



**NATIONAL ASSOCIATION OF VETERANS'  
PROGRAM ADMINISTRATORS**

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**Veterans' Education Programs  
Issues and Legislative Talking Points  
2024**

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## ***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 their 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 which represent over 530,000 veterans.

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## TOP LEGISLATIVE AND REGULATORY ISSUES

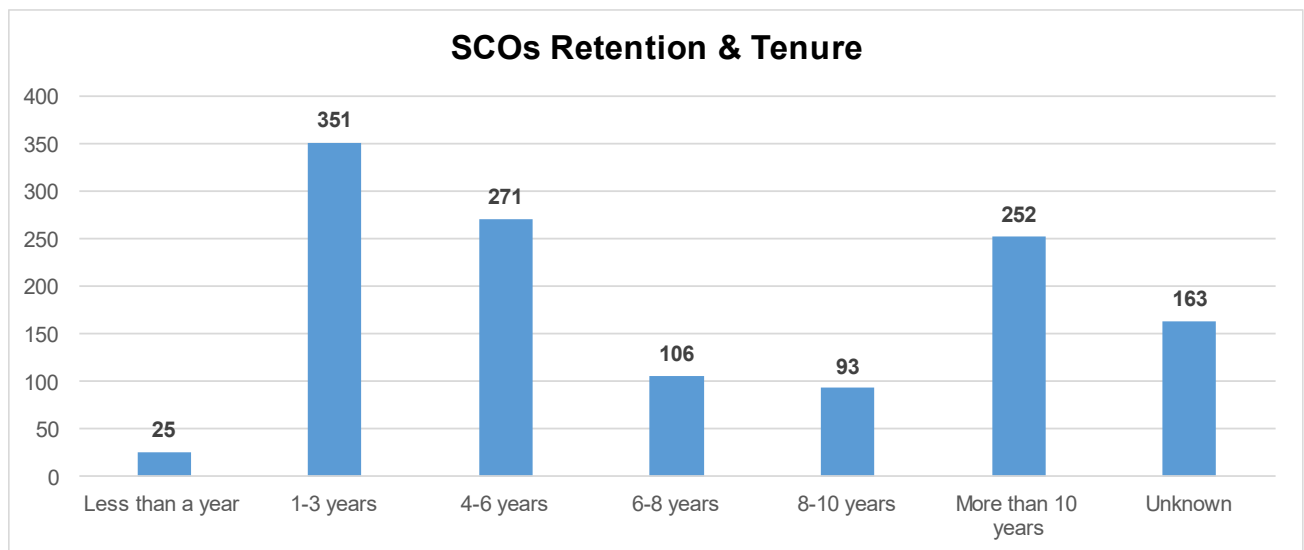
### PRIORITY ISSUE #1

#### INCREASE OF SCHOOL CERTIFYING OFFICIAL (SCO) RESPONSIBILITIES & TIME RESTRICTIONS

**Issue:** Due to policy changes within the VA and P.L.117-333, SCOs have new responsibilities and expectations with unreasonable time limitations to complete 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 in large part to an increased administrative workload from the VA. These increased duties delay VA certification and focus school resources on gathering paperwork and documentation instead of serving student veterans and completing other mandated SCO duties.

NAVPA participated in a recent SCO survey conducted nationwide with other SCO organizations during the Fall 2023 semester. Schools reported a high turnover rate of SCOs during the past 3-years. Of the institutions that participated, over 51% of the respondents reported less than 6-years' experience, with 58% of those being new SCOs:



Data provided by WAVES

In the NAVPA ELR survey conducted in December 2022, 55% of participants reported having to submit a VA Form 22-8794 to garner access to VA Once for a new SCO as people are leaving these jobs. These two surveys indicate that there has been a minimum of over 50% of SCOs departing within the last two years.

NAVPA partnered with Purdue's Military Family Research Institute (MFRI) in a 3-year national study of 1,345 schools. The study, conducted and released in 2019, 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.

