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**NATIONAL ASSOCIATION OF VETERANS PROGRAM ADMINISTRATORS**

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September 15, 2023

U.S. Representative Derrick Van Orden, Chair  
House Committee on Veterans' Affairs  
364 Cannon House Office Building  
Washington, DC 20515

U.S. Representative Mike Levin, Ranking  
Member  
House Committee on Veterans' Affairs  
364 Cannon House Office Building  
Washington, DC 20515

Dear Chairman Van Orden and Ranking Member Levin,

We thank you for the opportunity to provide testimony for the "Less is More: The Impact of Bureaucratic Red Tape on Veterans Education Benefits" hearing. 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 across the country. The majority of NAVPA members are School Certifying Officials (SCOs) and school administrators who are involved with administering GI Bill® benefits.

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.

NAVPA would like to address two concerns:

1. The new Risk Based Survey (RBS)
2. The impact of increased duties placed on the School Certifying Official (SCO)

Our primary concern today is the RBS and the criteria the VA is using to select schools they deem as "At Risk." Schools' welcome accountability and are proud to maintain compliance with reasonable regulation. However, there has been an unreasonable burden placed upon the institutions through an excess of well-intended regulation.

NAVPA conducted a survey of SCOs nationwide and discovered that most of the schools identified for an RBS are for minor or unclear reasons. The top reasons these schools were

identified for an RBS are: student complaints, unknown criteria, an increase in student population, or an unwarranted 85/15 violation.

The top reason schools received an RBS was for a student complaint. NAVPA has concerns that this criterion is not vetted by the VA nor is it valid for the institution. For example, several schools reported they received an RBS based on an old student complaint that was addressed by the institution and closed. Other schools reported they were identified for an RBS complaint that was never received by the institution and/or deemed as invalid by the VA.

Institutions of higher learning receive unvetted/unwarranted complaints against them as part of the GI Bill® feedback system, which is then posted on the public GI Bill® Comparison Tool. This results in institutions erroneously having a “black mark” on their public record which directly impacts a veteran’s choice in selecting a reputable school and program of study; now these same complaints are being used to trigger an RBS.

The 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). 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; yet these grievances are held and counted against the institution for an RBS.

Institutions are required to provide a response to the VA after addressing the complaint with the student and the complaints are then supposedly closed. However, these same closed complaints are now being used to trigger an RBS. There have been reports of the VA call center advising veterans to file a complaint against their school.

Complaint examples:

- A school received a complaint that they are not a Yellow Ribbon school, but they are published as such on the GI Bill® Comparison Tool.
- A school received a complaint from a non-student demanding to be certified for on-ground classes in an online only program. She was directed by the VA to file the complaint.
- A school received an RBS for 2 complaints that they never received and were closed by the VA as not valid.
- One school reported receiving complaints because of benefit processing errors by the VA, not the school. Yet the school still had to respond, and an RBS was triggered.
- A spouse filed a complaint regarding the VA processing of the veteran's benefit. This triggered an RBS.

Some institutions reported that they had no idea why they were identified for an RBS as the State Approving Agency (SAA) did not or could not explain why this RBS was being conducted.

Schools surveyed wanted to address the issue that triggered the RBS to correct any problem. Some schools have not received any communication from the VA or SAA regarding the closure of the RBS conducted months ago. Some schools reported the SAA advised them that they did not have enough schools to complete their annual quota and selected their institution.

The third top reason schools reported they were selected for an RBS was due to an increase in student population. The VA has shared that they pulled data points from June 1, 2021 – May 31, 2022, which was during the time of COVID recovery for the nation. Many students were returning to school during the Fall of 2021 and Spring 2022. Schools also reported that they had added new programs of study at their institution that were approved by the VA. The schools felt that the VA should have considered these new programs and the COVID recovery as a cause to increased student population. These are not “risk” factors for an institution but rather examples of growth after the global pandemic.

