

THE 85/15 RULE

Education Liaison Representative (ELR) Training

September 29, 2020



TEAM MISSION



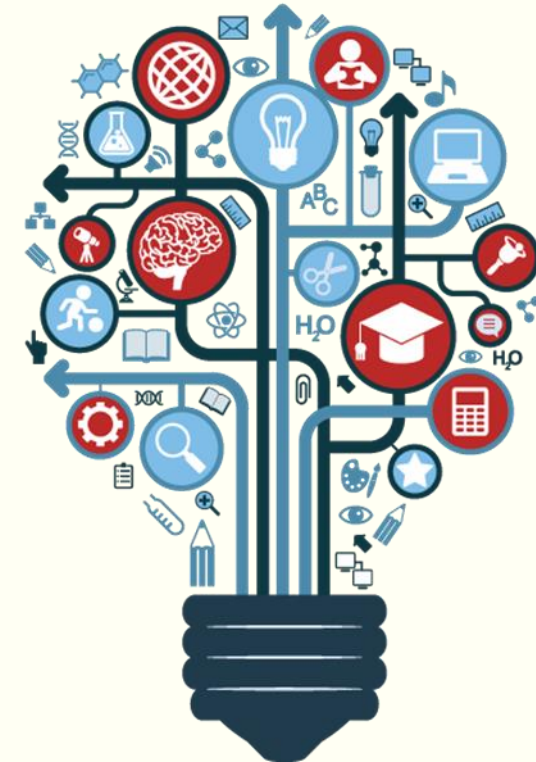
Safeguarding the Integrity of the GI Bill®

Learning Objectives



Upon completion of this training, you should be able to:

- Understand the role of the ELR as it relates to the 85/15 Rule
- Identify/grant exemptions to the 85/15 Rule as applicable.
- Determine if 85/15 calculations were correctly reported by reviewed educational institutions.
- Take action on programs and educational institutions not in compliance with the 85/15 Rule.
- Provide notification to reporting educational institution using relevant VA-approved response



Commonly Used Terminology



Throughout the presentation the following terms are used interchangeably and wherever used should be understood to refer to an Education & Training Institution (ETI):

- Educational Institution
- ETI
- Facility
- School
- Training Facility

ELR Responsibilities



The ELR will

- Perform Routine Review of 85/15 Reports for any approved programs not exempted or waived for provisions of the 85/15 Rule.
- Grant/confirm/rescind 85/15 exemptions in accordance with guidance found in M22-4, Part IX, Chapter 9, Paragraph 9.15.
- Notify SAA, as appropriate
- Document findings in educational institution's EForce approval folder.



The 85/15 Rule



Why do we have the 85/15 Rule?

- To ensure that a minimum number of students are willing to pay for the full cost of the program.
- To ensure that the price of the program responds to the general demands of the open market and that a minimal number of non-VA beneficiaries find the program worthwhile and valuable.

The 85/15 Rule



The 85/15 Rule prohibits paying Department of Veterans Affairs (VA) benefits to students enrolling in a program when more than 85% of the students enrolled in that program are having any portion of their tuition, fees, or other charges paid for them by the Education & Training Institution (ETI) or VA.

If the ratio of Supported students to Non-Supported Students exceeds 85% only students maintaining continuous enrollment may receive benefits for that program.

NOTE: Students receiving Veteran Readiness and Employment (Chapter 31) or Survivors' and Dependents' Educational Assistance (Chapter 35) benefits must be counted when calculating 85/15 Rule compliance, but they can continue to be certified and enrolled if the Education & Training Institution (ETI) is found to be in violation of the 85/15 Rule.

EXEMPTIONS & WAIVER





Exemptions to the 85/15 Rule

The provisions of the 85/15 Rule do not apply to:

- A farm cooperative training course (38 USC 3680A [d] [2] [B] and 38 CFR 21.4201 [c] [1] [i]).
- Flying clubs (also known as "aero clubs") operating under regulations of the Armed Forces as "non-appropriated sundry fund activities" (38 CFR 21.4201 [c] [1] [ii]).
- Veterans in pursuit of a program leading to a high school diploma, equivalency certificate, or a refresher, remedial, or deficiency course (38 CFR 21.4201 [c] [2]).
- Facilities which do not charge tuition, fees, or other charges (routinely this means that sites approved for On-The-Job [OJT] or Apprenticeship [APP] training) (38 USC 3680A [d] [1]).

Note: In addition to the types of facilities above, students receiving Veteran Readiness and Employment (Chapter 31) or Survivors' and Dependents' Educational Assistance (Chapter 35) benefits. These students must be counted as Supported Students for determining a program's compliance with the 85/15 Rule, but students receiving these specific benefits can be certified for benefits, even if the program is in violation of the 85/15 Rule.

Department of Defense 85/15 Rule Exemption

A site is exempt from all provisions of the 85/15 Rule if it has a Department of Defense Exemption. In order to be eligible for a Department of Defense 85/15 Rule Exemption, the program must meet **all** the following:



Offered under contract

- Department of Defense (DoD)
- Department of Homeland Security (DHS)

On or immediately adjacent to

- Military base
- Facility of the National Guard

Approved by the State Approving Agency (SAA)

Be available **only** to:

- Military personnel and their dependents
- Civilian base employees
- Persons authorized by the base Commander, outside the U.S.
- If on or immediately adjacent to National Guard facility, National Guard members and their dependents

Confirming the DoD Exemption



The educational institution interested in confirming the DoD Exemption will do so by providing the DoD or DHS Contract to their Education Liaison Representative (ELR)

- ELR will assess the sufficiency of the information submitted and develop, as necessary.
- If confirmed, the ELR will update WEAMS to reflect DoD Exemption status and provide written notification of the determination that the exemption is confirmed.
- The Chief Education Liaison Officer (CELO) or designee signs the DoD Exemption determination letter.

