



# IHL and NCD Approvals

## 2023 WAVES Annual Conference

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**JOHN MURRAY, NASAA SECRETARY**

(JULY 2023)



# Background

- “The student is eligible for the GI BILL<sup>®</sup>, so why does my school have to deal with the SAA?”
- GI Bill<sup>®</sup> benefits may be used **only** in programs that are **approved** after meeting certain legal requirements.
- **The SAA** has legal responsibility to approve programs.

38 USC 3672

*NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscpri.html>).*

## TITLE 38 - VETERANS BENEFITS

### PART III - READJUSTMENT AND RELATED BENEFITS

#### CHAPTER 36 - ADMINISTRATION OF EDUCATIONAL BENEFITS

##### SUBCHAPTER I - STATE APPROVING AGENCIES

### § 3672. Approval of courses

(a) An eligible person or veteran shall receive the benefits of this chapter and chapters 34 and 35 of this title while enrolled in a course of education offered by an educational institution **only if**

(1) **such course is approved** as provided in this chapter and chapters 34 and 35 of this title **by the State approving agency** for the State where such educational institution is located, or by the Secretary, or



## Background (cont.)

- ❑ “**But my programs are deemed approved! So why does *my* school have to deal with the SAA?”**
- ❑ Public and not-for-profit IHL **degree programs** are deemed approved, if... (more on this later)
  - ❑ Registered apprenticeships and flight programs are deemed approved, if... (DOL or FAA approved) (High Schools are also deemed approved)
  - ❑ For-profit IHL degree programs **are not** deemed approved
- ❑ Non-degree programs are not deemed approved
- ❑ Your policies and procedures are not deemed approved



# AGENDA

- ▣ **LEGAL FOUNDATION**
  - ▣ GI Bill® History (this is on the next slide)
  - ▣ The U.S. Code & Code of Federal Regulations
- ▣ **THE PLAYERS – Veterans, Schools, SAAs & VA**
- ▣ **APPROVALS – Deemed Approved Programs**
- ▣ **APPROVALS – Accredited Programs not Deemed Approved**
- ▣ **APPROVALS – Non-accredited Programs**
- ▣ **SAA OVERSIGHT**
  - ▣ Risk-Based Surveys, Technical Assistance, Re-approvals
  - ▣ Targeted Risk-Based Reviews
  - ▣ Disapprovals, Suspensions
- ▣ **WHAT'S NEW OR ON THE HORIZON**
  - ▣ Uniform Applications, Supervisory Visits, Pending Legislation



# Legal Foundation

## History



1944

FDR signs **GI Bill<sup>®</sup> of Rights**

(PL 78-346) \$500 was the initial annual cap

1945

Congress recognizes responsibility of **States** to determine education of their residents (PL 79-268)

1947 **State Approving Agencies** authorized by federal statute; overseen by Governor or Legislature, but funded by the US DVA (PL 79-679)

Today A cooperative and successful **combined federal-state program!**





# Legal Foundation (cont.)

## □ Public Laws

- Congressional bills that became law (adds/removes language to the U.S. Code)

## □ U.S. Code

- Compilation and codification of the provisions of the Public Laws into federal statutes
  - Title 38: Veterans Benefits
    - **Chapter 36**: Administration of Educational Benefits

