Appendix - VETERANS BENEFITS AND TRANSITION ACT OF 2018

Who is a Covered Individual?

A “covered individual” as per the Department of Veterans Affairs is any individual who is entitled to educational assistance under Chapter 31: Veterans Readiness and Employment Program, or Chapter 33: Post 9/11 GI Bill Benefits.

What is the intent of this act?

To ensure that any “covered individual” can attend or participate in a course of education without prior tuition and fees paid by the Department of Veterans Affairs, during the period beginning on the first day of class for the applicable term, without penalty due to delayed payment. Where all tuition and fee payments through entitlement for educational assistance are due under the Chapter 31 or Chapter 33 benefit parameters.

To ensure that any “covered individual” attending or participating in a program of education has provided that institution with an official Certificate of Eligibility or Statement of Benefits from the Department of Veterans Affairs, which authorizes and serves as verification of the individuals eligibility of benefits under Chapter 31 or Chapter 33 benefit type.

What is considered as proof of benefit eligibility?

A “Certificate of Eligibility (COE)” or a “Statement of Benefits” obtained from the Department of Veterans Affairs (DVA)” website under e-Benefits for Chapter 33 recipients, or a PO Authorization form (formerly VAF 28-1905) via Tungsten for Chapter 31 recipients are acceptable documents to use for verification of benefit eligibility.

What obligations does the university have toward a covered individual?

The institution in compliance to the act will ensure that they will not impose any penalty to a “covered individual”, including the assessment of late fees, the denial of access to classes, libraries, or other institutional facilities that are available to other students that have paid. Nor will the institution require that a “covered individual” borrow additional funds, because of the “covered individual’s” inability to meet his or her financial obligations to the institution due to the delayed disbursement of funding from the VA under Chapter 31 or Chapter 33. So as long as the student has provided their institution with the authorized documentation which qualifies them for protections afforded by Section 103 of this provision and meets all the eligibility requirements of a “covered individual”.
What obligation does the Department of Veterans Affairs and Veterans Readiness & Employment Program Administrators have toward the institutions/colleges?

The Department of Veterans Affairs Educational Benefits Administrators, as well as the Veteran Readiness and Employment Program Administrators, by the institution’s compliance, will provide payment ending on the earlier of the following dates:

1. The date on which payment from the VA is made to the institution
2. 90 days after the date the institution certified tuition and fees following the receipt of the certificate of eligibility.

What are the approved requirements beyond the COE provision?

1. Students MUST produce the VA’s Certificate of Eligibility on or before the first day of class for any given semester benefits are to be used.

2. Students MUST ensure that their Vocational Readiness & Employment Program (VR&E) representatives produce the PO Authorization forms via the Tungsten Network System on or before the first day of class for any given semester in which benefits are to be used.

3. Students MUST provide a written request to be certified by completing the Online Military Funding Request form for submission to the VA School Certifying Officials.

4. Students MUST provide any additional information or documentation requested to effectively process the student’s certification request.
What if any, are the exclusions of this act?

Students not covered under this act are those students where any portion of their current account balance is NOT COVERED under the funding parameters for the benefits approved by the Department of Veterans Affairs. (i.e., housing charges, meal plan, health insurance, etc.)

Students not covered under this act are those students who have NOT presented the Certificate of Eligibility or PO Authorization Forms prior to or on the 1st day of class to the VA School Certifying Officials for disposition.

Students not covered under this act are students with less than 100% of their tuition and fee costs NOT COVERED by the Department of Veterans Affairs. (i.e., Benefits paying 50% up to 90% of remaining tuition and fee charges)

Students not covered under this act are those students who have NOT submitted the Online Military Funding Request form for benefit processing to the VA School Certifying Officials prior to or by the 1st day of Class.

Students not covered under this act are those students who have any previous outstanding balances that include any funding NOT COVERED under the funding parameters of the specific benefit approved by the Department of Veterans Affairs. (i.e., previously billed unpaid fees, book charges, housing etc.)

What are the authorized penalties for an individual that is NOT COVERED under this act?

1. Any “covered individual” who does not meet the above-mentioned stipulations, nor does not provide the approved requirements beyond the COE submission will be considered NOT COVERED and are subject to all University HOLDS including balance-related holds initiated by the Office of the Bursar which may restrict transcript release, viewing of grades, next term registration and application for graduation etc.