Confirming the DoD Exemption




- Step 1: The educational institution interested in confirming the DoD Exemption will do so by providing the DoD or DHS Contract to their Education Liaison Representative (ELR).
- Step 2: ELR will assess the sufficiency of the information submitted and develop, as necessary.
- Step 3: The CELO or designee signs the DoD Exemption determination letter. *If Exemption is not confirmed, skip to Step 6.*
- Step 4: If confirmed, update WEAMS to reflect DoD Exemption status.
- Step 5: On Issues and Remarks page; add the following statement to the Remarks block: DOD EXEMPTION CONFIRMED EFF MM/DD/YYYY. (Date letter signed by CELO or designee.)
- Step 6: Send notification to educational institution with a courtesy copy to the State Approving Agency of jurisdiction.
- Step 7: Update approval folder in EFORCE.
- Step 8: Take appropriate End Product (EP 863).

Confirming the DoD Exemption



Standard WEAMS Entry

PROGRAM SPECIFIC INFORMATION		
Additional Organization Details & Approval Information	Issues and Remarks	Financial Payment Info
<input type="checkbox"/> Pay List	<input checked="" type="checkbox"/> VA-ONCE	<input type="checkbox"/> Registered APP
<input type="checkbox"/> Branch	<input checked="" type="checkbox"/> Practical Training	<input checked="" type="checkbox"/> Distance Learning
<input type="checkbox"/> Consortium	<input checked="" type="checkbox"/> Remedial Training	<input type="checkbox"/> IHL Exempt
<input checked="" type="checkbox"/> Accreditation	<input type="checkbox"/> Waiver	<input type="checkbox"/> Advanced Payment
<input type="checkbox"/> Check to School	<input type="checkbox"/> Cooperative	<input checked="" type="checkbox"/> Executive Order 13607
<input type="checkbox"/> National Approval	<input type="checkbox"/> IHL with Flight	<input type="checkbox"/> Federal Approval
<input type="checkbox"/> Priority Enrollment	<input type="checkbox"/> Online Only	<input type="checkbox"/> Independent Study
<input type="checkbox"/> School Closure	<input type="checkbox"/> VALOR	<input type="checkbox"/> Covered Ed Instn
<input type="checkbox"/> STEM	<input type="checkbox"/> Preferred Provider	
Remarks: APPROVAL IS HEREBY GRANTED FOR THE FOLLOWING: 2019-2020 UNDERGRAD CATALOG VOL 19 NO 1 EFF 09/02/2019, 2019-2020 GRADUATE SCHOOL CATALOG VOL 7 NO 1 EFF 09/02/2019 APPR THRU 09/01/2020. DOD EXEMPTION CONFIRMED EFF 07/25/2019. 		
*Status: <input type="text" value="Approved"/>		
*Status Effective Date: <input type="text" value="05/17/2015"/>		

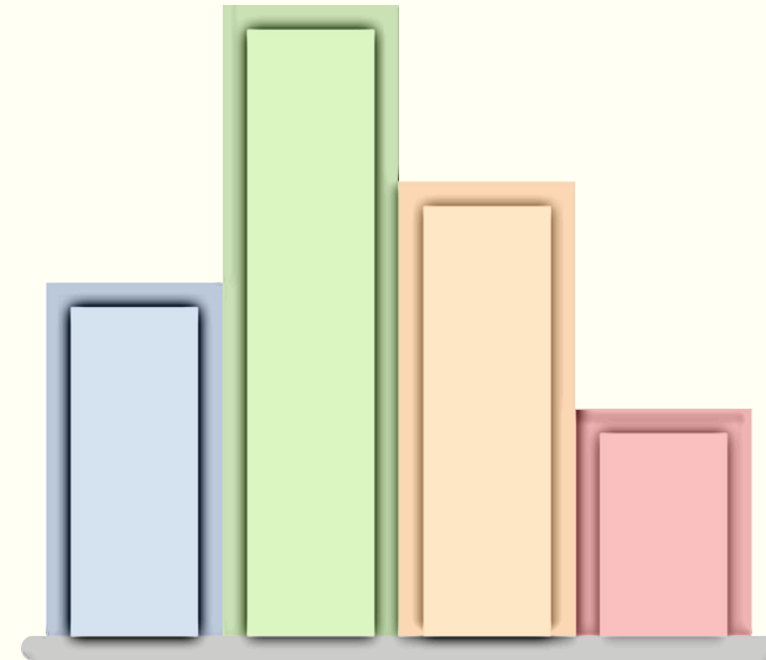
35% Exemption

35% Exemption Criteria

The total number of VA beneficiaries enrolled must be less than or equal to 35% of the total student enrollment.

Programs that exceed 85% Supported Student enrollment are not included in the exemption, and the ETI must continue to routinely report enrollment data on any programs not included in the 35% Exemption.

Note: Total student population is NOT based on Full Time Equivalency (FTE).