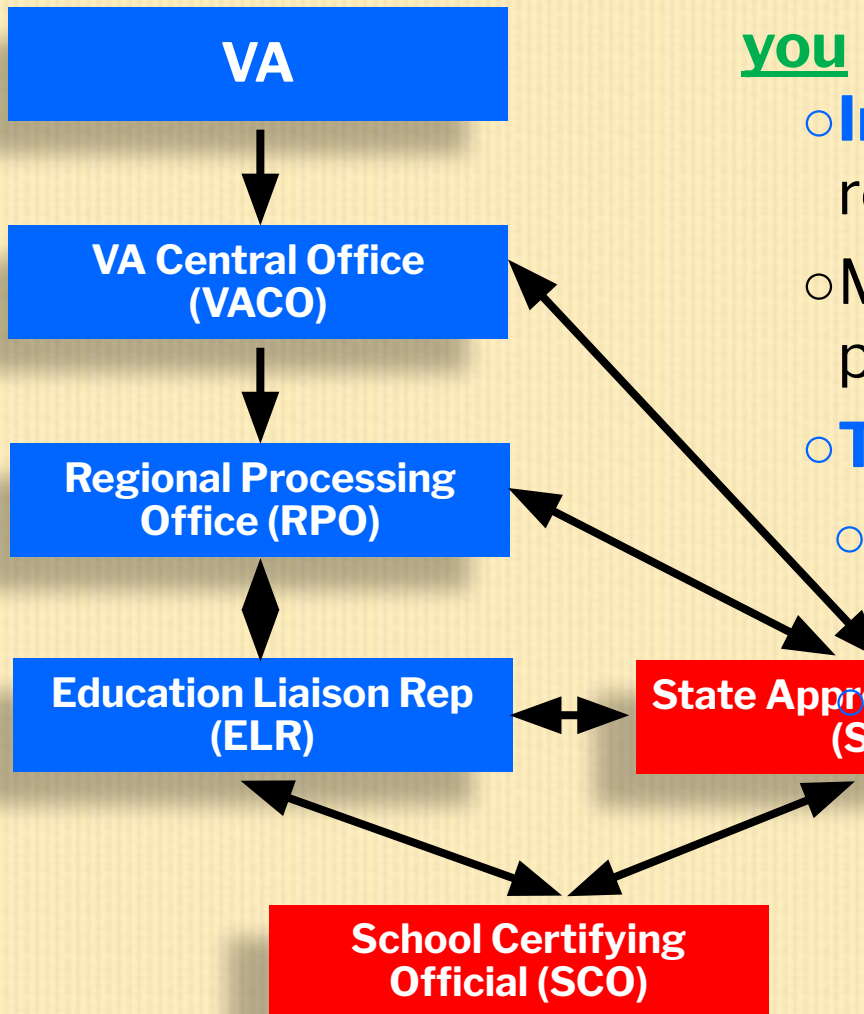
## □ Code of Federal Regulations

- Compilation of federal agency regulations implementing the federal statutes
  - Title 38: Pensions, Bonuses, and Veterans' Relief
    - **Part 21**: Vocational Rehabilitation and Education

## □ Applicable **State Laws and Regulations**



# The Players



- SAA & VA collaborate **to help you**

- **Interpret** laws and regulations
- Maintain **integrity** of programs
- **Train** the SCOs
- **Encourage** greater use of VA benefits (outreach)

**Help** your school better serve veterans!



## The Players (cont.)

- **The “Triad”**
  - VA
  - SAA
  - Institution/SCO
- **Other players**
  - ED
  - DoL/Registration agencies
  - FAA
  - Accrediting agencies
  - State licensing agencies

**Mutual trust,  
Mutual  
dependence!**

**And of course -- THE VA-ELIGIBLE STUDENTS**





# AGENDA

- **LEGAL FOUNDATION**
  - GI Bill® History
  - The U.S. Code & Code of Federal Regulations
- **THE PLAYERS**
- **APPROVALS – Deemed Approved Programs**
- **APPROVALS – Accredited Programs not Deemed Approved**
- **APPROVALS – Non-accredited Programs**
- **SAA OVERSIGHT**
  - Risk-Based Surveys, Technical Assistance, Re-approvals
  - Targeted Risk-Based Reviews
  - Disapprovals, Suspensions
- **WHAT'S NEW OR ON THE HORIZON**



# Approvals – In general

## □ 38 U.S.C. §3672 – the basic authority for all

### §3672. Approval of courses

(a) An eligible person or veteran shall receive the benefits of this chapter and chapters 34 and 35 of this title while in a course of education offered by an educational institution only if (1) such course is approved as provided in the chapters 34 and 35 of this title by the State approving agency for the State where such educational institution is located, or by the Secretary,

...

Approval of courses by State approving agencies shall be in accordance with the provisions of this chapter and chapters 34 and 35 of this title and such other regulations and policies as the State approving agency may adopt.

...

Each State approving agency shall notify the Secretary of the disapproval of any course approved and shall set forth the reasons for such disapproval.

...

(2)(A) Subject to sections 3675(b)(1) and (b)(2), 3680A, 3684, and 3696 of this title, a program of education is deemed to be approved for purposes of this chapter if a State approving agency, or the Secretary acting in the role of a State approving agency, determines that the program is one of the following programs:

(i) Except as provided in subparagraph (C), an accredited college degree program offered at a public or not-for-profit proprietary educational institution that is approved by a State approving agency or association recognized for that purpose by the Secretary of Education.

(ii) A flight training course approved by the Federal Aviation Administration ....

(iii) An apprenticeship program registered with the Office of Apprenticeship (OA) of the Employment Training Administration of the Department of Labor, or an apprenticeship agency recognized by the Office of Apprenticeship....

(iv) A program leading to a secondary diploma offered by a secondary school approved in the State....

(B) A licensure test offered by a Federal, State, or local government is deemed to be approved for purposes of this chapter.

(C) A course that is described in subparagraph (A)(i) of this paragraph ... shall not be deemed to be approved for purposes of this chapter unless-

(i) a State approving agency or the Secretary when acting in the role of a State approving agency, determines that the course meets the criteria in such paragraphs; or

(ii) the Secretary waives approval for such course under section 3676(f)(1) of this title.

....

**“Such other ... policies as the [SAA] may adopt.”**



# Approvals – deemed approved programs

□ **38 U.S.C. §3672** – Also covers deemed approved

## §3672. Approval of courses

(a) An eligible person or veteran shall receive the benefits of this chapter and chapters 34 and 35 of this title while enrolled in a course of education offered by an educational institution only if (1) such course is approved as provided in chapters 34 and 35 of this title by the State approving agency for the State where such education is offered; and (2) the Secretary, after consulting with the State approving agency, determines that the course meets the applicable criteria in such paragraphs; or (3) the Secretary issues a waiver for such course under section 3676(f)(1) of this title.

Deemed Approved

Public/Not-for-Profit IHL Accredited Degree Programs

FAA-approved Flight Training

Registered Apprenticeships

Secondary School Diploma Programs

Government Licensure Test

Approval of courses by State approving agencies shall be in accordance with the provisions of this chapter and such other regulations and policies as the State approving agency may adopt.

Each State approving agency shall notify the Secretary of the disapproval of any course previously approved and explain the reasons for such disapproval.

(2)(A) Subject to sections 3675(b)(1) and (b)(2), 3680A, 3684, and 3696 of this title, a program of education approved for purposes of this chapter if a State approving agency, or the Secretary when acting in the role of a State approving agency, determines that the program is one of the following programs:

(i) Except as provided in subparagraph (C), an accredited standard college degree program offered by a public or private not-for-profit proprietary educational institution that is accredited by an agency or association recognized by the Secretary of Education.