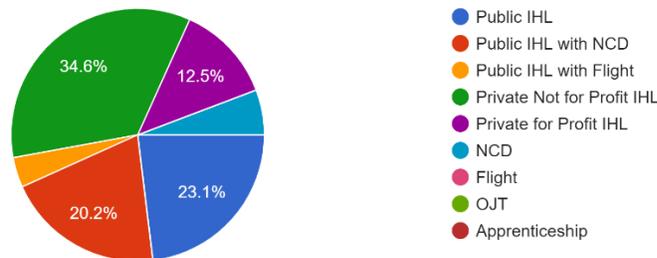
SCOs also reported their school was identified for an RBS from an 85/15 violation. Although the schools that reported this had a 35% exemption, they had programs that were suspended during the Spring 2022 semester with no student veterans enrolled under the new calculations implemented by the VA. These new methods were introduced by the VA during the pandemic and caused many programs to be suspended nationwide that were previously considered in compliance. During the pandemic, the VA had rescinded the 35% exemption rule adding more issues and work for the SCO. Some schools reported they were teaching out a program with less than 10 students and were identified for an RBS because of an 85/15 “violation.” Violations of 85/15 would occur if an institution enrolled a GI Bill® student into a suspended program.

None of these situations constituted a school was “At Risk” to close nor were they guilty of exploiting or misusing veteran’s benefits. These RBS criteria were created by the VA when they changed how to process and calculate the 85/15 Rule in October of 2020. The programs that were in question due to the changes by the VA are now considered compliant under the new legislation Congress had to pass to correct these issues.

During the NAVPA RBS Survey, Fall 2023, there were over 83% IHL schools that participated with 48% being public institutions and 35% private-not-for-profit schools. The survey 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 their RBS.

8. What type of institution are you?

104 responses



Singling out schools for an RBS using vague criteria is not only a waste of taxpayers' money, but also places undue hardship on the institution and their student veterans. Of the schools that participated in the survey, over 46% stated the criteria given for triggering the RBS were not substantiated while 28% stated they had no idea as they are still waiting for the results. The amount of workload required to complete an RBS requires weeks and reams of documents to prepare the information by the institution through multiple departments. Most institutions were given a minimum of 2-weeks to provide the overwhelming amount of information requested by the SAA; some institutions were given only a 24-hour notice or less. In addition to gathering the large amount of information requested, the school is required to provide additional student files the day of the site visit to the SAA, which again prevents school officials from serving their student population. Student veterans had limited to no access to their SCOs or administrative offices during this time. One school reported that they had to complete three Compliance Surveys within four weeks and then an RBS the week after, leaving the SCO no time to administer to the needs of their student veterans. This caused a delay in certification of benefits while the institution focused resources on compliance instead of their students and daily operations.

NAVPA recommends a solution to correct these measures by establishing an advisory council of higher education officials, the SAA, and the VA to develop a model using public data to identify more than one criterion that would trigger an RBS. In the spirit of today's hearing, "*Less is More: The Impact of Bureaucratic Red Tape on Veterans Education Benefits*," the actual key players should be developing the criteria that would meet the intent of Congress. NAVPA respectfully requests outside agencies who have never worked in higher education and have no understanding of daily operations of an institution not be involved, as this often leads to misleading advice oftentimes from lack of experience and working knowledge. The National Association of State Approving Agencies (NASAA) led a diverse committee to develop a risk-

based model and conducted beta testing in six states. However, the VA failed to adopt the tested model or create a database.

NAVPA recommends the VA listen to student concerns and complaints but not ask students to file a complaint when schools are following VA directives. Oftentimes, the student veteran is not fully understanding the complicated processing of Chapter 33 benefits or school policy. Unfounded and closed complaints should not be used to trigger an RBS as these have been addressed and the resolution accepted by the VA.

NAVPA's next concern involves the impact of increased duties placed on SCOs.

There have been several changes implemented by the VA on how to process or calculate certain requirements SCOs are responsible for in administering GI Bill® benefits. For example, when schools publish a new catalog, they are required to send it to the SAA for approval within 30 days after publication. Now, in addition to the catalog, the SCO must also submit several internal documents to include leases, insurance, licenses, etc. dependent on the type of institution to obtain approval to administer GI Bill® benefits. Depending on the size of the institution and how many programs are offered, the program spreadsheet itself usually takes weeks to complete. Effective October 1, 2023, schools will now be required to submit a new 30+ page application in addition to the already growing laundry list of documents required to receive a catalog approval.

