

## **VACOE 2019 Recommendations, Rationale, and VA Response**

The Veterans Advisory Committee on Education had two focus areas for Fiscal Year (FY) 2019, “Access to Quality Programs” and “Ensuring Veterans Success.” The Committee’s recommendations fall into those two categories and are detailed below.

### Access to Quality Programs

#### **Recommendation 1: Certificate of Eligibility provided to 100% of transitioning Servicemembers.**

The Committee recognizes that gaining access to education benefits begins with the GI Bill Certificate of Eligibility (COE). The Committee recommends VA work with the Department of Defense (DoD) to ensure every separating Servicemember is provided with a COE upon retirement/separation. This recommendation will align with emerging VA policies, concerning the provision of Certificates of Eligibility to Institutions of Higher Learning by student-Veterans, that are based on the Veterans Benefits and Transition Act of 2018 (Public Law (P.L.) 115-407) which was signed into law on December 31, 2018.

#### ***Rationale:***

As part of the Transition Assistance Program (TAP), VA should mandate that 100 percent of transitioning Servicemembers apply for their education benefit COE. All transitioning Servicemembers can apply today, but not all do. Years after leaving active duty, Veterans often do not know if they have GI Bill eligibility or how much they have. Obtaining their COE during the transition process will:

- Provide the Veteran information about their individual education benefits during the transition process;
- Ensure the Veteran is aware of the status of their GI Bill benefits;
- Create a VA record that will be available for review whenever the Veteran does apply for benefits (no expiration date); and
- Ensure VA has contact information for all separating servicemembers to allow for ongoing communications.

#### ***Request:***

The goal is for 100 percent of separating Servicemembers to have a COE before completing TAP. This should be completed by October 2020. The Committee is asking for an update on this at the June 2020 Committee meeting.

**VA Response: Concur-in-principle.** VA agrees with the recommendation in concept, but is unable to implement. VA agrees with the goal of all transitioning Servicemembers obtaining their COE before transition is complete; however, VA cannot mandate this as part of the transition process because DoD controls the transition process. In addition, this would require legislative and information technology (IT) changes, and coordination

with DoD. VA will continue to work with DoD through TAP to promote and recommend that all transitioning Servicemembers apply for their COE during the transition process.

**Recommendation 2:** Enhancements to the Comparison Tool and Student Veteran Feedback System.

The initial creation of the GI Bill Comparison Tool to implement Executive Order (EO) 13607, Principles of Excellence for Educational Institutions Serving Service Members, Veterans, Spouses, and Other Family Members, and P.L. 112-249, was 5 years ago.

The Committee recommends VA conduct a comprehensive review of the GI Bill Comparison Tool and the process to obtain complaints and/or feedback and further recommends VA consider (but not be limited to) things such as:

- Adding a rule to limit the timeframe in which closed complaints are displayed on the Comparison Tool (currently they are never removed);
- Establishing a mechanism to display feedback and comments (both positive and negative) on the Comparison Tool;
- Reviewing the current data available on the Comparison Tool and determining what data should stay, what data is no longer relevant, what data needs to be refreshed, and what data should be added;
- Using active data sources, such as an automated, real-time, feed for the Comparison Tool, eliminating the need to continually update the data; and
- Ensuring complaints associated with a school are directly attributable to the school and not a different entity (i.e., the complaint is marked for the school but is about a U.S. government office).

Additionally, VA should complete the commitments previously made with P.L. 112-249 to create a true feedback mechanism for GI Bill beneficiaries to provide positive and negative comments that can be viewed and considered by prospective GI Bill students.

***Rationale:***

The Comparison Tool has been a great success for VA since it was first made available in 2014. However, over the past 5 years there have been only minimal updates to the Comparison Tool. Many users are confused by the data available on the Comparison Tool and researchers who use the tool have concerns about the information displayed.

***Request:***

The Committee asks for an update from Education Service at the May 2020 Veterans Affairs Committee on Education (VACOE) meeting. The Committee also requests a briefing from the Veterans Experience Office (VEO) at the next meeting on the current capabilities for obtaining Veteran and beneficiary feedback.

**VA Response: Concur.** VA agrees and will implement the recommendation. With the implementation of sections 107 and 501 of the Harry W. Colmery Veterans Educational Assistance Act of 2017, P.L. 115-48 (the Colmery Act), VA is taking a fresh look at the

Comparison Tool and identifying opportunities for improvement in all areas of concern presented by the committee. In addition, Education Service will coordinate with VEO to present at the next advisory committee session.