The first example of the increased workload is the recent P.L. 117-333, *Veterans Auto and Education Improvement Act of 2022*, which added a time limitation upon the SCO to prepare for either a VA Compliance Survey or a Risk Based Survey. The Compliance Survey change now grants institutions less than 10 business days to prepare for a review. For large accredited IHL schools with large quantities of information to organize and gather, this is not enough time. For smaller schools, the SCO is wearing a multitude of hats in addition to the many SCO responsibilities and struggles to provide this information accurately within the deadline. With this new limited time allotment, SCOs have reported working nonstop and overtime throughout the weekends to prepare for these site visits. Student veterans have limited, to no, access to their SCOs or administrative offices during the time SCOs are preparing the compliance or risk based surveys.

NAVPA members are reporting they do not receive enough time to prepare for a VA Compliance Survey. Schools are not receiving the maximum of 10 business days to prepare, organize, and upload the amount of documentation required. SCOs are working from the time they receive notification until the day of the site visit to gather the substantial amount of required documentation for the VA Compliance Survey, regardless of federal holidays and weekends. Centralized schools are reporting that they are being notified for different Compliance Survey locations on the same day. Schools are also reporting that there is no flexibility in changing the deadline once the notification has been sent. SCOs have had to cancel other planned life events to include maternity leave, vacation, holidays, and graduation attendance just to meet the unexpected mandated deadline set upon them by the VA.

NAVPA is receiving reports that small schools are no longer participating in administering GI Bill® benefits due to the insurmountable burden of administrative workload placed on the SCO. As an example, these schools include first responders (police and fire academies), truck driving schools and religious orders leaving a painful gap for military veterans to use their GI Bill® benefits. This creates an economic disparity for the veteran when trying to find needed instructional resources but unable to use their GI Bill® for training. NBC News reported in September 2023 that, “The U.S. is experiencing a police hiring crisis.” Communities are being left without these valuable and needed resources that a veteran could provide if they were able to obtain the necessary training.

Previous duties completed by the VA reviewer have now been transferred to the SCO. 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* prior to the site visit. Given the limited time to prepare these files, SCOs are reporting that they are uploading files into the early morning hours the day of the site visit (due date). VA Compliance Specialists have 30 days to review these materials whereas the school has much less time for preparation. NAVPA members are reporting the VA is asking the SCO to upload all documents within 6 days or less of notification which is unfathomable and humanly impossible to complete.

Depending on how many GI Bill® recipients are attending the institution, SCOs must prepare 10 to 35 student files, to include 1 to 4 non-GI Bill® student files, with printed hard copies of all documents. SCOs must generate a file for each individual student, and place in a folder, and then send electronically and upload into the VA portal using specific naming conventions. Most institutions

store their student information in database systems that require the SCO to pull individual reports for each individual student then stitch together as a pdf file before uploading into the VA portal. This process is very time consuming even though schools are using technology to complete the required steps for the compliance or risk based surveys.

With the increased complexity of administering the GI Bill®, several schools have opened veterans' centers or centralized their SCOs to focus on certifying their students benefits and serve this unique student population. These schools have reported a multitude of Compliance Surveys even though the institution has one OPEID, one governing catalog or school bulletin, and one leader who oversees the institution. The same processes are applicable to all students regardless of where they enrolled for school, yet these schools are required to complete multiple Compliance Surveys. Prior to the Pandemic, the VA conducted centralized compliance visits. That is no longer happening.

Removing the ability to conduct consolidated/centralized Compliance Surveys adds a significant amount of work to the responsibilities of the already overworked SCO. One NAVPA member school reported they completed over 70 Compliance Surveys in 2023. These surveys often overlap creating triple duty or more for the SCO at times. Having a multitude of Compliance Surveys for the same school places undue hardship on the institution and their student veterans taking the SCO away from serving their student veterans.

The technology in place is not user-friendly. With the new Enrollment Manager (EM) system, SCOs cannot extract the needed VA documents in a timely manner as the system will not allow the SCO to review more than one certification at a time. This is time consuming for the institution.

The second example of the increased workload for SCOs is 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 are preparing to implement new changes to the 85/15 calculations as the VA recently announced new procedures and calculations in January 2024 which adds additional responsibilities to the already tedious tasks of the SCO. These changes, along with the cumbersome VA Form 22-10215, add more time to the already overworked SCO. This VA form is not user friendly and will not allow SCOs to effectively add their programs of study easily as the cells are limited to the amount of characters requiring oftentimes weeks for the SCO to complete.

