

# Isakson and Roe Legislation Updates

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# Isakson and Roe Legislation Updates

**The passage of Public Law 116-315 on January 5, 2021, expands EDU's ability to deliver timely and accurate education benefits to beneficiaries.**

## What does this mean for VA?



This legislation's mission is to expand Education Service's ability to provide ready access to, and timely and accurate delivery of, education benefits to Veterans, Service members, and their families. EDU will work to implement provisions in a timely and efficient manner.

## What does this mean for Schools?



This legislation contains over 30 provisions impacting the administration of GI Bill® benefits, including new requirements for enrollment verification, expanded restoration of entitlement opportunities, sunseting of the Montgomery GI Bill®, and substantial changes to VA oversight of GI Bill® approved schools.

## What does this mean for GI Bill® Students?



Access to accurate and timely education benefits will empower GI Bill® students to achieve their vocational and career goals and expand EDU's ability to support GI Bill® beneficiaries. More updates to come on the VA website, direct email campaigns, social media and other communication channels.



# **Key Impact of Date of Enactment (DOE) Provisions**



# Sec 1001

## Improvements to STEM Scholarship Program

- Expands eligibility for Rogers STEM Scholarships to:
  - Beneficiaries enrolled in dual secondary degree programs
  - Healthcare professionals completing clinical training for licensing
- Benefits are not subject to the months of entitlement limitations under section [3695 of title 38, U.S.C.](#)



## Sec 1007

### **Restoration of entitlement under Chapter 31 for school closure or disapproval**

- Added restoration of entitlement for Veteran Readiness & Employment (VR&E) participants under chapter 31 in the event of a school closure
- Provides uniformity for restoration of benefits for recipients of either VR&E or Post-9/11 GI Bill®



# Sec 1008

## **Clarifies eligibility for participation in Yellow Ribbon Program**

- Technical correction to replace the term “established charges” with “tuition and fees”
- Provides potential for foreign schools to be considered under the program



# Sec 1011

## Post-9/11 GI Bill® Transfer of Entitlement (TOE) Expanded

- Applies to unmarried foster children and wards placed in the legal custody of the Service member for at least 12 months as a result of a court order
- Aligns VA's definition of dependents with that of Department of Defense for GI Bill® transferability rules



# Sec 1013(a)

## Oversight of educational institutions with approved programs: risk-based surveys

- Codifies risk-based surveys include, but are not limited to:
  - Rapid increase in Veteran enrollment
  - Rapid increase in tuition and fees
  - Complaints tracked electronically
  - Notice of action taken against the school
  
- Development of database to search and track all risk-based surveys





# Sec 1019

## Overpayments to eligible persons or Veterans

- Schools and training facilities are financially responsible, instead of the student, for benefits paid directly to educational institutions
  - Pursuant to
    - The Post-9/11 GI Bill® for tuition and fees
    - The Post-9/11 GI Bill® under the Yellow Ribbon Program
    - Advance payments of initial education assistance
- Overpayments will be assigned without consideration whether the result was because of willful neglect or negligent failure of the school.
- School are at liberty to collect resultant unpaid tuition and fees from the student based on the school's outstanding balance collection policies and practices



# Sec 1022

## **VA treatment of for-profit educational institutions that convert to nonprofit educational institutions**

- Institutions are required to receive annual risk-based surveys for a period of three years after converting to a non-profit institution



# Sec 1023

## **Authority for State Approving Agencies (SAAs) to conduct outreach activities**

- Allows a SAA to conduct outreach activities
- Codifies activities in which SAAs are already engaged



# Sec 1102

## **Continuation of education benefits during COVID-19**

- Allows for the continuation of VA educational assistance benefits during the COVID–19 emergency if a student was negatively impacted
- May include training which was truncated, delayed, relocated, canceled, partially canceled, converted to online training, otherwise modified or made unavailable
- Negative Impact must be certified by the school
- Authority to continue monthly housing payments is limited to 4 weeks and will not count against entitlement



# Sec 1103

## Effects of closure of educational institution and modification of courses due to COVID-19

- If a school closes, cancels training, or has training disapproved due to COVID-19,
  - Certain entitlement used at affected school will not be charged against overall entitlement
  - Enrollment in the disapproved program may continue
  - A student who was full-time on March 1, 2020, will be treated as full-time for a subsequent period of enrollment, regardless of rate of pursuit
  