35% Exemption

An ETI with a 35% Exemption is not required to routinely report 85/15 calculations to the VA. The 35% Exemption has no impact on 85/15 calculations requested during a Compliance Survey, or if requested by an ELR, SAA or other Education Service VA employee.

The Exemption is specifically limited to the educational institution having to provide routine reports to their ELR of jurisdiction.



Note: There will be a national reset to rescind all 35% Exemptions effective October 1, 2020.



Applying for the 35% Exemption

The educational institution interested in applying for the 35% Exemption will do so by providing the 35% Exemption form with a completed Statement of Assurance of Compliance with 85 Percent Enrollment Ratios to their Education Liaison Representative (ELR).

- ELR will assess the sufficiency of the information submitted and develop as necessary.
- If confirmed, the ELR will update WEAMS to reflect 35% Exemption status and provide written notification of the determination that the exemption is confirmed.
Note: a partial 35% Exemption may be authorized, if overall enrollment of VA beneficiaries does not exceed 35% but there are programs that do exceed 85% enrollment of Supported Students.
- The CELO or designee signs 35% Exemption determination letter.



Applying for the 35% Exemption

Step 1: The educational institution interested in applying for the 35% Exemption will do so by providing the 35% Exemption form with a completed Statement of Assurance of Compliance with 85 Percent Enrollment Ratios to their Education Liaison Representative (ELR).

Step 2: ELR will assess the sufficiency of the information submitted and develop, as necessary.

Step 3: The CELO or designee signs 35% Exemption determination letter.
If exemption request is denied, skip to Step 6.

Step 4: If approved, update WEAMS to reflect 35% Exemption status.

Step 4: Check “Waiver” box on Issues and Remarks page; add the following statement to the Remarks block: 35 PERCENT EXEMPTION GRANTED EFF MM/DD/YYYY. (Date letter signed by CELO or designee.)

Step 5: Send notification to the educational institution with a courtesy copy to the SAA of jurisdiction.

Step 6: Update approval folder in EFORCE.

Step 7: Take appropriate End Product (EP 863).

Confirming the 35% Exemption



Standard WEAMS Entry

PROGRAM SPECIFIC INFORMATION		
Additional Organization Details & Approval Information	Issues and Remarks	Financial Payment Info
<input type="checkbox"/> Pay List	<input checked="" type="checkbox"/> VA-ONCE	<input type="checkbox"/> Rep
<input type="checkbox"/> Branch	<input checked="" type="checkbox"/> Practical Training	<input checked="" type="checkbox"/> P
<input type="checkbox"/> Consortium	<input checked="" type="checkbox"/> Remedial Training	<input type="checkbox"/> P
<input checked="" type="checkbox"/> At	<input checked="" type="checkbox"/> Waiver	<input type="checkbox"/> P
<input type="checkbox"/> Check to School	<input type="checkbox"/> Cooperative	<input checked="" type="checkbox"/> E
<input type="checkbox"/> National Approval	<input type="checkbox"/> IHL with Flight	<input type="checkbox"/> Fede
<input type="checkbox"/> Priority Enrollment	<input type="checkbox"/> Online Only	<input type="checkbox"/> Independ
<input type="checkbox"/> School Closure	<input type="checkbox"/> VALOR	<input type="checkbox"/> Covered Ed Instn
<input type="checkbox"/> STEM	<input type="checkbox"/> Preferred Provider	

Remarks:

2019-2020 UNDERGRAD CATALOG VOL 19 NO 1 EFF 09/02/2019,
2019-2020 GRADUATE SCHOOL CATALOG VOL 7 NO 1 EFF
09/02/2019 APPR THRU 09/01/2020.

85 PERCENT EXEMPTION OF PERIODIC REPORTING OF 85 PERCENT
ENROLLMENT RATIOS APPR EFF 07/25/2019.

*Status:

*Status Effective Date:

A future update to WEAMS will reflect "35% Exemption" vice the current "Waiver" option.



What Is The Education Service Waiver?

When courses exceed 85% Supported Students, the school may apply for a waiver to the Director, Education Service.

When applying, the school must submit enough information to allow the Director, Education Service, to judge the merits of its request against the criteria below.



- Availability of similar courses
 - Vicinity
- Developing schools - serving a disadvantaged population
 - Strengthening Institutions Program
 - Special Needs Program
- Compliance survey history with no serious discrepancies
- General effectiveness of the courses
 - Employment opportunities
 - Factors
 - ✓ Course completion
 - ✓ Ratio of educational expense to full-time equivalency enrollment

Education Service Waiver

When the Education Service Waiver is Granted

If the facility has been awarded the Education Service Waiver then they are exempt from having to monitor or report 85/15 calculations for the period defined in the waiver, for the identified programs listed in the waiver.

- ELRs should **not** request 85/15 calculations for identified programs if the term began during the period defined in the waiver.
- If the facility has programs approved that are not listed on the waiver, or if a student has a term date that begins outside of the period defined in the waiver, the ELR will request 85/15 calculations as normal.



SUPPORTED STUDENTS VS. NON-SUPPORTED STUDENTS





Supported vs Non-Supported

Supported Students are:

- Any student receiving any amount of VA Education benefits.
- Any student where the full amount of tuition and fees has not been paid to the educational institution prior to the start of the 15th day of class.
- Any student who receives a loan considered to be less than an Arm's Length transaction.
- Any student where the educational institution accepts less than full tuition, fees, or other charges from a loan company (the repayment works to essentially reduce the tuition, fees, or other charges accepted by the educational institution from the loan company).
- Any student who is granted any waiver or forgiveness of tuition, fees, or other charges.
- Any student who receives an institutionally funded loan, scholarship or grant, if the institutional policy for determining the recipient of such aid is not equal with respect to veterans and nonveterans alike.

