



**Office of the President**

1700 Van Hise Hall  
1220 Linden Drive  
Madison, Wisconsin 53706-1559  
(608) 262-2321 Phone  
(608) 262-3985 Fax

e-mail: [rcross@uwsa.edu](mailto:rcross@uwsa.edu)  
website: [www.wisconsin.edu/](http://www.wisconsin.edu/)

June 11, 2018

The Honorable Peter O'Rourke  
Acting Secretary of Veterans Affairs  
U.S. Department of Veterans Affairs  
810 Vermont Avenue, NW  
Washington, D.C. 20420

Dear Secretary O'Rourke:

I am writing on behalf of the University of Wisconsin System. The UW System is made up of two doctoral universities (UW-Madison and UW-Milwaukee), 11 comprehensive four-year universities, 13 two-year campuses, and statewide UW-Extension. The UW System serves approximately 170,000 students each year. Just over 5,000 veterans currently attend UW System institutions.

We at the UW System are very proud of our service to student veterans. We provide student veteran centers headquartered at many of our UW System institutions. These centers focus on the academic and social supports necessary to help veterans transition to college life. We also support nearly \$25 million annually in tuition remission benefits for veterans and their family members – this in addition to VA-sponsored benefits.

On April 24, you received a letter (attached) from the Student Veterans of America (SVA) organization. The letter addresses their concerns regarding the Veterans Affairs proposed implementation of § 107 of PL 115-48 – the Forever GI Bill, officially known as the Harry W. Colmery Veterans Education Assistance Act.

In addition to the concerns outlined by the SVA, the UW System is specifically concerned about a reporting requirement (letter attached) mandating that campuses report the zip code associated with each individual class in which a Post-9/11 GI Bill student is enrolled.

The UW System campus-based officials who certify benefits do not have access to data that identifies the zip code for every class. In situations like student-teaching experiences, the location of class or work site is unknown until well after an academic term begins. The very real challenge of complying with the VA's requirement makes it a certainty that student veterans will suffer from delayed housing payments that they count on to pay for rent and basic necessities.

On behalf of the UW System, I urge you to reinstate the use of the VA's long-standing facility code and retract guidance requiring campus-certifying officials to report the zip code of individual classes. The zip code requirement is simply unworkable and will hurt student veterans.

Thank you for your consideration. If you have questions, please contact Kris Andrews, Associate Vice President for Federal Relations, by email at [kandrews@uwsa.edu](mailto:kandrews@uwsa.edu) or by phone at 608-263-3362.

Sincerely,

Ray Cross

A handwritten signature in black ink that reads "Ray Cross". The signature is written in a cursive, flowing style.

President  
University of Wisconsin System



April 24th, 2017

Secretary Robert Wilkie  
U.S. Department of Veterans Affairs  
810 Vermont Avenue  
Washington, DC

Dear Mr. Secretary,

We are writing with concerns regarding VA's proposed implementation of § 107 of PL 115-48—the Forever GI Bill, officially known as the Harry W. Colmery Veterans Educational Assistance Act. As a leader of the coalition of veteran service organizations that helped secure the passage of the law, we have a vested interest in its effective implementation.

Specifically, section 107 of the Forever GI Bill requires VA to base the monthly housing stipend rate for the Post-9/11 GI Bill on the location of “the campus of the institution of higher learning where the individual “physically participates in a majority of classes” versus where the “institution of higher learning” itself was located. In cases where schools have online or satellite programs, this change makes a big difference, and is scheduled to become effective on August 1st, 2018.

Unfortunately, VA is poised to adopt an overly broad definition of the word “campus” that will have the following troublesome affects:

- Places a heavy administrative burden on schools and lacks adequate compliance controls,
- Exceeds the scope of PL 115-48 and;
- Makes VA's rules incongruent with similar provisions in the Higher Education Act.

We recommend VA align the interpretation of the word “campus” in §107 of PL 115-48 with an already well-established definition that the majority of higher education is familiar with: the Department of Education's definition of “campus” in 34 C.F.R. §600.2 and “additional location” in 34 C.F.R. §600.10(b)(3) (*See Appendix A*). Specifically, VA should only recognize Title IV approved campuses that have been assigned an 8-digit Department of Education (ED) Office of Postsecondary Education Identification (OPE ID) code.<sup>1</sup> ED uses this code to identify schools that have Program Participation Agreements (PPA), so that its students are eligible to participate in Federal Student Financial Assistance programs under Title IV regulations.