(ii) A flight training course approved by the Federal Aviation Administration ....

(iii) An apprenticeship program registered with the Office of Apprenticeship (OA) of the Employment Training Administration of the Department of Labor or a State apprenticeship agency recognized by the Secretary of Labor.

(iv) A program leading to a secondary school diploma offered by a secondary school approved by the Secretary of Education.

(B) A licensure test offered by a Federal, State, or local government is deemed to be approved for purposes of this chapter unless-

(C) A course that is described in both subparagraph (A)(i) of this paragraph ... shall not be deemed to be approved for purposes of this chapter unless-

(i) a State approving agency, or the Secretary when acting in the role of a State approving agency, determines that the course meets the applicable criteria in such paragraphs; or

(ii) the Secretary issues a waiver for such course under section 3676(f)(1) of this title.



# ApprovalS - deemed approved programs (cont.)

- An accredited degree program **will be considered deemed approved** for the GI Bill® **if the SAA determines** that it meets certain requirements (“**subject to...**”):



- **38 U.S.C. §3675 (b)(1)** – maintain adequate **progress records**; enforce satisfactory **standards of progress and conduct**
- **38 U.S.C. §3675 (b)(2)** – maintain written **record of prior education** & training that indicates **appropriate credit is granted** and training period shortened proportionately
- **38 U.S.C. §3680A** – **programs are approvable**; 85/15 ratio is met; 2-year rule is met (NCDs at proprietary schools); **contracted programs** are properly approved
- **38 U.S.C. §3684** – **reports to the VA** are made “without delay” (SCO Handbook—make reports (e.g., certifications) within 30 days of event triggering the report)
- **38 U.S.C. §3696** – **advertising, sales, and enrollment practices** are not erroneous, deceptive or misleading; advertising issued over the preceding 12-months is available to VA and SAA for inspection; **commissions, bonuses**, etc. for recruiting or admissions personnel are not contingent on



# Approval - deemed approved programs

(cont.)



- To make the determinations:
  - **The SAA will need something in writing from the institution:**
    - What is required will **vary from State to State**
      - **Washington** requires a **written application, a certified copy of the catalog / bulletin**, and such **additional documentation/information** as will enable us to determine that your institution meets the minimum statutory requirements.
- **Reminder:** If you have **NCD programs**, they are **not “deemed approved”**
  - The SAA must approve the NCDs you want to be eligible for the GI Bill®:
    - **Accredited** NCD programs must meet **38 U.S.C. §3675**, and such additional reasonable criteria as the SAA requires.
    - **Non-accredited** NCD programs must meet **38 U.S.C. §3676**, and such additional reasonable criteria as the SAA requires.

Note: Public Law 117-333 (Section 11) requires a **Uniform Application** to be required for the approval of any new course of education on or after October 1, 2023. The VA



# Approvals – accredited programs – not deemed approved

## 38 U.S.C. §3675 – Approval of Accredited Courses

### §3675. Approval of accredited courses

(a)(1) A State approving agency, or the Secretary when acting in the role of a State approving agency, may approve courses (including non-degree accredited programs) not covered by section 3676(c)(16) if

(A) such courses have been accredited and approved by a State approving agency;

....

- For approving accredited programs of for-profit IHLs
- And other accredited programs that do not meet the requirements
  - Including non-degree programs at public & not-for-profit institutions
- Sets additional requirements
- Sets additional requirements
- Includes additional requirements

**“Such additional criteria as may be deemed necessary by the State approving agency....” – Therefore, application and some approval requirements will vary from State to State**

38 U.S.C. 3676(c)(16) :

(16) Such additional criteria deemed necessary by the State approving agency if the Secretary, in consultation with the State approving agency, determines such criteria are necessary and treatment of public and proprietary for-profit educational institutions equitably.

□ Implemented in 38 CFR 21.4253



# Approvals – accredited programs – not deemed approved (cont.)

- An **accredited** degree or non-degree program that does not meet the deemed approved requirements may be approved under **§3675** if:

- **THE SCHOOL** submits an **application**, and certified true and correct **copies of its catalog** that states:

- **Graduation requirements**;

- **Standards of progress** (including grading system, minimum grades, conditions for interruption for unsatisfactory progress, progress records);

- **Conduct policy**, and conditions for dismissal for unsatisfactory conduct;

- **Attendance standards**, if the institution has them and enforces them

- **(If your institution does not have an attendance policy, you, nevertheless, must monitor VA student attendance in order to report LDA!)**

- **THE SAA** reviews the application and finds that the school:

- Maintains adequate **progress records**, and enforces satisfactory **standards of progress and conduct**

- Maintains written **record of prior education** & training that indicates **appropriate credit is granted** and training period shortened proportionately





# Approvals – accredited programs – not deemed approved (cont.)

## □ **THE SAA** finds that (continued):

- The programs are **consistent in quality, content, and length** with similar programs in the State
- There is **adequate** space, equipment, instructional material, and instructor personnel to provide **training of good quality**
- **Qualifications** of directors, administrators, and instructors are adequate
- Programs for **licensure or certification in a State meet all requirements** of the State
  - **Law programs:** also be accredited by a body recognized by US Dept of Education
- Programs for State **board or agency licensure or certification meet the board/agency standards**
  - **Law programs:** also must be accredited by a body recognized by US Dept of Education