Supported vs Non-Supported



Arm's Length Transaction

Transactions between two parties

- Independent
- No close relationship with each other

Parties have equal bargaining power

- Not subject to undue pressure/influence from the other party
- No fiduciary duties between the parties



Supported vs Non-Supported

Non-Supported Students are:

- Any student who pays the full amount of tuition, fees, and other mandatory charges to the educational institution prior to the start of the 15th day of class.
- Any student who finances their tuition, fees, and other mandatory charges through an Arm's Length Transaction (i.e. a Promissory Note with a neutral 3rd party lending facility).
- Any student receiving Title IV Department of Education aid
- Any student receiving Tuition Assistance through the Department of Defense.
- Any students receiving non-institutional aid (scholarships, grants, or other types of aid offered by a third-party entity not affiliated with the school).
- Graduate Students in Receipt of Institutional Aid.
- Any students receiving an institutionally funded loan, scholarship, or grant, if the policy for determining the recipient of such aid is equal with respect to veterans and nonveterans alike.

NOTE: If the student is receiving multiple types of aid and any of it is Supported – the student must be counted as a Supported Student.

PROCEDURES FOR FACILITIES NOT ELIGIBLE FOR EXEMPTION OR WAIVER





Steps To Review 85/15 Calculations

1. Explain to the educational institution what information is needed for the 85/15 calculation review.
2. Receive necessary information from the educational institution.
3. Review the VA Online Certification of Enrollment (VA-ONCE) system and The Image Management System (TIMS).
4. Review received documents and assign students to either the “Supported” or “Non-Supported” category.
5. Update WEAMS and execute appropriate response to ETI based on findings.
6. Document findings in educational institution’s approval folder in EForce.

What Information is Needed Routine Reporting



The following information must be received from the educational institution in order to review their 85/15 calculations.

A completed Statement of Assurance of Compliance with 85 Percent Enrollment Ratios for the term being reviewed.

Department of Veterans Affairs					
Statement of Assurance of Compliance With 85 Percent Enrollment Ratios					
1. Institution Name			2. Facility Code	3. Term Start Date	
4. 85/15 Calculation					
Program Name	Number of Supported Students FTE	Number of Non-Supported Students FTE	Total Enrollment	Supported Student Percentage FTE	Date of Calculation

Use of the updated Statement of Assurance of Compliance with 85 Percent Enrollment Ratios is recommended.

85/15 Calculation Review

Routine Reporting



ELR reviews the Statement of Assurance of Compliance with 85 Percent Enrollment Ratios to confirm that all program enrollment ratios fall below 85% Supported Students.

Routine Review

All approved programs as listed in the most recent WEAMS Report, VA Form 22-1998.

- Review to ensure the educational institution has reported ratios for **all** approved programs, even if there are no Supported Students enrolled.
- Educational institutions must list out any concentrations approved separately.



Routine Reporting Due Dates

If the educational institution is structured on a Term, Quarter, or Semester Basis then –

- 85/15 calculations must be submitted to the Education Liaison Representative (ELR) of jurisdiction no later than 30 days after the start of the regular term (excluding summer terms) .

If the educational institution is not structured on a Term Basis, then –

- 85/15 calculations must be submitted to the ELR of jurisdiction no later than 30 days after the beginning of each calendar quarter.
- Calendar quarters align with the quarters of VA’s fiscal year which starts in October and ends in September.
- Due dates for routine reporting of 85/15 calculations will be as follows:



January 30th for October – December

April 30th for January – March

July 30th for April – June

October 30th for July – September



Assigning Students – Multiple Majors

How Are Double Majors Counted?

Students enrolled in double majors must be counted for each major in which they are enrolled in (this is true for both Supported and Non-Supported Students). The student is counted as a full-time or part-time student under each major based on the total number of credits the student is pursuing during the enrollment period.

- Example 1: A student is receiving Post 9/11 GI Bill® (Chapter 33) benefits, is enrolled as a full-time student for reporting purposes, and is majoring in both Biology and Chemistry. For 85/15 Rule purposes, this student would count as a full-time Supported Student for both the Biology and Chemistry programs.
- Example 2: A student is completely self-paying for their schooling and is enrolled as a part-time student majoring in French, Latin, and Spanish. For 85/15 Rule purposes, this student would count as a Non-Supported Student enrolled part-time for all three majors in which s/he is enrolled.



Assigning Students – Concentrations/Tracks

How Are Concentrations and Tracks Counted?

Students must be counted for each concentration and track in which they are enrolled (this is true for both Supported and Non-Supported Students).

Example: A student is receiving Post 9/11 GI Bill® (Chapter 33) benefits and is majoring in Aviation Management (which has a flight component). The Education & Training Institution (ETI) would list on the Statement of Assurance of Compliance with 85 Percent Enrollment Ratios:

Aviation Management – Flight Track

Aviation Management – Non-Flight Track

And would count this student as a Supported Student in the Aviation Management – Flight Track.

A student is counted as a full-time or part-time student under each approved concentration or track based on the student's overall rate of pursuit or individual training time.