This alignment will significantly simplify VA's implementation of PL 115-48, make it easier for schools to comply with the new requirements and dramatically reduce the potential for fraud and abuse. These outcomes are essential to the GI Bill end users: veterans and their families. Below we outline these concerns in greater detail, and hope to see this alignment come into effect before student veterans are paying the price of a botched implementation of the Forever GI Bill.

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<sup>1</sup> The first 6-digits of the OPE ID number relate to the education institution, and are followed by a 2-digit suffix used to identify branches, additional locations, and other entities that are part of the eligible educational institution.

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Since most schools do not centrally record the location of a student's internship or practicum, this new definition would require a heavy lift for schools to implement. Specifically, VA will require schools "to provide formal documentation to the Compliance Survey Specialist to verify specifically where a course, internship, externship, or practicum is taking place."

## Heavy Burdens

In a recent briefing to veterans' groups and schools, VA's Education Service (EDU) stated that their interpretation §107 of the word "campus" includes all the following:

- "The individual campus of a school where the student is taking classes (i.e. the school's science center, humanities building, or athletic center)
- The physical location where a student is learning in a study abroad program
- Any internship, externship, practicum or student teaching site"

While we agree with the first two definitions of "campus", we are concerned that the third definition: "Any internship, externship, practicum or student teaching site". This will place a heavy administrative burden on schools and lacks any adequate compliance controls. Schools will need to develop new reporting regimes to get that type of information from the students, employers and/or department heads, placing a heavy administrative burden on already overwhelmed school certifying officials (SCOs).

Unfortunately, it will be nearly impossible for VA or State Approving Agencies to verify the addresses and/or locations being used to determine the monthly education benefits. For example, in some cities a switch in zip codes can mean the difference of hundreds of dollars a month per veteran. VA will not know if a student is taking an internship at an employer's corporate headquarters with a higher BAH rate or a smaller branch location with lower BAH rate. The inability for VA to validate these addresses will likely lead to some bad actors (schools, employers and/or veterans) that abuse this new payment regime.

House Report 115-247, states that "The Committee's intent is to give VA a methodology that is administratively workable and cannot be taken advantage of by schools. If VA finds that the new methodology is not workable or is still being taken advantage of, then it is the Committee's expectation that VA will alert the Committee" (*See Appendix B*). We believe that VA's proposed definition of "campus" can be easily manipulated by schools and therefore, VA should adopt a methodology that allows for true compliance controls.

## Exceeds Scope of PL 115-48

Previously, the housing allowance under the Post-9/11 GI Bill was based on "the monthly amount of the basic allowance for housing... for a member with dependents in pay grade E-5 residing in the military housing area that encompasses all or the majority portion of the ZIP code area in which is located the institution of higher learning at which the individual is enrolled".

PL 115-48 replaces "the institution of higher learning at which the individual is enrolled" with "the campus of the institution of higher learning where the individual physically participates in a majority of classes". The new language creates a two-part test for determining how much a living allowance should be (1) the campus of the institution of higher learning and (2) where the individual physically participates in a majority of classes. The problem with VA's proposal to include "internship, externship, practicum or student teaching site" in the definition of "campus" is

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twofold: (1) internships do not usually occur on a “campus” and (2) internships do not usually involve formal academic “classes”.

VA’s proposed definition of “campus” exceeds the scope of PL 115-48, because benefits will not be determined based on the location of a campus or class, both of which are requirements in the new law. VA EDU originally proposed a definition of “campus” that was more circumspect and aligned with their interagency partners. However, after meetings with the staff of various veterans’ affairs committees, they were strongly encouraged to greatly expand that definition beyond the text of the public law itself. VA should return to the text of the PL 115-48 for guidance on how “campus” should be defined.

### **Incongruent with the Higher Education Act**

The Higher Education Act (HEA) and the Department of Education (ED) have a long history of defining the criteria for a “campus” and/or an “additional location”. According to ED, a “campus” is: “A location of an institution that is geographically apart and independent of the main campus of the institution.

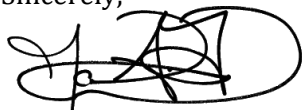
The Secretary considers a location of an institution to be “independent of the main campus if the location (1) Is permanent in nature; (2) Offers courses in educational programs leading to a degree, certificate, or other recognized educational credential; (3) Has its own faculty and administrative or supervisory organization; and (4) Has its own budgetary and hiring authority”.

