What We Will Cover Today

- Veterans and Military Benefits 101
- Attendance
- Refunds
- Satisfactory Academic Progress (SAP)
- Grades and Credits
- Compliance Surveys vs. Program Reviews
- The Principles of Excellence (POE)
- 85/15 Rule vs 90/10 Rule

Veterans’ and Military Benefits 101

- Veterans’ Benefits (VA)
  - Post-9/11 GI Bill; Montgomery GI Bill; Chapter 31
  - Veterans and their eligible dependents
  - Up to $21,084 annually (academic year 2015-16) (Chapter 33)
  - Monthly Housing Allowance
  - Programs approved by a State Approving Agency (SAA)
  - Yellow Ribbon Program
- Tuition Assistance – Department of Defense (DOD)
  - Active Duty
  - Memorandum of Understanding (MOU)
Attendance and Payment

**Title IV**
- Week - a consecutive seven-day period
- Start Date - the first date of the term
- End Date of the term
- Payment based on number of clock or credit hours

**VA**
- Week - Sunday through Saturday
- Start Date - if class after first calendar week, the actual class start date
- End Date of the course or term
- Payment based on rate of pursuit on a day-to-day basis

**DOD**
- Week - same as Title IV
- Start Date - same as Title IV
- End Date - same as Title IV
- Payment - same as Title IV

---

Attendance – Determination of Withdrawal

**Title IV**
- Institutions are not required to take daily attendance.
- If attendance is not taken, institution may use midpoint or last academic activity as LDA.

**VA**
- Institutions are not required to take daily attendance but must be able to verify student is pursuing their program.
- Institution must review attendance records, grading reports, and instructor records to determine LDA.

**DOD**
- Institutions are not required to take attendance.
- Institution must follow the Title IV policy.

---

Return to Title IV (R2T4) and Refunds

**Title IV**
- Institution must use the R2T4 pro-rata formula to calculate amount of return.
- 100% of awards cannot be earned until after the 60% point of the payment period.

**VA**
- No requirement unless institution agreed to the POE.
- If agreed to the POE, VA will expect a refund policy that is "aligned" with R2T4 (no clear guidance).

**DOD**
- Institution must use a proportional refund policy that is "aligned" with R2T4.
- 100% of funds cannot be earned until the 60% point of the term.

---

Student Refunds and Liability

**Title IV**
- Percentage earned equal percentage of payment period completed (until the 60% point).
- 100% of awards cannot be earned until after the 60% point of the payment period.

**VA**
- Benefits reduced effective first day of term if student drops, terminates after add/drop and receives non-punitive grade, unless there are mitigating circumstances.

**DOD**
- Percentage earned per proportional refund policy that is "aligned" with R2T4.
- 100% of payment cannot be earned until the 60% point of the term.
Satisfactory Academic Progress (SAP)
- Title IV: Institution has flexibility; policy must be at least as strict as non-Title IV policy.
- Must be evaluated at the end of every payment period for programs one academic year or less and either at end of payment period or annually for longer programs.
- Policy must include certain elements, such as qualitative and quantitative measures and maximum timeframe for completion of program.

VA
- Institution must have a SAP policy acceptable to the SAA in its discretion.
- Variable, but some states requiring evaluation more frequently than Title IV.
- Policy must restrict certification due to lack of progression.

DOD
- Student must maintain a CGPA of at least 2.0 after 15 semester hours or equivalent in undergraduate studies or a CGPA of 3.0 after 6 semester hours or equivalent in graduate studies for VA-funded courses.
- Student is liable for funds for any grade lower than a "C" in an undergraduate course or a "B" in a graduate-level course, fail ed pass/fail courses, or fail to make up a grade of "I", unless extenuating circumstances.

Grades and Credits
- Title IV: Must determine when an "F" is unearned.
- No limits on repeat of failed courses, limit to one payment of a passed repetition.
- Flexibility on review of prior credits.

VA
- Must determine when an "F" is unearned.
- Limits on repeating failed courses.
- Generous review of prior credits.

DOD
- All grades must be reported to DOD, including "F" grades.
- Payment for a repetition which DOD have been reimbursed.
- Flexibility on review of prior credits.
- Maximum eligibility 130 semester hours or baccalaureate degree, or 39 semester hours or master’s degree.

Compliance Surveys vs. Program Reviews
- Title IV: Program reviews conducted on a systematic based and on high risk factors.
- Conducted by ED Case Team.
- Clear appeal rights.
- Most debts are liabilities to the institution.

VA
- Site Visits occur annually; full Compliance Surveys every three years.
- Usually conducted by SAA.
- Minimal appeal rights.
- Presumption is that debt is to student.

DOD
- May conduct audits, but no formal schedule or process.

The Principles of Excellence (POE)
- Title IV: Not incorporated into the regulations.
- Potential voluntary agreement to comply.
- No current enforcement mechanism.

VA
- Not incorporated into the regulations.
- Voluntary agreement to comply.
- Will assess compliance of institutions that agree to comply.

DOD
- Incorporated in the MOU institutions must sign.
- Mandatory and enforceable.
85/15 Rule vs 90/10 Rule

**Title IV (90/10)**
- Applies to proprietary institutions and measured at institutional level.
- Dollar weighted.
- Institution loses eligibility if it fails to derive ≥ 10% of revenue from sources other than Title IV for two consecutive years.

**VA (85/15)**
- Applies to all schools and measured at the "course of study" level.
- Not dollar weighted.
- Program must cease veteran enrollments to avoid exceeding the threshold.

**DOD**
- No comparable requirement.

Resources

- **DOD**: Department of Defense (DOD) 1322.25 Voluntary Education Program MOU
  [http://www.dodmu.com/Home/Faq](http://www.dodmu.com/Home/Faq)
- **VA**: School Certifying Official Handbook
- Title 38 Chapter 1 – Part 21 Subpart D Administration of Educational Assistance programs
- Title 38 Chapter 1 – Part 21 Subpart P Post/11 GI Bill
- **ED**
  - Dear College Letter GEN 12-10 Implementation of Executive Order 13607
  - Federal Student Aid Handbook 2015-2016
  - 34 CFR §668.22 Treatment of Title IV funds when a Student Withdraws
  - 34 CFR §668.34 Satisfactory Academic Progress
  - Section 498A of the HEA, 20 U.S.C. §1099c Program Reviews
  - 34 CFR §668.28 Non-Title IV revenue (90/10)

Questions?

- Matthew Johnson, Cooley LLP
  - mjohnson@cooley.com
  - (202) 776-2445
- Marjorie Arrington, Cooley LLP
  - marrington@cooley.com
  - (202) 776-2062
- Megan Burda, DePaul University
  - mburda@depaul.edu
- Andrea Wheeler, Waubonsee Community College
  - awheeler@waubonsee.edu