survey all the ETI's on our

list regardless (sic) if the ETI previously had a remote, consolidated or centralized survey conducted in 2020 or 2021. As such we are required to reach out to all 2500 ETIs and schedule surveys.

Removing the ability to conduct consolidated/centralized Compliance Surveys adds a significant amount of work to the responsibilities of the already overworked SCO.

Recommendation: The VA recommended one full-time SCO for every 200 GI Bill® students. NAVPA would like to see this updated and increase the number of SCOs to student ratio to accommodate the numerous amounts of changes and responsibilities placed on the SCO.

While NAVPA understands the necessity of a Compliance Survey, NAVPA asks that the VA be good stewards of taxpayer monies to ensure schools are not completing a Compliance Survey unnecessarily. NAVPA recommends the VA work with institutions and not schedule back-to-back surveys especially so when there are no findings. Given the number of documents and time required to complete these surveys, NAVPA recommends legislation remove the time limited notice requirement in P.L.117-333.

PRIORITY ISSUE #3

GI BILL® COMPARISON TOOL – COMPLAINT SYSTEM (CONTINUING ISSUE FROM 2019)

Issue: Institutions of higher learning receive unvetted/unwarranted complaints against them as part of the Department of Veterans Affairs (VA) GI Bill® feedback system, which is then posted on the public GI Bill® Comparison Tool. Schools have no recourse to remove or refute the complaints from their public-facing profile regardless of the validity of the complaint. This results in higher education institutions erroneously having a “black mark” on their public record that directly impacts a veteran or other VA education beneficiary’s choice in selecting a reputable school and program of study.

Discussion: The VA GI Bill® feedback system, allows recipients of VA educational benefits to submit complaints against educational institutions they believe have failed to follow the Principles of Excellence (POE) established under Executive Order, 13607, signed April 27, 2012, and codified in statute under P.L.116-315, Isakson and Roe Veterans Health Care and Benefits Improvement Act of 2020. While complaints are supposed to be reviewed by the VA and addressed by the institution, not all complaints filed have been true violations of POE and yet are still posted on the institutions profile for public viewing with no option of removal or disclaimer by the institution. SCOs struggle to find a point of contact to have disparities corrected on the GI Bill® Comparison Tool.

VA announced in 2020 that complaints older than 2-years would be removed. However, it appears that the GI Bill® Comparison Tool does not receive updates in a timely manner. Complaints posted on the public site are not vetted by the VA, have issues with a delimitating date, and are posted after student issues/concerns have been resolved.

The institutions are required to provide a response to the complainant and to VA as soon as possible, but no later than 30 days from the date that the complaint is sent to the school.

Currently, there is no method to notify the institution when the complaint response submitted to the student is considered satisfactory and the issue closed. Nor are schools notified when complaints have been removed from the public facing GI Bill® Comparison Tool. There is no opportunity for institutions to contest a complaint. Nor are there any known delimiting dates for complaints as they are posted on the GI Bill® Comparison Tool and all complaints are reviewed during Compliance Surveys.

NAVPA is concerned that these unvetted complaints will trigger unwarranted Risk Based Surveys at institutions. Members have reported the following examples of invalid complaints:

- A school received a complaint that they are not a Yellow Ribbon school when in fact they are and published as such on the GI Bill® Comparison Tool.
- A school received a complaint from a non-student demanding to be certified as attending on-ground classes in an online only program. She was directed by the VA to file the complaint.

Recommendation: VA should review all complaint responses and vet valid student complaints while ensuring non-valid POE complaints are not published on the GI Bill® Comparison Tool. VA should direct students to the institution to have their concerns addressed instead of recommending they file a complaint.

NAVPA recommends the VA establish a Point-of-Contact (POC) to respond to institutions' inquiries with established timelines for VA follow-up and respond to complaints and questions from the institution.

Areas of Concern

85-15 VA CHANGES

With the implementation of P.L.117-174, Ensuring the Best Schools for Veterans Act 2022, on August 26, 2022, Congress addressed the recent broken process of calculating the 85/15 Rule created when the VA changed definitions and calculations. Shortly after the law passed, the VA proposed to amend the 85/15 Rule published on the Federal Registry in October 2022.

There were several assumptions made throughout the proposal that are erroneous regarding payment and tuition charges. For example, it is stated that, "the 85/15 Rule is a market validation tool designed to prevent schools from inflating tuition charges for VA education beneficiaries."

Tuition and fee charges are reviewed and verified by a VA official or representative during a VA Compliance Survey to include non-VA student(s). If it is discovered that any institution has been overcharging GI Bill® beneficiaries, the Secretary has the authority under both §§ 9600 and 3690 to discontinue education assistance to that institution. Under current law, there is no incentive for a school to inflate tuition charges for GI Bill® beneficiaries and penalties for doing so already exists under current statute.

There has been and still is much confusion among the SCOs and internal VA regarding 85/15 with the numerous definition changes and the 35% national reset that occurred October 1, 2020, and again in 2021. NAVPA proposes a pause on any new changes to 85/15 until the VA can fully

interpret, understand, and administer Public Law 117-174, the Ensuring the Best Schools for Veterans Act to address the chaos that has been created by rapid change and lack of communication from the VA.

CHAPTER 33 STUDY ABROAD (CONTINUED FROM 2020)

NAVPA members are reporting that current guidance and examples in the published SCO Handbook does not support or match the VA Office Hours training administered in December 2019 on this topic. The training and scenarios differ greatly creating confusion in administering GI Bill® benefits.

The SCO Handbook provides minimal guidance, only noting that for Chapter 33 the VA will pay: Home school's tuition and fees, books and supplies, and monthly housing allowance based on the home school's address. The handbook then links to an outdated PDF of various study abroad scenarios.

This is but one example showcasing the disparity of mandated SCO training and lack of revisions to keep current on the many on-going changes.

NAVPA recommends the VA update the training and SCO Handbook to reflect continuity, specific examples, accuracy, and standardization of all materials to include the FAQ handout for Study Abroad.

SCO HANDBOOK UPDATES (CONTINUED FROM 2021)

The School Certifying Official (SCO) Handbook has been moved to an online format by the VA during the summer of 2020. This has created an issue in that little or no communication is sent to the field surrounding updates made to the Handbook.

NAVPA is concerned about the many changes occurring in the SCO Handbook with no communication and how that will affect Compliance and Risk Based Surveys. There are missing historical Handbooks for schools or evaluators to access to review a process at that point in time (last archival published is July 22, 2020).

NAVPA asks that the VA submit all update announcements to SCO's immediately regarding the SCO Handbook users via a formal announcement tool such as the mass emails received from the VA using the following email methodology: Veteransbenefits@messages.va.gov and create an updated public archive of all SCO Handbooks for future research in addressing the many changes.