According to ED an “additional location” is: “any location that an institution establishes after it receives its eligibility designation if the institution provides at least 50 percent of an educational program at that location, unless (1) The Secretary approves that location under § 600.20(e)(4); or (2) The location is licensed and accredited, the institution does not have to apply to the Secretary for approval of that location under § 600.20(c), and the institution has reported to the Secretary that location under § 600.21.

The Department of Education assigns an eight-digit OPE ID to every campus and additional location, which is used to determine eligibility for Title IV purposes. For example, while VA has over 70 facility codes for the University of Phoenix (UoP), the Department of Education has over 700 eight-digit OPE ID codes for UoP. These codes are also validated by accreditors. VA should leverage the Department of Education codes because they will significantly simplify VA’s implementation of PL 115-48, make it easier for schools to comply with the new requirements and dramatically reduce the potential for fraud and abuse.

We greatly appreciate the work of your office and that of your colleagues on this important proposal to develop grants that support student veteran centers. Please feel free to contact me directly if you should have any additional questions on this matter by phone at 202-223-4710, or by email at [jared.lyon@studentveterans.org](mailto:jared.lyon@studentveterans.org).

Sincerely,

A handwritten signature in black ink, appearing to read 'Jared Lyon', with a large, stylized circular flourish at the end.

Jared Lyon  
President & CEO

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## APPENDIX A

### **Department of Education definition of “campus”**

*34 C.F.R. § 600.2 Definitions.*

Branch Campus: A location of an institution that is geographically apart and independent of the main campus of the institution. The Secretary considers a location of an institution to be independent of the main campus if the location—

- (1) Is permanent in nature;
- (2) Offers courses in educational programs leading to a degree, certificate, or other recognized educational credential;
- (3) Has its own faculty and administrative or supervisory organization; and
- (4) Has its own budgetary and hiring authority.

### **Department of Education definition “additional location”**

*34 C.F.R. § 600.10 Date, extent, duration, and consequence of eligibility.*

(b) Extent of eligibility.

(1) If the Secretary determines that the entire applicant institution, including all its locations and all its educational programs, satisfies the applicable requirements of this part, the Secretary extends eligibility to all educational programs and locations identified on the institution's application for eligibility.

(2) If the Secretary determines that only certain educational programs or certain locations of an applicant institution satisfy the applicable requirements of this part, the Secretary extends eligibility only to those educational programs and locations that meet those requirements and identifies the eligible educational programs and locations in the eligibility notice sent to the institution under § 600.21.

(3) Eligibility does not extend to **any location** that an institution establishes after it receives its eligibility designation if the institution provides **at least 50 percent of an educational program** at that location, unless—

- (i) The Secretary approves that location under § 600.20(e)(4); or
- (ii) The location is licensed and accredited, the institution does not have to apply to the Secretary for approval of that location under § 600.20(c), and the institution has reported to the Secretary that location under § 600.21.

### **House Report 115-247 for the Harry W. Colmery Veterans Educational Assistance Act**

*Section 106. Calculation of Monthly House Stipend under Post-9/11 Educational Assistance Program Based on Location of Campus where Classes are Attended*

Current law, section 3313(c)(1)(B)(i)(I) of title 38 U.S.C., authorizes VA to pay a Monthly House Allowance (MHA) to beneficiaries of the Post-9/11 GI Bill, which is based on the Basic Allowance for Housing (BAH) paid to active duty servicemembers at the E-5 with dependents rate. This MHA is based on the BAH rate for the ZIP code that the student's school or training program enrollment is certified, which, in some cases, is not necessarily where the school is actually located or where the student takes their training. This creates an inequity where a student could be receiving an MHA based on the school's headquarters' location instead of where they are attending the majority of their classes. The Committee believes the intention of the drafters of the Post-9/11 GI Bill and the MHA benefit was to meet the actual living expenses at the E-5 with dependents rate of where the student was living and studying.

