

Isakson/Roe Act and V.A. Funding

The Isakson/Roe Act of 2020 made changes to the rules for institutions who provide Veterans Administration benefits (i.e. the G.I. Bill) to their students. Here is a quick summary of the issue with “our size” schools who do not “participate in” ED Title IV programs but have historically utilized V.A. funds (i.e. G.I. Bill)...

The “Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020” added several requirements, including Section 1015, that negatively affect those schools who receive Veterans Administration (V.A.)/G.I. Bill funding that currently do not participate in Title IV.

Back in the Summer of 2021, the clarion call went out to schools in this situation to “apply for a waiver” – as prescribed in the verbiage of this act.

Section 1015 of the new law requires an institution receiving V.A. funding to either:

1. Be approved for and participate in at least one program under Title IV, or
2. Receive a waiver from this requirement

Here is the specific verbiage as updated from the Isakson/Roe Act of 2020:

Section 3675(b)(4) [NEWLY ADDED WORDING EFFECTIVE 8/1/21]

The educational institution is approved and participates in a program under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.) or the Secretary has waived the requirement under this paragraph with respect to an educational institution and submits to the Committee on Veterans’ Affairs of the Senate and the Committee on Veterans’ Affairs of the House of Representatives notice of such waiver.”.

It was our hope – in alignment with the wording of the Act – that the Secretary would approve waivers from institutions who (for various reasons) choose not to “participate” in Title IV which would continue to allow those institutions to receive V.A. funds for their students who are veterans. However, we were disappointed.

Many affected institutions filed waiver requests by the August 1, 2021 deadline. Below is a model/sample that most schools utilized:

July 28, 2021

TO: VBACOSECTION1015WAVR@va.gov

To Whom It May Concern:

This letter is to officially request approval for an Education Service Waiver under 38 U.S.C. §§ 3675(b)(4) and 3672(b)(2)(A)(i)(II) for INSTITUTION of CITY, ST.

Attached is the waiver request information as per the email from the U.S. Department of Veterans Affairs as of July 19, 2021.

Please feel free to direct any questions you may have to me concerning this waiver request.

NAME OF INSTITUTION CONTACT

School Certifying Official

INSTITUTION

The response from the Veterans Administration (to all institutions we know of) was standardized and read as follows:

VA has granted CDE Bible College...a waiver for requirements of section 1015 of the Isakson and Roe Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116-315) until December 31, 2022. The purpose of this waiver is to allow your institution sufficient time to come into compliance with these requirements.

Specifically, section 1015 amended chapter 36 of title 38 USC §3675 and 38 USC 3672(b)(2)(A) to require accredited institutions to be eligible for participation in the Federal Student Aid program under title IV of the Higher Education Act (HEA) of 1965 in order to be eligible to receive GI Bill® funds. Department of Education regulations state, an institution may participate in any title IV, HEA program, other than the Leveraging Educational Assistance Partnership (LEAP) and National Early Intervention Scholarship and Partnership (NEISP) programs, only if the institution enters into a written program participation agreement with the Secretary of Education.

At the conclusion of this waiver period, it is expected that your institution will be in compliance with the provisions of section 1015 by entering into a program participation agreement with the Department of Education.

This left most schools with a decision: 1) enter into an agreement to participate in Title IV or, 2) no longer receive G.I. Bill funding for their students who are veterans. Sadly, many schools have had to make the difficult choice to not have this great benefit

available for their veteran students. It does not appear to be fair nor equitable treatment.

Practically, it should not be difficult to provide a waiver process (as appears to be mandated in the Act) for schools who want to provide educational benefits to veterans, but feel compelled – for various reasons – not to participate in Title IV. The V.A. could simply provide:

1. A standard waiver form/template (might be completed on-line)
2. Require documentation of “eligibility” for the statutory waiver (accreditation, compliance with Isakson/Roe Section 1018, etc.)
3. Define a streamlined review process for waiver “approval”
4. Provide the institution who has “applied” for the waiver with a letter of approval

What could be more simple than that?

We still hold out hope that the V.A. will reconsider their position and provide a waiver (as appears to be contemplated in the Isakson/Roe Act, Section 3675(b)(4)) from the requirement to participate in Title IV programs in order to receive V.A. funds to aid in veteran students’ educations.