## □ **OTHER PROVISIONS** that must be met include:

- **38 U.S.C. §3679 – covered individuals;** pursuing course with assistance from Chapter 30,31,33 or 35
- **38 U.S.C. §3680A – programs are approvable;** 85/15 ratio is met; 2-year rule is met (NCDs at proprietary schools); **contracted programs** are properly approved
- **38 U.S.C. §3684 – reports to the VA** are made “without delay” (SCO Handbook—make reports (e.g., certifications) within 30 days of event triggering the report)
- **38 U.S.C. §3696 – advertising, sales, and enrollment practices** are not erroneous, deceptive or misleading; advertising issued over the preceding 12-months is available to VA and SAA for inspection; **commissions, bonuses**, etc., for recruiting or admissions personnel are not contingent on securing enrollments or financial aid for students





# Approvals – accredited programs – not deemed approved (cont.)

## NC SAA IHL Re-approval Application\*

(NCD Re-approval  
Application is Longer)

\*Washington's various applications are more than one page, which is proof that these forms will vary from State to State

North Carolina State Approving Agency  
Veterans and Military Education Programs

**APPLICATION FOR Re-APPROVAL / REVISION OF PROGRAMS OF EDUCATION FOR VETERANS, MILITARY, AND OTHER ELIGIBLE PERSONS**  
Title 38, United States Code, Section 3675 – Accredited Institutions of Higher Learning

*Fill out this application AND provide a copy of the last NC SAA approval marked with colored ink.*

Return all pages (other than the catalog) SINGLE-SIDED

Name of Institution: \_\_\_\_\_

Names of Publications (Catalogs/Bulletins w/ effective dates): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(Provide 2 copies of each publication; provide certifications, with signatures, for each)*

Institutional Information: Certify institutional information as correct by checking the item on the last Approval OR write "no changes" on the NC SAA Approval

- Provide new VA Form 22-8794 with original signatures if changes have occurred in Certifying Officials.

Approved Programs of Education: Provide a complete list of NCD programs and hours to be approved. Use the list of programs / hours from last Approval; mark changes for names of programs and hours; write in new programs (degree and non-degree). \*\*Also write new term dates on current/old Approval.\*\*

Specific Policies and Procedures: Provide page numbers from the Catalog for each item listed below. If the policies and procedures listed below are not published, provide other / additional documentation.

Page	Policy/Procedure	Page	Policy/Procedure	Page	Policy/Procedure
	Admission / Entry		Graduation Requirements		Standards of Progress
	Attendance		Probation		Terminations
	Conduct		Refunds		Transfer / Prior Credit
	Grades/grading policies		Reinstatement		Withdrawals

Special Programs: Verify Special Programs; check each topic listed in old Approval that continues into new Approval. When new special programs are to be considered for Approval, provide documentation w/ application.

EXCLUDED Programs & Policies: Check each item listed in this section that continues into the new Approval.

Required INFORMATION: The 3-items below are required; page numbers if published, other documentation if not.

Page	Item	Page	Item	Page	Item
	Calendars / Schedules		Tuition		Fees

Branches & Additional Facilities: Ensure information for Branches and Additional Facilities is correct and unchanged as listed on the current Approval; mark changes on the Approval.

- Complete a separate Branch application form for each approved or requested / new Branch
- Provide complete information for each Additional Facility (see Approval or call Program Specialist)

ALL Schools:

- Provide information on contracts for all courses provided at and/or for your institution by a contractor (contractor name, courses taught under contract, copy of contract) (excludes adjuncts).
- Provide latest accreditation letter and, if applicable, NC Licensure letter from UNC Board of Governors.

CERTIFIED AS TRUE AND CORRECT:

Approving Official: \_\_\_\_\_ Date: \_\_\_\_\_



# Approvals – non-accredited programs

## 38 U.S.C. §3676 – Approval of Courses

### §3676. Approval of nonaccredited courses

(a) No course of education which has not been approved by the State approving agency under §3675 of this title, which is offered by a public or private, profit or nonprofit, educational institution offering such course shall be approved for such course in accordance with the provisions of this chapter unless the institution has submitted a written application for approval of such course in accordance with the provisions of this chapter.

- Covers all non-accredited (NCD) programs leading to a college degree
- Also, in Maryland, covers all stand-alone NCD programs
- Sets additional application requirements
- Sets additional approval requirements
- (16) Such additional criteria shall be deemed necessary by the State approving agency if the Secretary, in consultation with the State approving agency, determines such criteria are necessary and treatment of public and proprietary for-profit educational institutions equitably.

“Such additional criteria as may be deemed necessary by the State approving agency....” - **Therefore, application and some approval requirements will vary from State to State**

□ Implemented in 38 CFR 21.4254



# Approvals –non-accredited programs (cont.)

- A **non-accredited** degree or non-degree program may be approved under **§3676** if:
  - **THE SCHOOL** submits an **application**, and two certified true and correct **copies of its catalog** that states:
    - Catalog **identifying data** (e.g., date of publication); name of school, names of officials and faculty
    - **Calendar; enrollment policies; policy re credit for prior education & training; detailed course outline** w/ approximate clock hours to be spent on each subject/unit
    - **Policies re** leave, absences, make-up work, tardiness, and **interruption for unsatisfactory attendance**
    - **Standards of progress** (including grading system, minimum grades, conditions for interruption for unsatisfactory progress, progress records);
    - **Conduct policy**, and conditions for dismissal for unsatisfactory conduct;
    - **Detailed tuition & fee schedule**; refund policy
    - Description of **space, facilities, & equipment**