Schools are reporting that they are being tasked to complete both a Compliance and Risk Based Survey (RBS) frequently within days and/or weeks of each other. During the NAVPA RBS Survey, Fall 2023, the data showed 60% of the respondents stated they had completed a VA Compliance Survey within the past 12-months while 20% of those had completed their Compliance Survey within 30 days or less of a RBS.

The third example stems from P.L. 116-315, Isakson and Roe Veterans Health Care and Benefits Improvement Act of 2020, Section 1019, Overpayments to eligible persons or veterans. VA continues to send overpayment letters to schools from old terminations that occurred prior to this law going into effect but because the VA is now processing the overpayment, it has become a school debt whereas before 2019, it was considered a student debt. These letters create additional burdens on the SCO as they must research these old terminations and report to leadership why the VA is asking for the return of funds from as far back as 2011. This has been an on-going issue since implementation of Section 1019.

## **Recommendation:**

NAVPA understands the necessity of a Compliance Survey. However, NAVPA asks that the VA be good stewards of taxpayer monies to ensure VA is not completing redundant Compliance Surveys back-to-back from the same institution. NAVPA recommends the VA work with institutions and not schedule nonstop surveys especially when there are no findings.

NAVPA has three main recommendations to address these issues. First, NAVPA recommends that the VA recognize schools who may have multiple campuses but are centralized under one OPEID. The institution is categorized as one institution under the Department of Education, their accreditors, has one governing body, and one catalog and/or bulletin, therefore conducting one Compliance Survey and saving taxpayer monies. Because these are large institutions, the VA often sends out 2-3 examiners costing taxpayers travel expenses and hotel stays for these VA employees gathering and reviewing the same information over and over.

The current law does not provide any flexibility for the VA to work with already overworked SCOs when setting a deadline. Second, given the number of documents and time required to complete these surveys, NAVPA recommends the removal of the time limited notice requirement in P.L.117-333 for large, accredited institutions to give schools the opportunity to continue serving their student veteran population and completing mandated SCO daily operations while preparing for the VA examiner.

Lastly, NAVPA requests a clarification to P.L. 116-315, Section 1019 regarding the processing of old student debts. NAVPA would be interested in understanding why it is taking the VA over 10-years or more to process an overpayment.

## **PRIORITY ISSUE #2**

### **IMPROMPTU 85/15 CHANGES**

**Issue:** VA is amending 38 CFR 21.4201 to administer 85/15 and change the definition of Supported student.

**Discussion:** The VA announced on January 16, 2024, that they published a Final Rule, Amendments to 85/15 Rule Calculations, Waiver Criteria, and Reports, through a Federal Register Notice. In this notice, the VA announced that they are amending the regulations by eliminating the four 85/15 rule calculation exemptions. Removing the current definitions in 38 CFR 21.4201(e)(2) of what constitutes a Supported student and by adding additional data to the 85% column will not only inflate the number of counted Supported students but will lead to erroneous calculations reported to VA as these students are considered Non-Supported by law. Institutions nationwide offer scholarships to attract academically strong students. Usually, these scholarships are offered in lieu of procuring loans for disadvantaged students. VA acknowledges that the removal of these definitions will increase the 85% column stating that schools are using these categories to “inflate their tuition and fees since there is no longer an effective counterweight.” The current law states that, “(iv) Undergraduates and non-college degree students receiving any assistance provided by an institution, if the institutional policy for determining the recipients of such aid is equal with respect to veterans and nonveterans alike.” The law requires schools to offer assistance to all students and be considered nonsupported as it is equitable and not being used to entice and enroll only veterans.

VA has consistently changed the rules of engagement for 85/15 since October 1, 2020, and has caused detrimental outcomes and confusion for schools, VA employees, and student veterans. These new VA definitions led to suspended programs nationwide with no GI Bill® students enrolled in those programs limiting the student veterans' option of school and degree program selection. These bogus suspensions later caused these same institutions to have a Risk Based Survey (RBS) conducted at their school because of an 85/15 "violation." NAVPA members reported that an 85/15 Rule violation was the catalyst for a RBS even though they were a 35% exempted school.