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## APPENDIX B

### *Section 107. Calculation of Monthly House Stipend under Post-9/ 11 Educational Assistance Program Based on Location of Campus where Classes are Attended*

Current law, section 3313(c)(1)(B)(i)(I) of title 38 U.S.C., authorizes VA to pay a Monthly House Allowance (MHA) to beneficiaries of the Post-9/11 GI Bill, which is based on the Basic Allowance for Housing (BAH) paid to active duty servicemembers at the E-5 with dependents rate. This MHA is based on the BAH rate for the ZIP code that the student's school or training program enrollment is certified, which, in some cases, is not necessarily where the school is actually located or where the student takes their training. This creates an inequity where a student could be receiving an MHA based on the school's headquarters' location instead of where they are attending the majority of their classes. The Committee believes the intention of the drafters of the Post-9/11 GI Bill and the MHA benefit was to meet the actual living expenses at the E-5 with dependents rate of where the student was living and studying. This section would address this issue and would require VA to pay the MHA based on where the student attends the majority of their classes and not where the school or training programs actually certifies their enrollment. This section would grandfather in current students and would apply such a change to initial enrollments on or after August 1, 2018. The Committee's intent is to give VA a methodology that is administratively workable and also cannot be taken advantage of by schools. If VA finds that the new methodology is not workable or is still being taken advantage of, then it is the Committee's expectation that VA will alert the Committee.



Subject: New Reporting Requirements

Dear School Certifying Official,

The *Harry W. Colmery Veterans Educational Assistance Act of 2017*, known as the “Forever GI Bill” affects several parts of our GI Bill® programs. As we work to implement this law, we ask for your assistance to make the changes happen as smoothly as possible.

**This letter contains important information regarding GI Bill enrollment certifications for terms beginning on or after August 1, 2018.**

**What:** Section 107 of the Colmery Act requires the Department of Veterans Affairs (VA) to make monthly housing payments based on the location where a student physically attends the majority of classes. To accommodate this requirement, we’re updating the systems you use to certify student enrollment periods to include VA Online Certification of Enrollment (VA-ONCE), Web Enabled Approval Management System (WEAMS), and the automated system we use to pay benefits known as the Long-Term Solution (LTS).

**Certification Options:**

- **IF YOUR STUDENT** physically attends all courses at the actual campus location of the facility code shown on the Enrollment Certification being submitted:
  - ✓ **THEN:** You may submit that student’s certification.
- **IF YOUR STUDENT** begins a term on or after August 1, 2018, and physically attends any course (including internships, externships, training, practicums) or other aspects of their education located in any location, other than the one represented by the facility code being certified:
  - ✓ **THEN:** Please **HOLD** and **DO NOT** submit that student’s enrollment certifications until further notice.

*If you have any doubt a student is attending courses in any location other than the zip code shown in WEAMS for the facility code under which you are certifying, then **do not** submit the certification.*



**Department of  
Veterans Affairs**  
Veterans Benefits  
Administration  
1800 G Street NW  
Washington, DC 20006

Contact information:

Web:  
<https://www.benefits.va.gov/GIBILL/forevergibill.asp>  
Phone: 1-888-442-4551  
TDD: 711

Social media:

Twitter: @VAVetBenefits  
Facebook:  
<http://www.facebook.com/gibillEducation>

If you know a Veteran who is in crisis, call the Veterans Crisis Line at 1-800-273-8255 and press 1.



**Why:** The Colmery Act requires a number of IT changes that may require the resubmission of enrollment certifications. Being conservative in submitting certifications only for those students attending the actual “campus” location in the zip code shown in WEAMS will hopefully save you time in the long run.

**Additional Information:** You should check [WEAMS](#) to validate that the zip code(s) of your facility is the physical location that students attend classes. If this zip code is incorrect, please refer to the instructions in the **Questions and Answers** document.

We know this is a major change in procedure and appreciate that this requires significant adjustments on your part. This approach will minimize rework required to accurately process certifications. We’ll tell you about our progress and provide further instructions when available.

If you have already submitted certifications for terms that begin on or after August 1, 2018, we will update you if new procedures are needed. Please do not process any amendments or adjustments to these terms at this time. ***Only terminate these terms if the student completely terminates enrollment.***

As we continue to build the functionality to process enrollments under the requirements of Section 107, we will update you on our progress and with any new procedures. We plan to send the next update no later than mid-June 2018. If you have questions, please contact your Education Liaison Representative.

Thank you again for your work on behalf of our nation’s Veterans.

Respectfully,

Robert M. Worley II  
Director, Education Service  
Veterans Benefits Administration  
Department of Veterans Affairs