# Approvals –non-accredited programs (cont.)



- **THE SAA** reviews the application and finds that
  - The programs are **consistent in quality, content, and length** with similar programs in the State
  - There is **adequate** space, equipment, instructional material, & instructors to provide **training of good quality**
  - **Qualifications** of directors, administrators, and instructors are adequate
  - School maintains written **record of prior education** & training; **appropriate credit is granted** & training period shortened
  - **Students provided copy** of course outline; T&F schedule; and attendance, grading, and conduct policies
  - Students receive a **certificate of completion**
  - School maintains adequate **attendance and progress records**, and enforces satisfactory **standards**
  - School **complies with** all applicable local, State, & federal **regulations**
  - School is **financially sound** & capable of fulfilling training commitments
  - School does **not use erroneous or misleading advertising**
  - School does **not exceed enrollment limitations**
  - The administrators, directors, owners, & instructors are of **good reputation & character**
  - Private institutions **abide by the “VA” pro rata refund policy**
  - Programs for **licensure or certification in a State meet all requirements** of the State
  - Programs for State **board or agency licensure or certification meet the board/agency standards**



# Approvals –non-accredited programs (cont.)

## □ OTHER PROVISIONS that must be met include:



- **38 U.S.C. §3679 – covered individuals;** pursuing course with assistance from Chapter 30,31,33 or 35
- **38 U.S.C. §3680A – programs are approvable;** 85/15 ratio is met; 2-year rule is met (e.g., change in ownership or location); **contracted programs** are properly approved
- **38 U.S.C. §3684 – reports to the VA** are made “without delay” (SCO Handbook—make reports (e.g., certifications) within 30 days of event triggering the report)
- **38 U.S.C. §3696 – advertising, sales, and enrollment practices** are not erroneous, deceptive or misleading; advertising issued over the preceding 12-months is available to VA and SAA for inspection; **commissions, bonuses**, etc., for recruiting or admissions personnel are not contingent on securing enrollments or financial aid for students
- **No independent study** – in whole or in part (38 U.S.C. **§3676 (e)**)
- Such **additional criteria** as the SAA deems necessary: e.g., copy of current state **license**; copy of current **bond** documentation; **supplements**



# Approvals – OTHER PROVISIONS APPLICABLE TO ALL SCHOOLS

- The SAA also will review the catalog for **special topics** that must be addressed specifically in the approval, e.g.:
  - **Cooperative Courses** (38 CFR 21.4233)
    - Catalog must show that the training in the business establishment will be in a “**real and substantial** sense and will supplement” the school’s training; & that the school will exercise **supervision and control** over the student’s activities at the business
  - **Independent Study** (38 CFR 21.4267)
    - Approvable if at an **accredited** IHL and leads to a standard college **degree or certificate**; catalog must describe the **conditions and requirements**
    - New exception for certain accredited CTE and vocational programs
    - VA policy: independent study **includes distance learning & online courses**
  - **Practical Training** (38 CFR 21.4265)
    - Medical and dental internships or specialty courses, nursing courses, professional training courses, and other off-campus practical training courses must meet certain **additional requirements** for approval
  - **Remedial/Deficiency Courses** (38 CFR 21.4267)
    - May **not** be taken through independent study (including distance learning)



# Approvals – OTHER PROVISIONS APPLICABLE TO ALL SCHOOLS (cont.)

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- Other **special topics**:
  - **Branches and Additional Facilities** (38 CFR 21.4266)
    - Programs offered at these locations also may be approved
  - **Continuing Education**
    - Generally not approvable; programs that meet §3676 requirements usually may be approved
  - **High School Transcripts**
    - Check your Approval document: May have to obtain if an **admission requirement**
    - NCD Programs: **Proof of high school completion or ability-to-benefit**
  - **Prior Credit**
    - Must be evaluated
    - This means you must have **official transcripts** of all previous education and training on file



# Approvals - Notification

## □ **38 U.S.C. §3678** – Notice of Approval

### §3678. Notice of approval of courses


The State approving agency, upon determining that an educational institution has complied with all the requirements of this chapter, will issue a letter to such institution setting forth the courses which have been approved for the purposes of this chapter, and will furnish an official copy of such letter and any subsequent amendments to the Secretary. The letter of approval shall be accompanied by a copy of the catalog or bulletin of the institution, as approved by the State approving agency, and shall contain the following information:

- (1) date of letter and effective date of approval of courses;
- (2) proper address and name of each educational institution;
- (3) authority for approval and conditions of approval, referring specifically to the approved catalog or bulletin published by the educational institution;
- (4) name of each course approved;
- (5) where applicable, enrollment limitations such as maximum numbers authorized and student-teacher ratio;
- (6) signature of responsible official of State approving agency; and
- (7) such other fair and reasonable provisions as are considered necessary by the appropriate State approving agency.

- Approvals must be **in writing**
  - “...other fair and reasonable provisions....”
- Written notice provided to the institution, with a copy to the VA (ELR)
  - VA’s copy includes a copy of the application & catalog or bulletin
- Implemented in **38 CFR 21.4258**



# Sample Notice of Approval

  
**NORTH CAROLINA  
STATE APPROVING AGENCY**  
120 Penmarc Drive, Suite 103, Raleigh, NC 27603-2434

Joseph W. Wescott II  
Executive Director

Veterans Education  
Military Education  
Program Specialists  
Elizabeth Kelly  
Jay C. Fitzgerald  
Meghan-Joy D. Woodall

September 9, 2016  
Effective Date: August 15, 2016

Dr. Bigman O. Campus, President  
AAA University  
101 Sweet Street  
Littletown, NC 28000

Dr. Campus,

This notice of program approval is in response to your application to enroll veterans, military, and other eligible persons in programs of education under provisions of Titles 38 and 10, United States Code. That application was dated August 15, 2016; the final documentation was received on August 30, 2016.

