



# COMMONWEALTH of VIRGINIA

*Department of Veterans Services  
Veterans Education, Transition and Employment  
State Approving Agency for Veterans Education and Training*

Annie Walker  
Director

Telephone: (804) 225-2298  
Fax: (804) 786-0809  
[annie.walker@dvs.virginia.gov](mailto:annie.walker@dvs.virginia.gov)

May 28, 2019

Dear School Officials,

On December 31, 2018, the President signed into law the Veterans Benefits and Transition Act of 2018. It contains a provision (Section 103) that takes effect on August 1, 2019.

Beginning that date, for any student that's using Ch. 33 Post 9/11 GI Bill or Ch. 31 VocRehab benefits, even though VA has not yet paid tuition and fees, no institution (public, private, for profit, not for profit), can have a policy in effect that:

- prevents enrolling,
- assesses a late penalty fee,
- requires securing alternative or additional funding, or
- denies access to any school resources (access to classes, libraries, or other institutional facilities) that are available to other students that have paid.

However, an institution can require that such students be required to:

- produce the VA's Certificate of Eligibility by the first day of class,
- provide written request to be certified, and
- provide additional information needed to properly certify (many of you have your own form that must be completed each term and that's still allowed).

This law requires that your programs be disapproved for all VA purposes if you are not in compliance.

You can show compliance by completing and returning the attached addendum by **July 15, 2019**. Additionally, if you must update your policies please ensure that you submit an updated catalog, bulletin, or addendum by **September 30, 2019**. Please note that if the policies in your catalog are not compliant and you do not submit an updated catalog, bulletin, or addendum, we may suspend or withdraw your programs.

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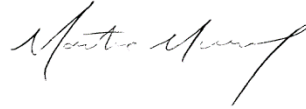
[www.dvs.virginia.gov](http://www.dvs.virginia.gov)

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Please send any questions or concerns to the SAA mailbox at [saa@dvs.virginia.gov](mailto:saa@dvs.virginia.gov). You can also read an excerpt of the law on page three of this letter.

Respectfully,

A handwritten signature in black ink, appearing to read "Martina Murray". The signature is fluid and cursive, with a long, sweeping tail on the final letter.

Martina Murray  
Director of Education Programs

**SEC. 103. DISAPPROVAL FOR PURPOSES OF EDUCATIONAL ASSISTANCE PROGRAMS OF DEPARTMENT OF VETERANS AFFAIRS OF CERTAIN COURSES OF EDUCATION THAT DO NOT PERMIT INDIVIDUALS TO ATTEND OR PARTICIPATE IN COURSES PENDING PAYMENT.**

(a) IN GENERAL.—Section 3679 of title 38, United States Code, is amended by adding at the end the following new subsection:

“(e) (1) Notwithstanding any other provision of this chapter, beginning on August 1, 2019, a 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 with any of the following:

“(A) A policy that permits 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 of this title and ending on the earlier of the following dates:

“(i) The date on which the Secretary provides payment for such course of education to such institution.

“(ii) The date that is 90 days after the date on which the educational institution certifies for tuition and fees following receipt from the student such certificate of eligibility.

“(B) A policy that ensures that the 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 of a payment to be provided by the Secretary under chapter 31 or 33 of this title.

“(2) For purposes of this subsection, a covered individual is any individual who is entitled to educational assistance under chapter 31 or 33 of this title.

“(3) The Secretary may waive such requirements of paragraph (1) as the Secretary considers appropriate.

“(4) It shall not be inconsistent with a policy described in paragraph (1) for an educational institution to require a covered individual to take the following additional actions:

“(A) Submit a certificate of eligibility for entitlement to educational assistance not later than the first day of a course of education for which the individual has indicated the individual wishes to use the individual’s entitlement to educational assistance.

“(B) Submit a written request to use such entitlement.

“(C) Provide additional information necessary to the proper certification of enrollment by the educational institution.”.

(b) PROMPT PAYMENTS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall take such actions as may be necessary to ensure that the Secretary makes a payment to an educational institution on behalf of an individual, who is

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entitled to educational assistance under chapter 31 or 33 of title 38, United States Code, and who is using such assistance to pursue a program of education at the educational institution, not later than 60 days after the date on which the educational institution certifies to the Secretary the applicable tuition and fees for the individual.

(2) SEMIANNUAL REPORTS.—Not later than May 1 and October 1 of each year, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a semiannual report summarizing any cases in which the Secretary failed to make a payment described in paragraph (1) within the period set forth in such paragraph and an explanation for each delayed disbursement of payment.

(c) RULE OF CONSTRUCTION.—In a case in which an individual is unable to meet a financial obligation to an educational institution due to the delayed disbursement of a payment to be provided by the Secretary under chapter 31 or 33 of such title and the amount of such disbursement is less than anticipated, nothing in section 3679(e) of such title, as added by subsection (a), shall be construed to prohibit an educational institution from requiring additional payment or imposing a fee for the amount that is the difference between the amount of the financial obligation and the amount of the disbursement.