2. Any “covered individual” who does not meet the stipulations and does not provide the approved requirements beyond the COE submission may also be considered NOT COVERED and are subject to “Veteran’s Hold” initiated by the VA School Certifying Official. This “Veteran’s Hold” will include restrictive access to registration, therefore delaying certification.

3. Any “covered individual” who does not meet the stipulations and does not provide the approved requirements beyond the COE submission may also be considered NOT COVERED and are subject to additional charges and late payment penalties until they have satisfied their outstanding balances with the University.
4. Any “covered individual” who does not meet the stipulations and does not provide the approved requirements beyond the COE submission may also be considered NOT COVERED and are subject to enrollment drop and will be denied access to university services and programs until they have satisfied their outstanding balances with the University.

5. Any “covered individual” who does not meet the stipulations and does not provide the approved requirements beyond the COE submission may also be considered NOT COVERED and are subject to denial of access to libraries and institutional facilities, services, and programs that are available to students that have paid and satisfied their billing, until the UNCOVERED individuals have satisfied their outstanding balances with the University.

6. Any “covered individual” who does not meet the stipulations and does not provide the approved requirements beyond the COE submission may also be considered NOT COVERED and are subject to requesting additional funding from alternative sources to satisfy their outstanding balances with the University in order to be reinstated.

7. Any funds remaining unpaid and owed to the institution on behalf of any individual using the VR&E Program or DVA Educational Benefits, that is NOT received by the close of business on the last day of class at the institution will be exempt from being considered a “covered individual” under this provision.

8. Individuals graduating at the close of any semester where funds remain unpaid, if applicable, will be academically cleared and allowed to participate in commencement services. However, these students WILL NOT be considered financially cleared until all pending funds have been received by the university. As a result, this individual will be considered NOT COVERED and will not be eligible to receive any transcripts or issued a diploma/degree until all unpaid balances with the University are satisfied.

9. Individuals who have any unpaid outstanding balances on their accounts will be held accountable for any outstanding charges and this provision does not negate nor supersede any contractual agreements signed by the student with any department throughout the course of any given semester to include but not limited to (Internal & External Payment Plans, Department of Veterans Affairs Debt, etc.) All students who fall in this category regardless of benefit type are subject to the terms of those signed agreements and will no longer fall under the policies of a “covered individual” as stipulated in this provision.

10. Individuals who elect to use any form of Federal Student Loans, External/Internal Grants, Scholarships or any other source of funding in addition to VA funding, will not be issued a refund on any pending VA funding. All refunds accrued are a result of the credit balance on the account at the time of processing solely from these additional funds.
**What are the school requirements?**

Schools are not required to identify additional requirements on their website. VA's GI Bill Comparison Tool will inform students to contact the School Certifying Official to inquire about any additional requirements.

Schools are required to submit detailed billing information on behalf of the “covered individuals” to the Department of Veterans Affairs via either the Tungsten Network system or the VA Once system. The Department of Veterans Affairs in response will make payments no later than 90 days after the institution has certified tuition and fees and invoiced by providing the billing information for the “covered individuals”.

Schools are required to create an operational procedure within the departments designating staff who are responsible for ensuring that the “covered individuals” are not penalized and that all “covered individuals” meet the requirements for protection under the act.

Schools must ensure that the “covered individuals” should be given the same institutional access to campus amenities as any other student who has satisfied their billing.

Schools will not impose or encourage the “covered individual” to borrow additional funds or penalize the “covered individuals” for their inability to meet their financial obligations to the university due to late payments not yet received by the Department of Veterans Affairs as long as they continue to meet the requirements of a “covered individual”.

Schools must ensure that the students who are considered “covered individuals” classes are not dropped or removed from the Banner/WEBSIS system for non-payment because of any funds not yet received by the Department of Veteran Affairs as long as they continue to meet the requirements of a “covered individual”.

All requirements must be available to the VA beneficiary in regularly updated catalogs or other reference material, or the school website.

Schools must maintain compliance with Section 103 (38 United States Code (U.S.C.) 3679 (e)) and must notify their SAA if there are any changes to the policy.