Approval is based upon information in your application and contained in your 2016 – 2017 University Catalog, AAA University  
With Addendum: A. Catalog Certification  
With Supplement: I. Academic Calendars

The attached NC SAA Program Approval specifies programs, policies, and facilities that are approved and identifies elements of programs and policies that are excluded. Any program, policy, or facility not listed in the Approval is not approved under Titles 38 and 10, United States Code.

This Approval is granted for the enrollment of veterans, military and other eligible persons under provisions of Title 38, Section 3675, United States Code, and is effective as shown above.

Sincerely,

Joseph W. Wescott II, Ed.D.  
Executive Director

ejc/jlh  
enclosures: Approval Application, Supplement (DVA only)  
pc: Master File  
cc: DVA RO: Jodie Balder, ELR  
Institution: [electronic cc] Ms. Sally S

Telephone: 919/733-7535  
Page 1 of 1

Dates, including effective date

Catalog identifying data and list of addenda and supplements that are approved as part

Summary of items covered in the approval document

Legal authority is cited

Signed by authorized SAA official

Detailed approval document is attached

# Sample Notice of Approval (Detailed Approval Document) –

cont

## NC SAA PROGRAM APPROVAL

NC SAA School Code 5000

Effective Date: August 15, 2017

Name: AAA University

101 Sweet Street  
 Littletown, NC 28000  
 Phone: 919-000-0000 Fax: 919-000-0100

Facility Code: IHL: 31-0000-33

Approval Info Catalog Revision: Undergraduate Catalog 2017-2018

Accredited: Y Public: N Profit: N Branch Locations: 1  
 Non-Accr: N Proprietary: Y NonP: Y Additional Facilities: 1

Collaborative Programs: Y Practical Training: Y Internet Instruction: Y Independent Study: Y  
 Cooperative Programs: Y Remedial Training: Y TV Instruction: N VAONCE: Y

Approving Official: Dr. Sally Smith email address: ssmith3@aaa.edu  
 Certifying Officials: Jane Doe email address: jdoe@aaa.edu  
 Billy Bob email address: bbob@aaa.edu

Institution's Web Site: www.aaa.edu

### Institution Remarks

IHL Programs	
<u>Description</u>	<u>Degree SH</u>
Unless listed or referenced in the Excluded Section, all accredited standard college degree programs on and between pages 41 to 98 of the 2017-2018 Undergraduate Catalog have been reviewed and determined to meet the requirements of 38 U.S.C. § 3672(b)(2)(A) to be considered deemed approved.	
NCD Programs	
<u>Description</u>	<u>Certificate SH</u>
Basic Office Bookkeeping	18
Forensic Evidence	24

### Special Programs

Programs/Descriptions  
 None

Graduation Requirements

Remedial, Deficiency, Prerequisite, and Refresher Subjects may be certified for DVA educational benefits when the school has determined by appropriate test, or other academic method, that the subjects are required to fulfill graduation requirements. Full documentation is required.

<u>Remedial Subjects</u>	<u>Credit Hours Equivalent</u>
ENG 099	3
MAT 099	3

Identifying data,  
 effective date

Approval of  
 special topics

List of approved degree  
 programs or page  
 ranges; or deemed  
 approved determination

List of approved  
 NCD programs  
 or page ranges

Approved  
 remedial /  
 deficiency

COURSES

# Sample Notice of Approval (Detailed Approval Document)

NC SAA Approval 16-17

AAA University

ED: August 15, 2016

## Special Programs (continued)

### Deficiency Subjects

None

### Credit Hours Equivalent

### Others:

Double Majors  
Dual Degree Programs  
Minors  
ROTC Program  
Teacher Education Certification Program  
Second Bachelor's Degree  
Study Abroad

### Credit Hours Equivalent

TBD  
TBD  
TBD  
TBD  
TBD  
TBD  
TBD

## EXCLUDED Programs and Policies

The programs, policies, subjects, delivery modes and facilities listed below are excluded from this approval. They may not be used for purposes of enrolling students under Titles 38 and 10, United States Code, or for certification of DVA educational benefits.

### LIST:

Auditing  
B.A. in Bartending  
Credit by Examination (Excluded for DVA payment)  
Provisional Admission / Conditional Acceptance (See Requirements section for remarks)  
M.S. in Animal Science (pending accreditation)  
Repeating Courses (See Requirements section for remarks)  
Special Student Status

## Policies and Procedures Specific to this Approval

### Calendars and Schedules:

The calendars furnished with your application are approved as shown in Calendar Section. (2016 – 2017 Catalog, pages 4-5; Supplement 1)

For programs named in this approval, the previously approved class schedules, including part-time schedules, continue as approved.

## Calendar and Schedules Specific to this Approval

<u>Terms</u>	<u>Start Date</u>	<u>End Date</u>
Fall 2016	08/20/2016	12/08/2016
Spring 2017	01/09/2017	05/05/2017
Summer 2017	05/22/2017	07/28/2017

### Tuition / Fees and Other Charges:

The schedule of tuition, fees, and other charges furnished with your application are approved. (2016 – 2017 Catalog, pages 16-17)

## Facilities Specific to this Approval

**Branch Schools / Locations:** Branch Schools / Locations are considered separate teaching facilities which have a stand-alone, or near stand-alone, capability. Branch Schools / Locations must be approved by a separate application and separate notice.