**Recommendation 3: Stop the MGIB-AD buy-in option.**

The Committee recommends that VA work with Congress to sunset the Montgomery GI Bill (MGIB) (Chapter 30). In the interim, VA should take the following steps to review the MGIB buy-in procedures for new Servicemembers:

- Conduct a detailed review of the current buy-in procedures;
- Seek to understand why some services, such as the Coast Guard, have a very low buy-in rate, while other services, and particular installations, have a high buy-in rate; and
- Work with Congress to establish a final date for the last individuals who will be able to buy in to the MGIB-AD program.

***Rationale:***

Rarely is the MGIB-AD more beneficial than the Post-9/11 GI Bill. It appears Servicemembers do not always understand the difference between the two benefits and quite frequently are provided contradictory information when electing to participate in the MGIB buy-in program.

While seeking a long-term fix, VA should make every effort to educate DoD partners on the process; the differences in the benefits; and the pros and cons of participating in the MGIB buy-in program.

According to Student Veterans of America, less than 3 percent of those who paid into MGIB-AD since 2009 have used it. The Committee is concerned that the current program is now acting like a tax on the entry level individuals, transferring \$240 million every year from our lowest earning Servicemembers to the U.S. Treasury without real benefit to those who participate.

***Request:***

The Committee asks for an update on this topic at our May 2020 Meeting.

**VA Response: Concur.** VA understands the intent of the recommendation because, in most cases, the Post-9/11 GI Bill is more advantageous to the student. However, to stop the MGIB-AD option would require a statutory change by Congress. VA will continue to work with DoD to help educate transitioning Servicemembers regarding their education benefits. In addition, VA will send a fact sheet out to students to show a comparison between the two programs. VA will continue to encourage prospective and current students to utilize the GI Bill Comparison tool to assess the different benefit programs based on their educational goals. The proposal to implement the MGIB-Buy-in option is in the FY 2020 Budget Submission.

#### **Recommendation 4: Conduct Risk Based Reviews.**

The Committee recommends Education Service direct State approving agencies (SAA) to immediately begin conducting Risk Based Reviews (RBR) at all approved educational institutions. Education Service, working closely with the National Association of State Approving Agencies, should define the criteria for, as well as method and manner, for doing RBRs and make that criteria available to the public. VA, working closely with SAAs, should determine which institutions would be visited and provide an estimate of the number of RBRs that will be conducted on an annual basis. It is important to note that DoD is taking a similar, risk-based approach with its DoD Memorandum of Understanding Compliance program. The Executive Director, Education Service should consult with the Director, DoD Voluntary Education prior to implementing a VA program, in order to determine appropriate approaches to risk-based review, best-practices and lessons learned.

#### ***Rationale:***

RBRs are required by law. Section 310 of the Colmery Act amended 38 United States Code section 3673(d), which currently reads: “The Secretary may utilize the services of a State approving agency for conducting compliance and risk-based surveys and other such oversight purposes as the Secretary, in consultation with [SAAs], considers appropriate without regard to whether the Secretary or the agency approved the courses offered in the State concerned.”

#### ***Request:***

The Committee asks for an update on this at the next VACOE meeting.

**VA Response: Concur-in-principle.** VA is already conducting RBRs (known as Risk Based Surveys as referenced in section 310) today and has assigned Risk Based Reviews to SAAs. VA will continue working with SAAs to refine and improve the process of identifying institutions that should receive a risk-based review. In addition, VA will begin working with the National Association of State Approving Agencies in FY 2020 to begin development of risk-based survey framework that is data-driven, outcome-based, and Veteran-centric. VA will also have discussions with other Federal agencies, including DoD, as it develops and rolls out the risk-based survey framework.

#### **Recommendation 5: Confirm the number of full-time employees required.**

The Committee recommends that VA review and confirm the number of full-time employees (FTE) needed, considering the expected increase in regular GI Bill claims, claims from the STEM and VET TEC programs, and the additional work required to process adjustments due to Section 107 of the Colmery Act. Many of these claims will require more hands-on work to adjudicate and it will take several months to understand the full impact of the Colmery Act. Additionally, Committee members’ interactions with Education Service Regional Processing Offices (RPO) and the Education Call Center (ECC) have led them to believe Education Service is understaffed in key areas.

***Rationale:***

The President's 2020 Budget included a decrease of 65 FTEs for Education Service. Based on the current work and new programs coming online in 2019, the Committee wants to ensure that Education Service will have the necessary FTEs to serve Veterans at the level needed.

***Request:***

The Committee seeks a better understanding on the reasoning that led to the decrease in FTEs and how VA is planning to accomplish more work with less employees in 2020. The Committee requests a briefing at the October 2019 meeting.

