

# Harry W. Colmery Educational Assistance Act of 2017 (Forever GI Bill)

You are here

We are here  
to help you  
achieve  
your goals



# Top Five VA Focus Areas

## Top Five VA focus areas :

\*Suicide Prevention

\*Approval of your programs by the SAA

\*85 /15 Rule

\*Section 304 Annual Reporting Fees

\*Section 305 Training for SCO's

# Suicide Prevention

*#BeThere*

**CONFIDENTIAL HELP** FOR VETERANS AND THEIR FAMILIES



# S.A.V.E.



U.S. Department  
of Veterans Affairs

# Suicide Prevention

## **S.A.V.E.**

**S**igns of suicidal thinking should be recognized

**A**sk the most important question of all

**V**alidate the Veteran's experience

**E**ncourage treatment and **E**xpedite getting help

# Facts about Veteran suicide

- **18%** of all deaths by suicide among U.S. adults were Veterans<sup>4</sup>
- Veterans are more likely than the general population to use **firearms** as a means for suicide<sup>4</sup>
- On average, **764 suicide attempts** per month among Veterans receiving recent VA health care services<sup>5</sup>
- **25%** of Veteran suicides have a history of previous suicide attempts<sup>5</sup>

# Approval of your programs by the SAA

## Notification Form for Modifications to Programs

- VA Form 22-8794? (Designation of School Certifying Official(s)) Online training certificate must be attached for all those that use VAONCE
- VA Form 22-1919? (Conflicting Interests Certification - **Proprietary Schools Only**)
- VA Form 20-8206? (Statement of Assurance of Compliance with EO Laws) (For proprietary vocational, trade, technical, or other institutions and such schools not a part of a public elementary or secondary school)
- An academic calendar?
- An indication that the catalog was certified as accurate?
- A statement of compliance with the 2-year period of operation law? (NCD at private facility only)
- A statement that the school does not use erroneous, deceptive, or misleading practices?
- A program outline (and class schedule if NCD)?

## Approval of your programs by the SAA

- A description of available space, facilities and equipment?
- Evidence that instructors have adequate educational and experience qualifications?
- A list of approved courses that includes practical training? (include training sites)
- A list of approved independent study courses?
- A list of approved off-campus sites? (Branch Locations / Extern Sites)
- A list of approved remedial courses?
- Any other SAA criteria in accordance with regulations?



# Approval of your programs by the SAA

## **DOES THE REVIEW OF THE CATALOG INDICATE:**

- Whether programs are educational, professional or vocational?
- That the catalog meets approval requirements?
- That practical training requirements are met?
- That independent study requirements are met?
- Satisfactory evidence of accreditation?
- Attendance standards?
- Established standards of conduct?
- A policy regarding prior credit awards?
- Established standards of progress?



# 85-15 RULE

## WHAT IS THE 85-15 RULE?

The 85-15 Rule prohibits paying Department of Veterans Affairs (VA) benefits to students enrolling in a program when more than 85% of the students enrolled in that program are having any portion of their tuition, fees, or other charges paid for them by the school or VA.

# 85-15 RULE

- If the ratio of **Supported students to Non-supported students** exceeds 85% at the time a new VA student enters or reenters (such as after a break in enrollment), the student cannot be certified to receive benefits in the program.
- The 85-15 Rule does not apply to students receiving Vocational Rehabilitation and Employment (Chapter 31) or Survivors' and Dependents' Educational Assistance (Chapter 35) benefits. Students receiving these benefits must still be counted when calculating 85-15 Rule compliance, but they can continue to be certified and enrolled if the school is found to be in violation of the 85-15 Rule

# 85-15 RULE

Schools are obligated by regulation ([38 CFR 21.4201 \[f\]\[2\]](#)) to report all 85-15 Rule calculations to the VA (via their Education Liaison Representative [ELR]):

- No later than 30 days after the beginning of each regular school term (excluding summer sessions), or before the beginning date of the next term (whichever is earlier), if the school is organized on a term, quarter, or semester basis.
- No later than 30 days after the end of each calendar quarter if a school is not organized on a term, quarter, or semester basis.

# 85-15 RULE

## WHAT ARE THE EXCEPTIONS TO THE 85-15 RULE?

The 85-15 Rule does not apply to:

- Any On-the-Job Training (OJT) or Apprenticeship (APP) site.
- Any farm cooperative program.
- Any program offered by a flying club (“aero club”) established, organized and operated pursuant to regulations of a military department of the Armed Forces as non appropriated sundry fund activities which are governmental instrumentalities.
- Servicepersons pursuing a program for a high school diploma, equivalency certificate, or in any refresher, remedial or deficiency course.
- Schools that have received a [35% Waiver](#).
- Schools that have received a [Department of Defense \(DoD\) Waiver](#).
- Schools that have received an [Education Service Waiver for Developing Schools](#).