Listing of **other** special topics

Listing of **unapproved** programs or policies

Approval of academic **calendar** and

**T&F**

# Sample Notice of Approval (Detailed Approval Document) – cont.

NC SAA Approval 16-17                      AAA University                      ED: August 15, 2016

**Facilities Specific to this Approval, continued**

Your institution has the following approvals for Branch Schools/Locations. Approval, with programs and calendars provided under separate Branch Approvals:

AAA University	FCN: 31-8100-33
Fort Bragg Campus	
Building K	
Fort Bragg, NC 28307	

**Additional Facilities:** Additional Facilities are considered teaching sites that have a direct relationship with the parent campus. Additional Facilities are considered an integral part of your parent campus and are approved as shown below.

Your institution has the following approvals for Additional Facilities:

<u>Facility at:</u>	Medical Arts Building 950 Main Street Littletown, NC 28001
<u>Offering:</u>	B.S. Nursing
<u>Calendar:</u>	Supplement 1
<u>Tuition/Fees:</u>	Same as Main Campus
<u>Contact Person:</u>	Mr. Billy Bob

**Requirements Specific to this Approval**

This approval remains in effect through the duration of the calendar identified in the calendar section of the Approval. Prior to 1) the ending date of that calendar and / or with 2) the publication of a new Catalog, school officials will apply for re-approval or revision of the current approval. Last calendar date approved is July 28, 2017.

This approval supersedes all previous approvals except that persons enrolled in previously approved programs, not named in this notice, may continue to completion so long as they remain continuously enrolled.

For accredited and non-accredited institutions, school officials may process VA Enrollment Certifications for students who have met admissions requirements approved by NC SAA, without a prior credit evaluation. Institutions also will:

- Collect documentation for prior education and training (i.e., official transcripts from all prior post-secondary institutions) in accordance with published school admission policies.
- Perform a prior credit evaluation for the program the student is enrolled by the end of the second (2<sup>nd</sup>) term.
- Record prior credit evaluations in the students' records; ensure evaluations are available for NC SAA / DVA visits.

Conditional admission, conditional acceptance, provisional student status, special student status (for graduate and/or undergraduate programs) may be approved for accredited institutions of higher learning (IHL). This institution has not been approved for provisional admission.

High School transcripts are required for Institutions of Higher Learning (IHL) and institutions that teach IHL-type programs where they are necessary to determine prerequisites and/or to fulfill the requirements of the institution. For transfer students or students entering Non-College Degree (NCD) programs or vocational programs, proof of high school completion or proof of the ability to benefit is required.

- This institution requires High School transcripts or equivalent (GED®) for freshmen, transfer and second bachelors degree students entering undergraduate degree programs.
- requires official transcripts from all previously attended post-secondary institutions/colleges for undergraduate transfer students and medical school students.

**Admission for Home-Schooled Students:** For the admission of Home-Schooled Students, Institution must have a written policy that includes the items specific to the State DOE requirement.

AAA University                      Page 3 of 5

Listing of approved branches

Listing of additional facilities with approved programs

Listing of **specific requirements** with which the institution must comply, e.g., obtain & evaluate prior transcripts; distance learning restrictions; ROTC approval requirements; attendance, progress & termination requirements; **SAA** "additional criteria"



# Disapprovals

## □ **38 U.S.C. §3679** – Disapproval of Courses

### §3679. Disapproval of courses

(a)(1) Except as provided by paragraph (2), any course approved for the purposes of this chapter which fails to meet any of the requirements of this chapter shall be immediately disapproved by the Secretary or the appropriate State approving agency. An educational institution which has its courses disapproved by the Secretary or a State approving agency will be notified of such disapproval by a certified or registered letter of notification and a return receipt secured.

(2) In the case of a course of education that would be subject to disapproval under paragraph (1) solely for the reason that the Secretary of Education withdraws the recognition of the accrediting agency that accredited the course, the Secretary of Veterans Affairs, in consultation with the Secretary of Education, and notwithstanding the withdrawal, may continue to treat the course as an approved course of education under this chapter for a period not to exceed 18 months from the date of the withdrawal of recognition of the accrediting agency, unless the Secretary of Veterans Affairs or the appropriate State approving agency determines that there is evidence to support the disapproval of the course under this chapter. The Secretary shall provide to any veteran enrolled in such a course of education notice of the status of the course of education.

- Disapprovals (withdrawals) must be **in writing**
- 18-month grace period on approvals of programs whose accreditors lose U.S. Department of Education recognition
- Disapproval authority is implemented in **38 CFR 21.4259**



# AGENDA

## □ LEGAL FOUNDATION

- GI Bill® History
- The U.S. Code & Code of Federal Regulations

## □ THE PLAYERS

## □ APPROVALS – Deemed Approved Programs

## □ APPROVALS – Accredited Programs not Deemed Approved

## □ APPROVALS – Non-accredited Programs

## □ SAA OVERSIGHT

- Risk-Based Surveys, Technical Assistance, Re-approvals
- Targeted Risk-Based Reviews
- Disapprovals, Suspensions

## □ WHAT'S NEW OR ON THE HORIZON



# SAA Oversight

**After approval, several methods used to help ensure continued compliance with approval standards**

## □ **Risk-Based Surveys**

- 38 USC §3673(d): VA may utilize SAA for “conducting...Risk-Based Surveys and other such oversight purposes” as the VA, in consultation with the SAA, considers appropriate.
  - FY23 procedures and job aids are being revised for FY24.