The Committee would also like to understand how Education Service will improve employee training and development for both current and future employees at the RPOs and the ECC.

**VA Response: Concur-in-principle.** VA Education Service has not seen a decrease in the number of FTEs processing education claims. VA consistently reviews and updates resource requirements based on current capabilities and needs. In the past 2 years, VA has increased the number of permanent and temporary employees processing education claims. In addition, VA believes the long-term solution is modernization of Education IT Systems and increase in automation. VA can provide a briefing to the Committee regarding the number of full-time employees and training and development at the next Committee meeting.

**Ensuring Veterans' Success****Recommendation 6: Communications.**

The Committee understands that the Veterans Benefits Administration (VBA) has challenges communicating directly with GI Bill beneficiaries. VA can pay beneficiaries, but in some cases cannot directly contact the beneficiary. The Committee recommends that VA engage with Veterans and stakeholders to create communication channels that meet their needs. Specifically, Education Service should look at what is happening in other areas of VA (i.e., appointment text reminders in VHA) and determine how technology could be utilized to notify beneficiaries about changes. Specific methods/outcomes could include:

- The ability to contact 100 percent of GI Bill users;
- The ability to communicate with every GI Bill beneficiary throughout their education journey;
- Automatic communications at major milestones – automated notification to the beneficiary via the requested communications channel (email, text);
- A mandatory opt-in during first contact with Education Service with the ability to pick the contact method;

- Text notifications for COE completion, certification updates, housing payments, any other education action for students/beneficiaries and applicable stakeholders;
- The ability to use multimodal communications with every beneficiary directly; and
- Mandatory email and cell phone fields for applications and information updates.

The Committee asks VA to consider forming a Communications stakeholder working group consisting of representation from Veterans Service Organizations (VSO), institutions of higher learning and career/trade schools, and affinity organizations (such as the National Association of Veterans Program Administrators (NAVPA), Student Veterans of America and Veterans Education Success). This Communications stakeholder working group would work with VA to continue improving communications and to provide an additional avenue for communication with student Veterans. VA has taken this approach with its efforts toward meeting the December 1, 2019, “reset” deadline for implementation of the Colmery Act sections 107 and 501, and it is proving to be successful.

***Rationale:***

Other offices in VA are already communicating with Veterans through the communication channel preferred by the Veteran. VBA and Education Service should follow that model to communicate with individuals using their GI Bill education benefits. Regular and direct communication with the beneficiary will mitigate anxiety experienced by Veterans throughout their education/training journey.

***Request:***

The Committee understands that implementation of the Colmery Act was the primary focus through December 2019. The Committee asks that Education Service create a plan to implement this recommendation and report back to the Committee by the June 2020 Committee Meeting with the plan and timeline.

The Committee would like to know what percentage of GI Bill beneficiaries apply for benefits online vs. in paper. The Committee will be provided this information during a scheduled meeting in 2021.

**VA Response: Concur-in-principle.** VA is continually looking to improve communications with all Veterans and for all benefits. In late 2018, VA started utilizing social media platforms and direct email campaigns to connect with GI Bill beneficiaries. In addition, in early 2019, VA launched a monthly GI Bill stakeholder meeting with key stakeholders from the VSO community and national education associations. VA will continue to look at multiple avenues to improve communication with beneficiaries.

**Recommendation 7: Clearly define what qualifies a Post-9/11 GI Bill beneficiary for housing allowance.**

The Committee recommends that Education Service define specific terms to clarify what qualifies Post-9/11 GI Bill beneficiaries for a housing allowance when pursuing their

education. Terminology and definitions vary between Federal agencies and schools which causes confusion for Veterans and beneficiaries. For example, the criteria to qualify for the Post-9/11 GI Bill housing allowance may include requiring that the learning environment provide:

- Synchronous training;
- Two-way communication;
- Closed loop; and
- Attendance in a physical classroom with a school representative.

The Committee also recommends that VA review the definition of a school term and what constitutes full-time enrollment. If these definitions are different from the Department of Education (ED), VA should determine if changes are needed to benefit the Veteran.

***Rationale:***

This will make it clear to beneficiaries and stakeholders what qualifies them for housing allowance as part of the Post-9/11 GI Bill. Defining terms such as online learning, virtual learning, independent study, distance learning, work study, in residence, live streaming, school term, rate of enrollment, etc., and aligning those definitions with other Federal agencies will ensure consistency and clarity for beneficiaries.

***Request:***

The definitions should be clear and understandable, published to VA's website, and published in the School Certifying Official (SCO) handbook. VA should not construct their own definitions for education terminology without considering what is already existing at agencies such as ED. The Committee asks that these terms and definitions be clarified and published in the Spring 2020 handbook for implementation in Fall 2020.