- GI Bill® entitlement and payment allowances will not be charged for up to a total of four weeks for the time a student's payments are continued after their school closes or suspends operations due to COVID-19



# Sec 1104

## **Payment of education benefits in cases of withdrawal due to COVID-19**

- Requires VA to view a student's withdrawal from a school as a result of COVID-19 as acceptable mitigating circumstances
- This is VA's current practice



# Sec 1105

## **Delimiting date extension due to COVID-19**

- Simplifies extension of time limits to use certain educational and VR&E benefits.
- If using GI Bill® benefits (Montgomery GI Bill®, Post-9/11, or VR&E), the delimiting date will be extended for the entire COVID-19 period (March 1, 2020 – December 21, 2021, = 661 days) if their school closed (temporarily or permanently)
- The expiration date for a child using transferred benefits or service members using MGIB-SR (1606) cannot be automatically extended 661 days but rather will be extended for the period of time they are prevented from training as a result of the closure.



# Sec 1106

## On-The-Job Training or Apprenticeship (OJT/APP) requirements during COVID-19

- Prevents negative impact on a Veteran who is:
  - enrolled in an OJT/APP program **AND**
  - unable to fulfill the 120-hour full-time requirement due to unemployment during COVID-19 **OR**
  - unable to attend the program in person due to COVID-19
  
- Allows a Veteran to roll-over hours worked in excess of 120 hours from the previous month to the subsequent month to achieve the required 120 hours for full-time benefits without
  
- This applies during the entire COVID-19 period (March 1, 2020 – December 21, 2021)





# Sec 1107

## **Inclusion of training establishments in certain provisions related to COVID-19 emergency**

- Amends relevant statutes to include eligibility for students to attend “training establishments” in addition to “educational institutions” during COVID-19
- This is VA’s current practice



# Sec 1108

## **Treatment of payment of allowances under Student Veteran Coronavirus Response Act**

- Amends the Student Veteran Coronavirus Response Act of 2020
- Ensures a student's entitlement and payment allowances are not charged for the time payments are continued after the closure or program hiatus (4-week payments)



# Sec 4302

## Expansion of VET TEC Program

- Expands Veterans Employment Through Technical Education Courses (VET TEC) to include Service members within 180 days of their anticipated separation
- Requires instructors to be experts
- Expanded to include training that is less than full-time
- Increases annual funding from \$15M to \$45M



# **Key Impact of Provisions Effective June - July 2021**



# Sec 1018

## Requirements for educational institutions participating in the educational assistance programs of the Department of Veterans Affairs

- 1018 codifies additional requirements (many are similar to the Principles of Excellence (POE) Program) as part of the approval process to qualify for GI Bill® funds. This requirement also applies to VR&E beneficiaries.
- To avoid misrepresentations, educational institutions are to inform students who are eligible to receive Veterans' Education benefits of the availability and potential eligibility of Federal financial aid before packaging or arranging private student loans or alternative financing programs.
- **Effective on June 15, 2021**, and will apply to educational institutions beginning on August 1, 2021



# Sec 1024

## Limitations on collocation SAAs

- State agencies co-located with a university or university system cannot serve as an SAA.
- There are three states working to actively meet this requirement: North Carolina, Hawaii, Maine.
- **Effective July 4, 2021**



# **Key Impact of Provisions Effective on August 1, 2021**



# Sec 1002

## Expansion of eligibility for Fry Scholarship

Expands eligibility for the Fry Scholarship to a child or spouse of:

- a person who dies on or after September 11, 2001, in the line of duty while serving on duty other than active duty as a member of the Armed Forces,
- a member of the Selected Reserve who dies on or after September 11, 2001, from a service-connected disability while a member of the Selected Reserve.
- Effective: Section 1002 applies to eligible beneficiaries whose term, quarter, or semester begin on or after **August 1, 2021.**





# Sec 1005

## Requirements for in-State tuition

- Removes requirement for covered individuals to enroll in school within 3 years after release from active duty in order to receive in-state tuition at Public Institutions of Higher Learning (IHL).
- Directs VA to publicize an educational institution's requirements for beneficiaries to be charged in-state tuition
- Mandates VA to disapprove programs at educational institutions that do not provide explanations of in-state tuition requirements
- This applies to eligible beneficiaries whose term, quarter, or semester begin on or after **August 1, 2021.**



## Sec 1006

### **Expansion of certain qualifying Work Study activities to include outreach services provided through congressional offices**

- Qualifying work study activities will now include outreach services provided through congressional offices.
- The list of qualifying work-study activities is located in [38 U.S.C. § 3485\(a\)\(5\)](#).