## 85-15 RULE

In practice, the 35% Waiver does not mean the school is fully exempt from the 85-15 Rule. It means that the school does not have to do the routine required reporting to the ELR.

By regulation [38 CFR 21.4201 \(c\)\(4\)\(ii\)](#) if a Compliance Survey Specialist has reason to believe that the enrollment of [Supported Students](#) in a program may exceed 85% of the total student enrollment in the program, they can obligate the school to provide the 85-15 Rule calculation.

Routinely during a Compliance Survey, the Compliance Survey Specialist will obligate the school to provide 85-15 Rule calculations for, at minimum, all programs reviewed Veterans are in, to validate that the school is ensuring that the 85-15 Rule provisions are being met.

# 85-15 RULE

A school may be awarded a “partial” 35 Waiver.

This means that they do not have to routinely submit the 85-15 Rule calculation for their programs, except for programs not explicitly listed on the waiver. (IHL-FLT)

If a program is not included on the waiver, then the school must do the routine required reporting for Compliance.

Compliance is an inclusive term that includes ELRs, Education Compliance Survey Specialists (ECSSs), State Approving Agencies (SAAs) and any other Agency employee conducting a Compliance Survey.

# 85-15 RULE

The school must then break students into two categories:

## Non-supported Students:

Students who are not Veterans, Servicemembers or Reservists and are not in receipt of institutional aid.

Students in receipt of any Federal aid (other than Department of Veterans Affairs benefits).

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 non-Veterans alike.

All graduate students in receipt of institutional aid.



## 85-15 RULE

- **Example 1:** The school offers a \$500.00 tuition scholarship to all students who get or maintain a 3.5 Grade Point Average (GPA) or higher. This scholarship is offered to all students, regardless if they are receiving VA benefits or not. Students not receiving VA benefits who receive this scholarship can be counted as Non-supported Students.
- **Example 2:** The school waives all tuition costs for the spouses and children of faculty members. This waiver is offered to all spouses and children, even if they are receiving VA benefits. Students not receiving VA benefits who receive this waiver can be counted as Non-supported Students.

# 85-15 RULE

## Supported Students:

Veterans, Servicemembers, Reservists, or dependents who are in receipt of VA benefits.

All students who are receiving institutional aid, where the institutional policy for determining the recipients of such aid is unequal with respect to Veterans and non-Veterans.

## 85-15 RULE

- **Example 1:** The school offers a \$500.00 tuition scholarship to students who get or maintain a 3.5 Grade Point Average (GPA) or higher. This scholarship is not offered to students receiving VA benefits. All students receiving the scholarship would now be counted as Supported Students.
- **Example 2:** The school waives all tuition costs for the spouses and children of faculty members. This waiver is not offered to the spouses and children if they are receiving VA benefits. All students receiving this waiver would now be counted as Supported Students.

# 85-15 RULE

## Example 3:

The school charges all students the same charges. At the end of the term though, it forgives outstanding charges for some of its students based on need. VA students are not eligible for this aid if their tuition payments cover 100% of the school's charges. **All** students would have to be considered as Supported Students, as all students (except for students receiving VA benefits) are eligible for possible forgiveness.

- If students receiving VA benefits are ineligible from the school's financial aid (i.e. a grant, scholarship, or other financial assistance including the school's disregarding or waiving of nonpayment), because they are entitled to VA benefits, then all students receiving, or eligible for, that financial aid must be counted as Supported Students.

# 85-15 RULE

## Calculations:

The number of **Supported Students** is added to the number of **Non-supported Students** for a Total Number of Students.

The number of Supported Students is then divided by the Total Number of students. This is then converted into a percentage.

- If this percentage is equal to or under 85%, the school is in compliance with the 85-15 Rule. If this percentage is over 85%, then the school has violated the 85-15 Rule.

# Public law 115-48 – Section 304 Annual Reporting Fees

SECTION 304. LIMITATION ON USE OF **REPORTING FEES** PAYABLE TO EDUCATIONAL INSTITUTIONS AND SPONSORS OF PROGRAMS OF APPRENTICESHIP.

(a) IN GENERAL.—Subsection (c) of section 3684 is amended to read as follows:

“(c) (1) The Secretary may pay to any educational institution, or to the sponsor of a program of apprenticeship, furnishing education or training under either this chapter or chapter 31, 34, or 35 of this title, a reporting fee which will be in lieu of any other compensation or reimbursement for reports or certifications which such educational institution or sponsor of a program of apprenticeship is required to submit to the Secretary by law or regulation.