Assigning Students – Part-time Students

Calculating part-time students

Part-time students must be converted to a full-time equivalent number.

This is done by multiplying the number of part-time students by the student's training time.

Example:

Number of Students	Individual Training Time	Calculation	Full Time Equivalent Number of Students
20	.25	$20 * .25$	5
15	.5	$15 * .50$	7.5
10	.75	$10 * .75$	7.5

These 45 part-time students equate to a total of 20 FTE which must be added to the total full-time number of either Supported or Non-Supported Students.

A student is counted as a full-time or part-time student under each approved concentration or track based on the student's overall rate of pursuit or individual training time.

HOW TO DO AN 85/15 FULL REVIEW



Risk Factors

If the ELR identifies any of the following, or if based on his or her professional judgement s/he deems it appropriate, an 85/15 Full Review will be necessary:

- Consistently close or at 85% ceiling for a program (79% or more).
- Supported and Non-Supported Students not calculated properly.
- Lack of verifiable information.
- Excessive tuition or fees not consistent with similar programs.
- Students enrolled in multiple programs with varying educational objectives.
- Students have traveled from out-of-state to attend short term program.





85/15 Full Review

What Information is Needed

For a full review the following information must be received from the educational institution in order to review their 85/15 calculations.

1. A completed Statement of Assurance of Compliance with 85 Percent Enrollment Ratios (if not already received) for all terms being reviewed.
2. A list of all students (regardless of whether they received VA educational benefits) who have been enrolled during the reviewed time period(s). This list should provide the following information:
 - Each student's first and last name.
 - Each student's address, phone number and email (if available).
 - Each student's program.
 - Begin and end dates for each term attended by each student.
 - Whether the student was counted as a supported or non-supported student
 - Whether the student received VA benefits.
 - Whether the student received institutional aid and what type (grant, loan, scholarship, discount, waiver, and/or payment plan)
3. A copy of each student's ledger or invoice of charges and payments.
4. A copy of each student's transcript.



Review Received Documents and Assign Students

1. Immediately count all students receiving GI Bill® benefits as Supported Students.
 - For student's receiving Post-9/11 GI Bill® benefits (Chapter 33) who have a benefit level less than 100%: Did the student pay all outstanding charges or were those charges waived?
2. For all remaining records, review each student's individual ledger/invoice.
 - Was the student charged the full tuition and fees costs?
 - Was the student's tuition and fees discounted?
 - Did the student receive any ETI specific scholarships or waivers? Were those available to all students (or subset of students) or were they limited?
 - Did the student receive any 3rd party specific scholarships?
 - Was full tuition and fees required before student began classes? And if so, was this enforced?
 - Are students on a payment plan regularly making these payments?
3. For all records reviewed in #2, review each student's individual transcript.
 - Are student's completing their term, or routinely dropping midterm?
 - Are student's attending during the term they were reported in?
 - Are the ETI's standards of progress not being enforced? (i.e., Non-Supported Students aren't attending class, but the ETI is letting them remain in the program)



Review VA-ONCE and TIMS

The educational institution may, accidentally or intentionally, fail to furnish a complete list of students who received VA funds while attending their program.

Therefore, you should review VA-ONCE and TIMS to ensure that all students who attended and received payments during the period(s) you are reviewing are properly accounted for.

NOTE 1: This review becomes substantially more difficult depending on how far back you must review (i.e. students who just completed a term are much more likely to still be associated with an educational institution, compared against students who attended a year or more ago).

NOTE 2: If you think the educational institution is intentionally altering its list of students to appear compliant with the 85/15 Rule when it is in violation of it – pause your review and reach out to your Lead or Supervisor for guidance. Further action may be halted while fraud review procedures are conducted. Do NOT alert educational institution if you think they are manipulating their data. Gather all data you can and report it to your Lead or Supervisor (as appropriate).

85/15 SUSPENSIONS



85/15 Suspensions

An 85/15 suspension is a suspension of payment and should not be confused with a suspension of approval.

Suspension of a program for violating the 85/15 is done by the VA, not the SAA of jurisdiction. The ELR of jurisdiction will make all determinations regarding an 85/15 suspension.



85/15 Suspensions



If an educational institution provides calculations that show a program violated the 85/15 Rule, the ELR must:

1. Suspend enrollments and reenrollments for the out of compliance program effective the date that the ratio exceeded 85% of Supported Students. The ELR will do this by notifying the SELR and CELO of jurisdiction. The CELO will contact the Processing Division to inform them of the suspension.




If the educational institution has a 35% Exemption – the exemption should be reviewed and, based on the guidance from the CELO, may be revoked.

85/15 Suspensions



If an educational institution provides calculations that show a program violated the 85/15 Rule, the ELR must:

2. Inform the educational institution by letter that all further enrollments for the programs are suspended, and inform the educational institution that they may not submit enrollment certifications for VA students enrolling or reenrolling on or after the effective date of the suspension (with the exception of students receiving Chapter 31 or Chapter 35 benefits).

 **DEPARTMENT OF VETERANS AFFAIRS**
Regional Office (UNIT)
Address
Address

In Reply Refer To: STATION/UNIT
FACILITY CODE

Click or tap to enter a date.