If a school changes their policy regarding the additional requirements (COE is the exception), the SAA will notify their Educational Liaison Representative (ELR) by email, who in turn will notify the client applications mailbox at clientapplications.VBACO@va.gov.
Institutions that do not charge tuition or fees are exempt from these requirements.

**What are the consequences for breaching the requirements under this act?**

SAA’s must check in with schools to ensure they are maintaining compliance during re-approvals, as well as approvals. If a school is found to no longer be in compliance, the SAAs are required to take appropriate action as discussed in the July 26, 2019, advisory.

This policy went into effect on August 1, 2019. SAAs are not required to immediately disapprove non-compliant schools on August 1, 2019. Instead, if an SAA determines that the school is not in compliance it will take appropriate corrective action, including suspension were warranted under 38 CFR §21.4259. Schools will then have 60 days to come into compliance or receive a waiver. If the school does not come into compliance or receive a waiver within 60 days, the SAA should withdraw approval under 38 U.S.C. §3679. Once the SAA determines a school is not in compliance due to reasons outside of the school’s direct control (example requirement of state legislature), the SAA may also recommend that the school request a waiver from the VA through the SAA.
Title 38 United States Code Section 3679(e) School Compliance Form

As part of the Veterans Benefits and Transition Act of 2018, section 3679 of title 38, United States Code was amended, and educational institution will be required to sign this form to confirm their compliance with the requirements as outlined.

Effective August 1, 2019, the State Approving Agency, or the Secretary when acting in the role of the State Approving Agency, shall disapprove a course of education provided by an educational institution that has in effect a policy that is inconsistent the areas below:

NOTE: A Covered Individual is any individual who is entitled to educational assistance under Chapter 31, Vocational Rehabilitation and Employment, or Chapter 33, Post-9/11 GI Bill benefits.

- Your policy must permit any covered individual to attend or participate in the course of education during the period beginning on the date on which the individual provides to the educational institution a certificate of eligibility for entitlement to educational assistance under Chapter 31 or 33 (a “certificate of eligibility” can also include a “Statement of Benefits” obtained from the Department of Veterans Affairs’ (VA) website e-Benefits, or a VAF 28-1905 form for chapter 31 authorization purposes) and ending on the earlier of the following dates:

1. The date on which payment from VA is made to the institution.
2. 90 days after the date the institution certified tuition and fees following the receipt of the certificate of eligibility.

- Your policy must ensure that your educational institution will not impose any penalty, including the assessment of late fees, the denial of access to classes, libraries, or other institutional facilities, or the requirement that a covered individual borrow additional funds, on any covered individual because of the individual’s inability to meet his or her financial obligations to the institution due to the delayed disbursement funding from VA under Chapter 31 or 33.

Your signature on this document attests that your facility (Select One):

- currently complies with the requirements of 38 USC 3679(e) and this is already reflected in your catalog
- currently complies with the requirements of 38 USC 3679(e) and will publish formally in your next catalog or addendum.
- will comply by the effective date of August 1, 2019 and will publish revised policies in your next catalog or addendum.

**Please ensure that policies in the next publication of your catalog, bulletin, or addendum align with all of the above requirements.**

Facility Name: MORGAN STATE UNIVERSITY

Facility Code: 11001520

Name and Title of School Official: Shirleene Prioleau, Assistant Registrar, VA SCO

Signature and Date: 7/31/19

Authorized Official (President/Provoj/ Director/Owner)
In addition, statute allows your policy to require Chapter 31 and Chapter 33 students to take the following additional actions:

1. Submit a certificate of eligibility for entitlement to educational assistance no later than the first day of a course of education.

2. Submit a written request to use such entitlement.

3. Provide additional information necessary to the proper certification of enrollment by the educational institution.

4. Your policy may also require additional payment or impose a fee for the amount that is the difference between the amount of the student’s financial obligation and the amount of the VA education benefit disbursement.

**If your educational institution will be requiring any of these additional actions by students, please submit your policy update to the SAA by September 30, 2019. You should also ensure that these policies are part of the next publication of your catalog, bulletin, or addendum.**

Waivers of this requirement may be granted by VA. If you have a waiver, please send that documentation to the SAA so we may correctly document your compliance. VA will send communication about obtaining waivers at a later date.