Congress passed P.L. 117-174, the Ensuring the Best Schools for Veterans Act, addressing the dysfunctional VA interpretation of a Supported student. This was a welcome relief for SCOs and student veterans, but the VA has yet to address this legislation in their rulemaking other than they will address this law more specifically in which a school is exempt from having to track 85/15 ratios.

This announcement further discusses the 35 percent exemption and recognizes P.L. 117-174 that states, "that institution is statutorily exempt from all 85/15 requirements including reporting, computing, monitoring, and complying with 85/15 ratios. Therefore, this law exempts many schools from the requirements of tracking the 85/15 ratios." However, the VA FORM 22-10216, NOV 2021, 35% EXEMPTION REQUEST FORM 85/15 REPORTING REQUIREMENT, that schools are required to complete to obtain the exemption, states:

*To request the 35% Exemption, a copy of this form and a completed VA FORM 22-10215 (STATEMENT OF ASSURANCE OF COMPLIANCE WITH 85 PERCENT ENROLLMENT RATIOS) for the corresponding term must be submitted to the Education Liaison Representative of jurisdiction via email.*

*Note: This exemption applies only to the submission of routine reports. Your Educational & Training Institution remains obligated to maintain compliance with the provisions of the 85/15 Rule for all programs approved to receive GI Bill® benefits and must provide 85/15 calculations for any term requested by a VA employee or State Approving Agency representative.*

Also, per the VA SCO Handbook:

*1. 35% Exemption. The total number of VA beneficiaries enrolled in programs approved to receive VA benefits must be less than or equal to 35% of the total student enrollment enrolled in all programs approved to receive VA benefits. An ETI with a 35% Exemption is not required to periodically report 85/15 calculations to the VA.*

*A 35% Exemption does not mean the school does not have to comply with the 85/15 Ratio Requirement. An ETI with a 35% Exemption must still:*

- 1. Report to the ELR of jurisdiction when the overall population of VA beneficiaries exceeds 35% of the total enrollment.*
- 2. Monitor each approved program for compliance with the 85% Ratio Requirement.*
- 3. Provide 85/15 calculations at the request of a VA official or an SAA official.*

VA is not following P.L. 117-174 and NAVPA is concerned the VA will once again create barriers for student veterans to use their GI Bill® under this new final rule announcement. NAVPA is concerned the VA is using language to "amend" and modify current legislation.

**Recommendation:** NAVPA does not agree with the recent announcement from the VA on 85/15 changes. Even though the VA requested public comment, none of the recommendations from higher educational institutions or their representatives were accepted. NAVPA is concerned that this new VA calculation will once again have negative consequences for both the schools and student



veterans. Historically, VA has created nationwide turmoil with the many 85/15 modifications with little to no understanding on the operations of colleges, universities, and the effect on student veterans.

There has been and still is much confusion among the SCOs and internal VA decisionmakers 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.

### **PRIORITY ISSUE #3**

#### **P.L. 117-328 CONSOLIDATED APPROPRIATIONS ACT, 2023**

**Issue:** Section 216 is harmful to student veterans if they are called up for military service while attending school.

**Discussion:** P.L. 117-328, Section 216 states:

*SEC. 216. ESTABLISHMENT OF PROTECTIONS FOR A MEMBER OF THE ARMED FORCES WHO LEAVES A COURSE OF EDUCATION, PAID FOR WITH CERTAIN EDUCATIONAL ASSISTANCE, TO PERFORM CERTAIN SERVICE.*

*(a) ESTABLISHMENT.—Chapter 36 of title 38, United States Code, amended by inserting after section 3691 the following new section: “§ 3691A. Withdrawal or leave of absence from certain education “(a) IN GENERAL.—*

*(1) A covered member may, after receiving orders to enter a period of covered service, withdraw or take a leave of absence from covered education.*

*“(b) WITHDRAWAL.—If a covered member withdraws from covered education under subsection (a), the institution concerned shall refund all tuition and fees (including payments for housing) for the academic term from which the covered member withdraws.*