School Certifying Official
Facility Name
Address
Address

Dear Mr./Ms. Official:

During a recent compliance survey conducted at your Education and Training Institution it was found that your total VA beneficiary enrollment did not exceed 35% and there were no approved programs with an enrollment that exceeded the 85/15 percent ratio; therefore, the current exemption of the periodic reporting requirement for the 85/15 percent ratio is confirmed.

These statistics do not need to be reported unless the facility's overall school enrollment exceeds 35% VA students or an approved program exceeds 85% supported students.

Even though the facility maintains an exemption of the reporting requirement, the ratio will continue to be reviewed during compliance surveys in order to substantiate continuation of the exemption.

If you have any questions please contact me via email at ELR.Mailbox

Sincerely,

[Signature Block]
[NAME]
Education Liaison Representative

End: WEAMS Report, VA Form 23-1998
Cc: SAA

A copy of this letter must also be submitted to the SAA of jurisdiction. The educational institution should continue to submit certifications for students who already enrolled in the program, have been previously paid for the program, and have been continuously enrolled in the program. The educational institution must continue to submit all changes in enrollments (reductions, terminations, etc.) for enrolled students.

Steps To Formally Review 85/15 Calculations

Late Report/No Report



The educational institution is obligated to provide all 85/15 information when requested.

Should the educational institution fail to do so, the ELR must notify the facility of consequences of failure to report.

1. Failure to Report 85/15 Calculations Warning Letter must be sent to educational institution and captured into EFORCE.
2. ELR must verify receipt of 85/15 calculations within 10 calendar days of the letter.
 - If calculations are received, ELR will follow Steps to Formally Review an Educational Institution's 85/15 Calculations Routine Reporting procedure.
 - If calculations are not received, ELR will follow Failure to Report 85/15 Calculations Suspension procedure.

Documenting 85/15 Suspensions Failure to Report



The educational institution is obligated to provide all 85/15 information when requested.

Should the educational institution fail to do so, the ELR must notify the facility of consequences of failure to report. If calculations are not received within 10 calendar days of the date of notification, ELR will take the following actions:

1. Notify the Supervisory Education Liaison Representative (SELR) and Chief Education Liaison Officer (CELO) via email.
CELO will notify Processing of suspension of payment of all approved programs due to failure to report 85/15 calculations.
2. Suspend the educational institution in the Web Enabled Approval Management System (WEAMS) and notify the educational institution of its suspension via email and letter.
3. Notify the State Approving Agency (SAA) of jurisdiction of violation of 38 Code of Federal Regulations (CFR) 21.4209.



Documenting 85/15 Suspensions Failure to Report



Effective Date of Suspension

If a school fails to submit a timely computation, no benefits will be paid for the enrollment of a GI Bill® beneficiary in a program leading to a secondary school diploma or an equivalency certificate if the enrollment has beginning dates beyond the expiration of the allowable computation period.

ETI organized on a:	Effective Date is:
term, quarter, or semester	Last day of the term, quarter, or semester previously reported
not organized on a term, quarter, or semester basis	Last day of the quarter previously reported

Enrollments with later beginning dates may be processed only after the school certifies that:

- The proper ratio has been reestablished for the program, or
- The program is found to be exempt from the 85/15 Rule.



Documenting 85/15 Suspensions Failure to Report



WEAMS Program Specific Information Example

Organization Profile	PROGRAM SPECIFIC INFORMATION		
Program Specific Org Info	Additional Organization Details & Approval Information	Issues and Remarks	Financial Payment Info
Certifying Official / POC			
Programs	<input checked="" type="checkbox"/> Pay List <input checked="" type="checkbox"/> VA-ONCE <input type="checkbox"/> Registered APP		
Terms	<input checked="" type="checkbox"/> Branch <input checked="" type="checkbox"/> Practical Training <input checked="" type="checkbox"/> Distance Learning		
VCE Program View	<input type="checkbox"/> Consortium <input checked="" type="checkbox"/> Remedial Training <input checked="" type="checkbox"/> IHL Exempt		
VCE LAC View	<input checked="" type="checkbox"/> Accreditation <input type="checkbox"/> Waiver <input checked="" type="checkbox"/> Advanced Payment		
L&C Specific Org Info	<input checked="" type="checkbox"/> Check to School <input checked="" type="checkbox"/> Cooperative <input type="checkbox"/> Executive Order 13607		
L&C POC	<input type="checkbox"/> National Approval <input type="checkbox"/> IHL with Flight <input type="checkbox"/> Federal Approval		
License and Certification	<input type="checkbox"/> Priority Enrollment <input type="checkbox"/> Online Only <input type="checkbox"/> Independent Study		
National Exam	<input type="checkbox"/> School Closure <input type="checkbox"/> VALOR <input type="checkbox"/> Covered Ed Instn		
National Exam Coordinator	<input type="checkbox"/> STEM <input type="checkbox"/> Preferred Provider		
Compliance Survey	Remarks: 85/15 SUSPENSION EFF 05/06/2020. SUSPENSION OF PAYMENT FOR ALL APPROVED PROGRAMS DUE TO FAILURE TO REPORT 85/15 CALCULATIONS FOR ANY NEW TERMS BEGINNING ON OR AFTER 05/06/2020.		
SAA Site Visit			
Facility Code			
IPEDS-OPE			
Link Main/Branch Campus			
View Transaction History			
	*Status: <input type="text" value="Suspended"/>		
	*Status Effective Date: <input type="text" value="05/06/2020"/>		



Documenting 85/15 Suspensions

Failure to Report Resolution



When the facility provides 85/15 calculations


1. ELR reviews submitted 85/15 calculations as prescribed in the Routine Reporting procedure and it is confirmed that programs comply with the 85/15 Rule.
2. Notify the Supervisory Education Liaison Representative (SELR) and Chief Education Liaison Officer (CELO) via email.

