

September 24, 2021

Department of Veterans Affairs
810 Vermont Avenue NW
Washington, DC 20420
Submitted via electronic portal

Re: Agency Information Collection Activity: Statement of Assurance of Compliance with 85 Percent Enrollment Ratios, 86 FR 40680

To Whom It May Concern:

The undersigned veterans and military service organizations write to comment on the collection of statements of assurance of compliance with the 85 percent enrollment ratios at the Department of Veterans Affairs (VA). VA has also published a notice for comment on the collection of 35 percent exemption requests from the 85-15 reporting requirement (86 FR 41536). We submit this comment for both notices as they are closely related topics concerning the 85-15 rule. We agree with the continued collection of these statements of assurance and 35 percent exemption requests as they are needed to understand whether institutions of higher education have violated the 85-15 rule or are in compliance.

The 85-15 rule prohibits paying VA benefits to students in a program with more than 85 percent of students enrolled having their tuition paid in whole or in part by the school or VA. The 85-15 rule has a long history at VA and was instituted to combat fraud and abuse by predatory for-profit schools targeting veterans for their GI Bill benefits following World War II. While it has undergone numerous amendments over the decades, it has served as a model for Title IV protections such as the 90-10 rule and continues to protect veterans to this day.

Institutions that have less than 35 percent veteran enrollment are exempt from reporting 85-15 calculations. Using data from the 2017 GI Bill Comparison Tool, we estimated that about 2.8 percent of schools (178 of 6,117) exceeded the 35 percent threshold and should be submitting enrollment reports to VA.¹ About three-quarters of these schools were for-profit institutions.

VA will begin requiring all institutions to file statements of assurances and 35 percent exemption requests on October 1.² This is likely a result of VA's changing its procedures surrounding 85-15 due to compliance issues found at flight schools. We support VA's clarifying to institutions what the 85-15 rule is and what constitutes student support by an institution, as we have seen schools attempt to skirt the rule in the past with unique accounting techniques. We hope that VA will dutifully enforce the rule and work closely with institutions to explain the reporting requirements.

Additionally, we recommend that schools periodically submit 85-15 calculations if they offer approved courses in conjunction with a third-party contractor. SAAs should also increase their verification of institutions' self-reported data. Finally, VA should report on the feasibility of

¹ Walter Ochinko, *The 85-15 Rule and Related GI Bill Safeguards*, Veterans Education Success (Oct. 2019), available at <https://vetsedsuccess.org/the-85-15-rule-and-related-gi-bill-safeguards/>.

² See the VA's training presentation to School Certifying Officials, available at https://www.benefits.va.gov/GIBILL/docs/presentations/85-15_SCO.pdf.

creating a computer algorithm that checks a school's self-reported enrollment against its own and the Department of Education's enrollment data.

Sincerely,

Army Aviation Association of America
Iraq and Afghanistan Veterans of America
Military Child Education Coalition
National Military Family Association
Student Veterans of America
Tragedy Assistance Program for Survivors
Veterans Education Success
Veterans for Common Sense