“(2) Such reporting fee shall be **computed for each calendar year** by multiplying **\$15** by the number of eligible veterans or eligible persons enrolled under this chapter or chapter 31, 34, or 35 of this title. The reporting fee shall be paid to such educational institution or sponsor of a program of apprenticeship as soon as feasible after the end of the calendar year for which it is applicable.

## Public law 115-48 – Section 304 Annual Reporting Fees

**“(3) No reporting fee payable to an educational institution under this subsection shall be subject to offset by the Secretary against any liability** of such institution for any overpayment for which such institution may be administratively determined to be liable under section 3685 of this title unless such liability is not contested by such institution or has been upheld by a final decree of a court of appropriate jurisdiction.

**“(4) Any reporting fee paid to an educational institution or sponsor of a program of apprenticeship** after the date of the enactment of the Post-9/11 Veterans Educational Assistance Improvements Act of 2011 (Public Law 111–377)—

**“(A) shall be utilized by such institution or sponsor solely for the making of certifications required under this chapter or chapter 31, 34, or 35 of this title or for otherwise supporting programs for veterans; and**



## Public law 115-48 – Section 304 Annual Reporting Fees

“(B) with respect to an institution that has **100** or more enrollees described in paragraph (2) **may not be used for or merged with** amounts available for the general fund of the educational institution or sponsor of a program of apprenticeship.

EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on **August 1, 2018**.

FEE RATE: \$7 CY 17

FEE RATE: \$15 CY18

## Public law 115-48 – Section 305 Training for SCO's

Section 305 of the Harry W. Colmery Veterans Educational Assistance Act of 2017, also referred to as the “Forever GI Bill,” authorizes VA to establish **training requirements** for SCOs at “covered institutions”.

## Public law 115-48 – Section 305 Training for SCO's

New SCOs: **The first phase of training** will be available online by August 1, 2018, and only applies to new SCOs. A new SCO is an individual who has been designated, on or after August 1, 2018, to certify enrollment to VA. New SCOs must complete 10 virtual training modules within 14 calendar days from the date the ELR takes the action in the Web Enabled Approval Management System (WEAMS) and registers the SCOs for training.

The training modules are projected to take approximately 5 hours to complete.

New SCOs who successfully completed the 10 virtual SCO training modules and transfers to a new covered educational institution within their first year of employment, will be exempt from new SCO training. ELRs must request a copy of the SCO's certificate of training completion before they can certify students to VA.

## Public law 115-48 – Section 305 Training for SCO's

Effective August 1, 2018: During Phase I training only, ELRs must inform new SCOs of their ability to certify enrollments to VA while completing the training requirement.

NOTE: **Effective August 1, 2019, ELRs will no longer be required to pre-register new SCOs for training.** SCOs will be required to self-register to access and complete the new SCO online training requirements before certifying enrollments to VA.

**Existing SCOs:** Phase II training will not be available until August 1, 2019, and will impact all SCOs continuing employment on or after August 1, 2019. More information will be provided as Phase II training logistics become available.

**Read-only SCOs:** A Read-only SCO is an individual at an educational institution with permission to access read-only or inquiry only student information. ELRs must request the names of those individuals on the VA Form 8794 who are considered Read-only SCOs before adding them to WEAMS. Read-Only SCOs are not required to take SCO training, as they are not authorized to certify student's enrollment to VA.

## Public law 115-48 – Section 305 Training for SCO's

Note: VA Form 22-8794, is currently being revised to include a section “B” which requires a school to annotate the name (s) of a Read-only SCO. Those individuals designated by a school as Read-only must be included in WEAMS. In addition, WEAMS is being revised to distinguish between a “Designated” and “Read-Only” School Certifying Official. This distinction will ensure Claims Processors and Call Center employees are aware that they cannot accept enrollment information for individuals designated with “Read-Only” access.

Information regarding the Online School Official Training requirement is available on the GI Bill website, located under the Education and Training tab for School Administrators.

## VA & Non-VA Resources

\*VA & Non-VA Resources for Student Veterans and School Administrators

\*Website: [www.benefits.va.gov/gibill](http://www.benefits.va.gov/gibill)

\*Facebook: [www.facebook.com/gibilleducation](http://www.facebook.com/gibilleducation)

\*GI Bill Hotline: 1-888-442-4551

\*[https://www.benefits.va.gov/gibill/school\\_resources.asp](https://www.benefits.va.gov/gibill/school_resources.asp)

\*[https://www.benefits.va.gov/gibill/non\\_va\\_resources.asp](https://www.benefits.va.gov/gibill/non_va_resources.asp)