CELO will notify Processing of suspension lift.

4. Generate and release suspension lift letter to educational institution with a courtesy copy to the State of Approving Agency (SAA) of jurisdiction.
5. Update approval folder in EFORCE.
6. Take appropriate End Product (EP 863).

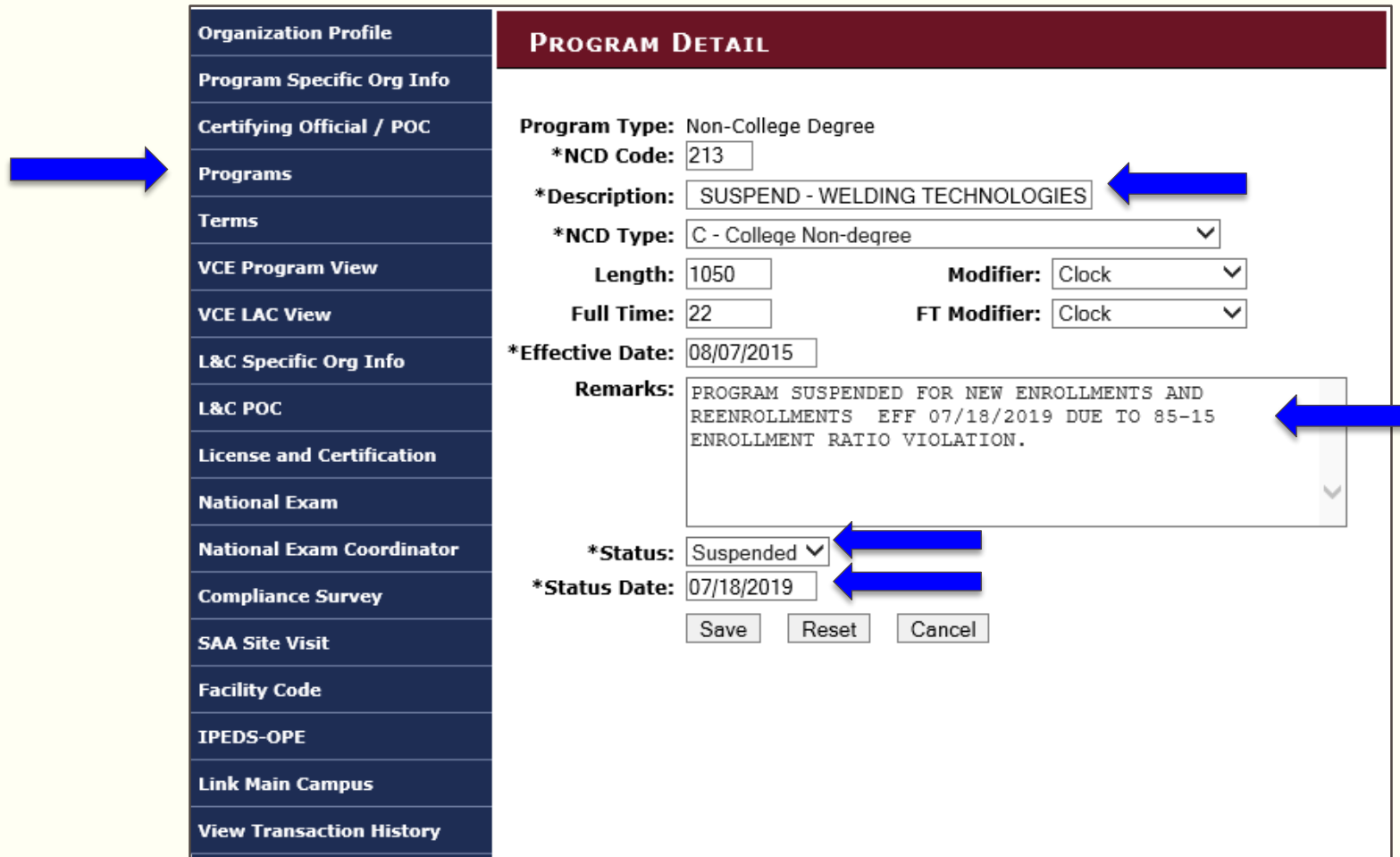
Documenting 85/15 Suspensions

WEAMS Program Specific Information Example

 <ul style="list-style-type: none"> Organization Profile Program Specific Org Info Certifying Official / POC Programs Terms VCE Program View VCE LAC View L&C Specific Org Info L&C POC License and Certification National Exam National Exam Coordinator Compliance Survey SAA Site Visit Facility Code IPEDS-OPE Link Main Campus View Transaction History 	PROGRAM SPECIFIC INFORMATION		
	Additional Organization Details & Approval Information	Issues and Remarks	Financial Payment Info
	<input checked="" type="checkbox"/> Pay List <input checked="" type="checkbox"/> Branch <input type="checkbox"/> Consortium <input checked="" type="checkbox"/> Accreditation <input checked="" type="checkbox"/> Check to School <input type="checkbox"/> National Approval <input checked="" type="checkbox"/> Priority Enrollment <input type="checkbox"/> School Closure <input type="checkbox"/> STEM	<input checked="" type="checkbox"/> VA-ONCE <input checked="" type="checkbox"/> Practical Training <input checked="" type="checkbox"/> Remedial Training <input type="checkbox"/> Waiver <input checked="" type="checkbox"/> Cooperative <input type="checkbox"/> IHL with Flight <input type="checkbox"/> Online Only <input type="checkbox"/> VALOR	<p>Add or remove indication of 35% Exemption in WEAMS (as appropriate)</p>
	Remarks:	<p>Annotate Reason for Action</p>	
	<p>85-15 POLICY VIOLATION - MULTIPLE PROGRAMS SUSPENDED FOR NEW ENROLLMENTS AND REENROLLMENTS EFF 07/18/2019.</p>		
	<p>*Status: <input type="text" value="Approved"/></p>		
	<p>*Status Effective Date: <input type="text" value="06/01/1966"/></p>		

Documenting 85/15 Suspensions

WEAMS Program Detail Example



The screenshot shows the WEAMS Program Detail interface. On the left is a navigation menu with the following items: Organization Profile, Program Specific Org Info, Certifying Official / POC, Programs, Terms, VCE Program View, VCE LAC View, L&C Specific Org Info, L&C POC, License and Certification, National Exam, National Exam Coordinator, Compliance Survey, SAA Site Visit, Facility Code, IPEDS-OPE, Link Main Campus, and View Transaction History. A blue arrow points to the 'Programs' menu item.

The main content area is titled 'PROGRAM DETAIL' and contains the following fields:

- Program Type:** Non-College Degree
- *NCD Code:** 213
- *Description:** SUSPEND - WELDING TECHNOLOGIES (A blue arrow points to this field.)
- *NCD Type:** C - College Non-degree
- Length:** 1050
- Modifier:** Clock
- Full Time:** 22
- FT Modifier:** Clock
- *Effective Date:** 08/07/2015
- Remarks:** PROGRAM SUSPENDED FOR NEW ENROLLMENTS AND REENROLLMENTS EFF 07/18/2019 DUE TO 85-15 ENROLLMENT RATIO VIOLATION. (A blue arrow points to this field.)
- *Status:** Suspended (A blue arrow points to this dropdown menu.)