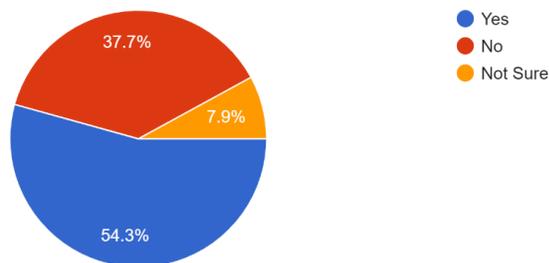
Schools are required to submit all or most of this same information again to be reviewed during an RBS or Compliance Survey. An example of the increased workload is in P.L. 117-333, which added a time limitation upon all SCOs to prepare for either a VA Compliance or Risk Based Survey. Schools are being tasked to complete both a Compliance and Risk Based Survey often at times within weeks of each other. The amount of preparation for these reviews is preventing the SCO from serving their student veteran populations.

In 2021, the VA signed onto a contract with Saint George Consulting Inc. (SGC) to conduct Compliance Surveys. The contract does not allow SGC to conduct a centralized Compliance Survey for institutions that may have additional campus locations. These additional Compliance Surveys increased the total of visits and workload on the SCO dependent upon the school. One institution shared that their Compliance Survey requirements increased by 300% over their normal requirement when the SAA conducted these reviews. These schools have one catalog and one OPEID but neither SGC nor the VA is accepting the identity of the institution as one school.

Due to the insurmountable requirements for schools to obtain approval and maintain compliance requirements with a limited time for preparation, institutions nationwide have withdrawn from administering the GI Bill® because of the increased workload and regulatory demands. These schools include first responders (EMTs, police and fire academies), truck driving schools and religious orders. This creates an economic disparity for the veteran when trying to find needed instructional resources but unable to use their GI Bill® for training. Communities are being left without these valuable and needed services that a veteran could provide if they were able to obtain the necessary training. Media outlets are reporting police shortages around the country, a shortfall that could easily be filled by veterans if they had access to the training required. NASAA has reported that 458 schools have withdrawn from administering GI Bill® benefits due to the increased burden placed on the institution.

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 to an increased administrative workload from the VA. In the NAVPA ELR survey conducted in December 2022, 54% of respondents reported having to submit a VA Form 22-8794 to garner access to the VA database for a new SCO.

Have you submitted a VA Form 22-8794 in 2022?  
151 responses



Unintended consequences of I&R Section 1019 is another example of additional workload and loss of revenue on the institution. The VA has determined that all debts must be returned to the VA from the institution regardless of when the student attended or even if the institution received the monies. NAVPA schools are reporting they have received debt letters from the VA as far back as 2010 for a student veteran that attended and graduated or is no longer attending the institution.

The impact of this interpretation from the VA is creating unexpected negative outcomes for the veteran by impacting their credit score unbeknownst to the student. They are placed into collections for tuition that was previously paid for by the VA but then returned upon request. Unlike the VA, schools do not have the resources to locate these students to communicate that the VA has removed their funding.

NAVPA recommends the VA review these mandates for accredited institutions and remove the continued redundant request of information. NAVPA would like to see Congress pass legislation that would give relief of the many burdens placed on accredited institutions that are approved under USC 38 §3675 and §3672. Perhaps model an exemption policy for accredited institutions that is similar to the 35% exemption policy for 85/15.

Before an RBS is identified and facilitated, it would be helpful to have the VA review the merit of the school and scrutinize to see if there is truly a need for this institution to have an RBS. When a school does have an RBS, the VA should be a true partner and want the best outcomes for the institution giving the school plenty of time to prepare properly for the visit.

P.L. 117-333 should be recodified allowing more time for all inspections to allow the institution sufficient time to prepare for these complicated reviews and to provide a reasonable response. Leaning towards a negative outcome regardless of the institution without sufficient time to prepare is not in the best interest of the student veteran or in the administration of GI Bill® benefits.