**VA Response: Non-Concur.** VA does not agree with the recommendation and will not implement it. These terms are already defined and available on VA's external Web site for GI Bill beneficiaries. In addition, this information is published in the SCO handbook. Some terms are defined by statute and defining terms similarly for purposes of different programs with different statutory requirements might be contrary to certain statutory requirements.

**Recommendation 8: Define the process for Colmery Section 107 implementation (identifying students and steps to take).**

The Committee recommends that VA define the process for Colmery section 107 implementation to include:

- How students who are due a retroactive payment will be identified; and
- What steps need to be taken:
  - by the student;
  - by the school; and

- by VA for those payments to be processed.

***Rationale:***

Beneficiaries are anxious for updates from VA on this process and are looking for information before the December 2019 implementation. Defining the process and identifying who is responsible for which steps will allow Veterans, schools, and stakeholders to plan for the December 2019 implementation.

***Request:***

The Committee recognized that since April 2019, VA has been conducting weekly to bi-weekly sessions with a focused group of stakeholders to address, and define actions and responsibilities for, the process-based issues raised by the Committee in this recommendation. The Committee asks for an update on this no later than the June 2020 Committee meeting.

**VA Response: Concur.** VA agrees with the recommendation. Over the past year, VA has been actively working with schools to gain input and share details on how the section 107 retroactive process will work. VA will continue to hold webinars and focus groups with school officials throughout the 107 retroactive process. VA has also communicated with students through social media, email campaigns, and school visits informing them on the implementation progress, and that anyone underpaid will be made whole while those overpaid solely because of this implementation will have their debt waived.

**Recommendation 9: Extend the timeframe for a school suspension.**

The Committee recommends that VA extend the timeframe for a school suspension from 60 to 180 days when a school is suspended by an SAA.

The Committee recommends VA review and update the applicable policies.

***Rationale:***

Providing SAAs with the ability to extend a suspension allows additional flexibility when reviewing schools and will benefit Veterans currently enrolled in those schools. Although 60 days provides a sense of urgency for the school to make the required changes, SAAs do not have the ability to extend the suspension if the school is making progress, but has not completed needed revisions. In some cases, VA already set suspensions for longer than 60 days. For example, when VA suspends a school under the 85/15 rule that suspension is not limited to 60 days.

***Request:***

The Committee understands there may be regulatory or statutory requirements to make this change and requests Education Service provide an update to the Committee in June 2020 on the requirements and timeline needed to make the recommended change.

**VA Response: Non-Concur.** VA does not agree with the recommendation and will not implement it. VA disagrees with prolonging the process and having students in limbo while this process plays out. SAAs should act swiftly to decide to reduce the angst and burden on the student.

**Recommendation 10: Create an Interagency Task Force to review, update, and create new data exchange agreements.**

The Committee recommends the Secretary create an interagency task force to review and update current data exchange agreements, while also identifying gaps where new or updated agreements should be created. The Task Force should consist of the Secretaries, or their designees, from VA, DoD, ED, Departments of Labor and Commerce, and others deemed appropriate. The task force should:

- Formalize data collection for student outcomes across the government;
- Track the overall return on investment of the GI Bill;
- Look at non-traditional ways to capture return on investment on the GI Bill (i.e., customer satisfaction);
- Assess the impact of the GI Bill on various aspects of society, not just benefit use;
- Accelerate the current work to improve Education Service data and access to data;
- Create specific methods to track outcomes for all students, leveraging data from multiple agencies;
- Define the methods for tracking outcomes for non-traditional students (including those not using the GI Bill);
- Produce specific information (education statistics) that will be relevant to policymakers and stakeholders; and
- Outline the benefits of making education data (VA and non-VA) available to researchers and work towards making that data as widely available as possible.

***Rationale:***

The Committee believes the creation of this Task Force will enable VA to break through barriers currently inhibiting the ability to track Veterans' education activities with the GI Bill and outcomes beyond basic GI Bill usage and completion rates. Similar committees have been formed and are active around topics such as TAP. In addition, similar government information has been made available to the public for research and analysis (public health and census data, for example). Rather than continue to create individual data exchanges between agencies, the Task Force will move toward all-encompassing data agreements that can be leveraged by each department. To solve big challenges, we must be willing to engage others and let non-traditional actors into the community. The Committee believes creating this Task Force will ultimately improve VA's ability to track and maintain information about GI Bill outcomes.

***Request:***

The Secretary should have an initial task force meeting within 180 days of receipt of this report and report back to the Committee regularly with updates. The Committee requests the first update no later than the May 2020 meeting.