# Sec 1010

## **Verification of enrollment to receive Post-9/11 Educational Assistance benefits**

- Creates dual certification for receipt of Post-9/11 GI Bill® benefits
- Schools will certify the beneficiary's enrollment at the beginning of the term and again after the add-drop date
- Beneficiary will be required to verify their enrollment on a monthly basis



# Sec 1012

## **Expansion of reasons for which a course of education may be disapproved**

- Expands reasons education courses may be disapproved for Post-9/11 GI Bill® Benefits
- Schools at risk of losing accreditation will no longer be considered “deemed approved” under title 38 standards



# Sec 1014

## **Oversight of educational institutions subject to Government action for purposes of educational assistance programs of the Department of Veterans Affairs**

- VA will provide SAA notice of any punitive action taken against an educational institution
- SAA will conduct a risk-based survey
- SAA will provide notice to VA and other SAAs when punitive action is taken against an educational institution



# Sec 1015

## **Additional requirement for approval of educational institutions for purposes of the educational assistance programs of the Department of Veterans Affairs**

- Requires institutions to be eligible for participation in the [Federal Student Aid](#) program through Title IV of the Higher Education Act in order to be eligible to receive GI Bill® funds. A Title IV school is an institution that processes U.S. federal student aid.
- Secretary of VA may waive this requirement but must report the waiver to Congress



# Sec 1016

## Accreditation for law schools

- For a law school to be approved for GI Bill® enrollments, it must be accredited by the American Bar Association (ABA)
- ABA is the only accrediting body for legal education recognized by the Secretary of Education



# Sec 1017

## **Grounds for disapproval of a course for purposes of the educational assistance programs**

- Failure to comply with risk-based surveys can allow a course to be disapproved for GI Bill® enrollments





# Sec 1020

## **Improvements to limitation on certain advertising, sales, and enrollment practices**

- Defines current limitations on advertising, sales and marketing tactics a school can utilize and remain eligible for GI Bill® funds
- Creates a tiered penalty system for institutions that do not comply with the law



# Sec 1021

## **Charge to entitlement to educational assistance for individuals who do not transfer credits from certain closed or disapproved programs of education**

- Expands VA's authority to restore GI Bill® entitlement to eligible beneficiaries who lose credit due to school closure or disapproval
- VA will restore entitlement for entire program if beneficiary is unable to transfer at least 12 credits



# **Key Impact of Provisions Effective in 2022, 2023 and 2030**



# Sec 1009

## Clarification MHA assistance for individuals who attend school while on active duty

- Changes the way VA issues housing payments under section 113 of the Colmery Act
- A student must service on active duty at least 30 days before Post-9/11 GI Bill® MHA payments are terminated.
- Effective: **August 1, 2022**



# Sec 1013(b)

## Oversight of educational institutions with approved programs: risk-based surveys

- Codification of State approving agencies responsibility to conduct risk-based surveys under newly added 38 U.S.C. 3673A
- Effective **October 1, 2022**



# Sec 1003

## Period for election to receive benefits under All-Volunteer Educational Assistance Program (MGIB)

- Changes the period for election to receive benefits under Chapter 30, Montgomery GI Bill® (MGIB)
- Period changed from initial entry on active duty to a 90-day period following 180 days of initial training
- Effective **January 5, 2023**



# Sec 1004

## Phase out of All-Volunteer Educational Assistance Program (MGIB)

- Phases out chapter 30 (MGIB) **beginning in 2030**
- Sunset will stop people from entering MGIB
- Beneficiaries eligible for MGIB prior to September 30, 2030, would retain eligibility
- Effective: **September 30, 2030**