- *Status Date:** 07/18/2019 (A blue arrow points to this date field.)

At the bottom of the form are three buttons: Save, Reset, and Cancel.

End Product Credit

- Staff will take an EP 863 for a routine review and response to submission of the Statement of Assurance of Compliance with 85 Percent Enrollment Ratios.
- Staff will take an EP 853 for a full review and response to submission of the Statement of Assurance of Compliance with 85 Percent Enrollment Ratios.
- Only one EP can be taken per facility, per suspension action, no matter how many programs are suspended at that educational institution for violating the 85/15 Rule.

```

PFI FILE NUMBER 300 00 7510-90 END PRODUCT 850 AWE N O NAME 01-11-20
PENDING ISSUE FILE CLASS STATUS AWE N O NAME CLAIM HISTORY
NAME & ADDRESS ENPL STA DATE DISPOSITION
UTERNAI SUB
POWER SUB N O NAME
POWER OF ATTY
CLAIM TYPE C856
CLAIM DATE 11-21-13
SUSPENSE DATE
SECTION/UNIT 2221
CLAIM JURISDICTION 317
FINANCIAL FILE LOC
CLAIM LOCATION 01-11-20 FILES
FOLDER LOCATION
EMPLOYEE NO 1148
EMPLOYEE STATION 342
EMPLOYEE NAME CARSON, KATHARINE

PENDING ISSUE CLEARED. NEXT SCREEN
01/20/2014 09:14 AM 0001 0001 0001 0001 0001 0001
  
```


Document Findings in Educational Institution's Approval Folder



A copy of all 85/15 documentation should be maintained in the facility's EForce file.



Utilize EForce naming conventions for document findings.

Fiscal Year-Facility Code-Form

SPECIAL SITUATIONS



Special Situations

If a program has a total student population of one supported student – the site is **not** in violation of the 85/15 Rule.

The educational institution is not officially in violation of the 85/15 Rule until a second supported student enters the program.



Special Situations

VET TEC Pilot Program

When the facility has a program that is dually approved for both GI Bill® benefits and VET TEC benefits, the facility must count any students receiving GI Bill® benefits or VET TEC benefits as Supported Students.



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- If the facility is exempt from having to calculate 85/15 compliance (i.e. the facility has the DOD Exemption or the Education Service Waiver, or does not charge tuition, fees, or other charges) then the facility is not obligated to monitor or report 85/15 calculations to the ELR of jurisdiction. This exemption or waiver to 85/15 does not apply to the facility's obligation to monitor and report 85/15 calculations to the Oversight and Accountability Division with approval authority over VET TEC.
- If the facility is exempt from having to calculate 85/15 compliance (i.e. the facility is a Preferred Provider) then the facility is not obligated to monitor or report 85/15 calculations to the Oversight and Accountability Division with approval authority over VET TEC. This exemption to 85/15 does not apply to the facility's obligation to monitor and report 85/15 calculations to their ELR of jurisdiction.

Lesson References

- [38 U.S. Code § 3680A](#)
- [38 CFR § 21.4201](#)
- [M22-4 – Part IX – Chapter 9 – Section 9.15](#)
- [VET TEC 85/15 advisory](#)