*“(c) LEAVE OF ABSENCE.—If a covered member takes a leave of absence from covered education under subsection (a), the institution concerned shall— “(1) assign a grade of ‘incomplete’ (or equivalent) to the covered member for covered education for the academic term from which the covered member takes such leave of absence; and “*

*(2) to the extent practicable, permit the covered member, upon completion of the period covered service, to complete such academic term.*

This law does not reinstate the student veterans’ GI Bill® benefits if they are activated while in school. Mandating the institution to return all funds for services already rendered is a disservice to the institutional operations and students. Schools that serve active duty students must have a signed Department of Defense Memorandum of Understanding (DODMOU) where schools are required to follow the DODi1322.25 directive of returning funds. Schools are required to return any unearned Federal Tuition Assistance (FTA) funds on a proportional basis through at least the 60 percent portion of the period for which the funds were provided.

Currently, schools are mandated to follow guidance from the Department of Education (ED) and the Department of Defense (DOD) in how to administer to students when or if they are activated while attending the institution.

Mandating that students receive an “Incomplete” grade removes the academic freedom of the faculty and the servicemember as the student may decide an “Incomplete” grade is not in their best interest while they serve their country. Oftentimes, students that withdraw for military duty are focused on their mission and will retake the class upon their return to school as these deployments often can be long lasting of 6 months to one year dependent upon the mission.

**Recommendation:** NAVPA recommends an amendment to this law to reflect current procedures followed by the Department of Education and the Department of Defense for when servicemembers must withdraw or take a leave of absence to perform military duty.

Following the directives already in place by the DOD and ED will ensure compliance, understanding, and flexibility in the best academic decision for the military student.

#### **PRIORITY ISSUE #4**

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

**Issue:** Institutions of higher learning continue to 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 institution’s 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. Any complaint resolutions completed by the school are not published on the GI Bill® Comparison Tool.

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 and now Risk Based Surveys (RBS).

NAVPA members have reported that these unvetted complaints have triggered unwarranted RBSs at their institution and that the VA Hotline is directing students to file a complaint for various reasons. NAVPA conducted a nationwide survey during the Fall 2023 and schools reported that student complaints were the number one reason they were identified for an RBS.

Members have reported the following examples of invalid complaints:

- An RBS was initiated due to unsubstantiated student complaints. The complaints which were submitted to the VA were really errors on the student's part not understanding school policies or how the GI Bill® works.
- One school reported receiving complaints because of benefit processing errors by the VA, not the institution. But the VA does not have a process to count such complaints as anything other than fault by the school.

**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 nor triggering an RBS. 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) or mediator to respond to institutions' inquiries with established timelines for VA follow-up and respond to complaints and questions from the institution. If a valid complaint has been addressed and closed to everyone's satisfaction, it should not be used as retribution against the institution.

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## ***Areas of Concern***

### **ELR ROLE DEFINITION AND SUPPORT OF SCOS (CONTINUING ISSUE SINCE 2022)**

It is important to have Education Liaison Representatives (ELRs) interaction to provide guidance to the School Certifying Officials (SCOs) in the implementation of the many changes in recent Department Veterans Affairs (VA) policies, procedures, and/or legislation.

NAVPA's understanding is that the ELR is someone to help with individualized communication and understanding of regulation, policies, and procedures to school-specific issues which cannot be effectively addressed at a National Training Team (NTT) level. SCOs frequently need individual guidance at a school level to properly administer GI Bill® benefits to take care of student veterans. A stabilized and trained VA workforce with clearly defined roles 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®. Because the NTT receives thousands of SCO questions every month, they are unable to respond to or immediately answer these inquiries.

As such, NAVPA recommends a review of the current organizational structure within the VA Education Services to ensure the ELR has administrative support, time, and training to be able to communicate with SCOs regarding their individual issues. 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 ELR support has been crippling in the administration of the GI Bill® to the detriment of student veterans.

**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.

NAVPA asks that the VA submit all update announcements to SCOs 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](mailto:Veteransbenefits@messages.va.gov).