## □ **Technical assistance** visits

- Conducted on an as-needed basis

## □ **VA-requested visits**

## □ New catalog reviews and **re-approval process**

- Periodically (e.g., annually) to ensure continued compliance with approval requirements



# SAA Oversight (cont.)

- **Targeted Risk-Based Reviews** (Executive Order 13607(4)(d) - POE)
  - VA determines the institutions to be visited
    - TRBR can occur upon identification of known risk indicators or receipt of an allegation of fraud and/or deceptive advertising.
    - A TRBR will not be conducted in the same manner as a Risk-Based Survey; it will focus specifically on the risk identified.
    - The emphasis of a TRBR will be placed on validating the identified risk factor(s), with no preset number of student files that must be reviewed.
    - A school cannot be notified of a TRBR more than one day in advance (PL 117-333).





## SAA Oversight (cont.)

### **Methods available to address non-compliance: Disapproval and Suspension**

- Any approved program that fails to meet statutory requirements **shall be** immediately **disapproved** (i.e., withdrawal of approval) (38 USC §3679)
  - Notice of disapproval will be in writing, sent to the school by certified or registered mail, with a return receipt
  - SAA shall notify VA of each program disapproved
  
- Interim measure: SAA may **suspend** an approved program for new enrollments for up to 60 days (38 CFR 21.4259)
  - If institution fails to correct the deficiencies within the 60 days, the SAA must “immediately disapprove”
  - Notice to school is provided in writing by certified or registered mail; SAA also must notify the VA



# AGENDA

- **LEGAL FOUNDATION**
  - GI Bill<sup>®</sup> History and the Players
  - U.S. Code & Code of Federal Regulations
- **APPROVALS – Deemed Approved Programs**
- **APPROVALS – Accredited Programs Not Deemed Approved**
- **APPROVALS – Non-accredited Programs**
- **SAA OVERSIGHT**
  - Risk-Based Surveys, Technical Assistance, Re-approvals
  - Targeted Risk-Based Reviews
  - Disapprovals, Suspensions
- **LATEST UPDATES**



# LATEST UPDATES

- P.L. 115-48, *Harry W. Colmery Veterans Educational Assistance Act of 2017* (aka, “The Forever GI Bill<sup>®</sup>”)
  - Became law August 16, 2017
  - Contains several provisions; those **pertaining to approvals**:
    - **Sec. 109**: On a case-by-case basis, for students **who continue to be enrolled in a disapproved program, VA may treat the program as approved** if the disapproval was i) the result of **a law** enacted after the date the student enrolled in the program, or ii) the result of, after the student enrolled in the program, the **VA prescribing or modifying regulations or policies** affecting the disapproval, and iii) continued pursuit of the course is in the student’s best interest
    - **Sec. 302**: Authorizes approval of *accredited* Perkins Act post-secondary **area career and technical education (CTE) certificate programs** and *accredited* Higher Education Act post-secondary **vocational certificate programs** offered by **independent study if** the programs meet requirements of employers in the State or local area, provide a recognized credential, and meet applicable licensure or certification requirements of the State



# LATEST UPDATES (cont.)

- Forever GI Bill<sup>®</sup> **SAA-related provisions** (cont.)
  - **Sec. 310:** Authorizes SAAs to conduct **Risk-Based Surveys**, as the VA Secretary, in consultation with the SAAs, considers appropriate
  - **Sec. 107** of Forever GI Bill<sup>®</sup> – Housing payment based on the campus of the IHL where student physically participates in a majority of classes (eff. Aug 1, 2018, for initial enrollments in program)
  - **Sec. 305:** Authorizes VA to **disapprove** the programs of covered educational institutions that do not ensure their **SCO meets training requirements** developed by the VA in consultation with the SAAs (eff. Aug 1, 2018)
    - “Covered” institution is an “educational institution that **has enrolled 20 or more individuals**” using the GI Bill<sup>®</sup>



# LATEST UPDATES (cont.)

- ISAKSON AND ROE ACT Summary – eff 1/5/21
  - GI Bill<sup>®</sup> students as well as VR&E beneficiaries may be eligible to receive their Monthly Housing Allowance (MHA) at their original rate for up to a **total** of four weeks if their school was negatively impacted by COVID-19 and took any of the following actions between March 1, 2020 and June 1, 2022.
  - GI Bill<sup>®</sup> students who were enrolled full-time on March 1, 2020 will be able to maintain that status for a subsequent period of enrollment, regardless of their actual rate of pursuit, if their school closed (fully or partially) due to COVID-19.
  - If a Veteran is using GI Bill<sup>®</sup> benefits (Montgomery GI Bill<sup>®</sup>, Post-9/11, or VR&E), the expiration date of their benefits will automatically be extended 823 days if their school closed (temporarily or permanently) due to COVID-19 between March 1, 2020 and June 1, 2022.
  - Expands the eligibility for dependents to whom Post-9/11 GI Bill<sup>®</sup> benefits can be transferred. Eligibility now includes certain unmarried children placed in the legal custody of the Service member for at least 12 months



# LATEST UPDATES (cont.)

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- ❑ REMOTE ACT Summary – eff 12/21/21
- ❑ This law extended the various COVID-19 protections for GI Bill® students from December 21, 2021 to June 1, 2022.
- ❑ In part, this means that students who were attending a course that was converted to online training because of COVID-19, and were getting paid the resident rate, may continue to train online, and will continue to receive the resident housing rate until June 1, 2022.



**Thank You!**  
**Any (more) Questions?**