**VA Response: Concur-in-principle.** The creation of an interagency task force to identify new opportunities to exchange and enhance data is supported by VA and already exists.

**Recommendation 11: Ask the Department of Education to add a measure that tracks whether a student is a Veteran.**

In accordance with EO 13607: Establishing Principles of Excellence for Educational Institutions Serving Service Members, Veterans, Spouses, and Other Family Members, and P.L. 112-249 the Committee recommends VA engage ED to add a measure that allows ED to track Veteran students. ED should add a Veteran indicator to the Integrated Postsecondary Education Data System. This should be done in two places: the student outcomes section and the institutional characteristics section, which includes faculty and staff. The data in outcomes should reflect outcomes in a similar manner to other indicators not only as a single factor, but as an intersectional factor (i.e., full-time, black, female, Veteran, etc.). The staff/faculty indicator should act the same way.

***Rationale:***

Adding a Veteran indicator will allow ED and other interested Departments, such as VA, to quickly review data related to student Veterans. VA will be able to compare the data with GI Bill beneficiaries to provide further detail to the data. If the Veteran indicator is asked of all students and faculty/staff, VA and the United States government will have a more accurate and comprehensive picture of student Veterans and Veterans working in education. Many universities already ask students and prospective students about their Veteran status. Additionally, other diversity metrics are already tracked, and this would add one more measure to that list.

***Request:***

The Committee is asking for an update at the June 2020 VACOE meeting.

**VA Response: Concur-in-principle.** VA has consulted with ED and such a change would require IT changes. The recommendation requires input from ED's leadership, as the decision would impact them.

**Recommendation 12: Increase participation in academic research conferences and events.**

The Committee recommends that Education Service proactively participate in academic research conferences, higher education conferences, and public management conferences to share the successes and challenges with managing the GI Bill and

monitoring student Veteran outcomes. The Committee recommends that Education Service also include the Vocational Rehabilitation and Employment Service (VR&E) based on the number of VR&E participants who also attend undergraduate or graduate programs.

***Rationale:***

Participation will increase VA's visibility and grow partnerships with academic institutions. It will also help those institutions better understand the success and challenges of VA, and potentially bring new ideas and solutions to VA issues. Active participation will better educate the American public on the Veteran experience. Sharing VA data and making data available to researchers will improve the usability of the data VA has while driving necessary changes to the data collected.

***Request:***

The Committee recognizes the challenges with data sharing and presenting data at public events as well as the expense incurred by such participation, but we ask that the Secretary consider this recommendation given the potential return in good will and innovation.

**VA Response: Concur.** VA agrees with the recommendation. VA already engages with the education community and will continue to look for opportunities to participate in academic research conferences to discuss the GI Bill program.

## Acknowledgements

The Committee would like to thank Education Service leadership, past and present, for working with the Committee to get VACOE back to an active status and ensuring that partners and stakeholders are included in the process. The dialogue and discussion at the May 2019 VACOE meeting was vibrant and detailed. The Committee believes the work of the Committee will lead to improved outcomes for Veterans.

The Committee would like to recognize the outstanding work being done by Education Service:

- The Committee would like to thank **Mr. James Ruhlman, Deputy Director, Education Service** for kicking off the May 2019 VACOE meeting. Mr. Ruhlman provided great information to the Committee and set the tone for the 2 days of conversations and meetings. He provided an excellent overview, background, and status update that established momentum for the Committee meeting.
- **The Oversight and Accountability team** under **Dr. Patrick Dworakowski, Assistant Director, Education Service**, has demonstrated their dedication to the GI Bill and ensuring beneficiaries have access to quality programs that meet their needs. The Committee appreciates all the work of this team to assist Veterans in their education journey.
- The Committee would like to recognize the work being done by the **Education Service Business Analytics Team**. The topics presented by **Mr. Brandon Scott** led to additional discussions and played a key role in shaping several of the proposed recommendations in this report.
- The Committee would like to recognize the work done by **Education Service** to migrate the feedback/complaint tool from the DoD system to VA's internal Salesforce platform with VA.gov as the entry point.
- The Committee would also like to thank **University of Maryland University College** (now University of Maryland Global Campus) for their presentation on distance learning. That presentation generated several follow-on discussions and identified potential gaps in current VA policies and procedures.
- Finally, the Committee would like to thank the **Designated Federal Officer, Mr. Lucas Tickner, and Assistant Designated Federal Officer, Joseph Preisser**, for all their work to make the VACOE run smoothly and for assisting all Committee members before, during, and after the 2019 meeting to ensure the Committee was able to meet its objectives.