Procedural Advisory: Section 1001 of P.L. 116-315, Processing Guidance for STEM Changes

March 26, 2021

Background: On January 5, 2021, P.L. 116-315 was signed into law. Section 1001 of this law, entitled "Improvements to Edith Nourse Rogers STEM Scholarship (STEM Scholarship) program of Department of Veterans Affairs," amends section 3320 of title 38, United States Code (U.S.C). Previously, only beneficiaries enrolled in an approved Science, Technology, Engineering, or Math (STEM) field while pursuing a standard undergraduate college degree or a program of education leading to a teaching certification were eligible for the STEM Scholarship. This section expands the eligibility for the STEM Scholarship to beneficiaries enrolled in a dual degree program that includes a STEM undergraduate degree or certain beneficiaries enrolled in a covered clinical training program for health care professionals.

Section 1001 also authorizes VA to prioritize selection for the program when insufficient funds are available in a fiscal year to provide additional benefits to all eligible beneficiaries.

In addition, section 1001 removes the 48-month benefits limitation under 38 U.S.C. §3695 which limited a beneficiary's aggregate period for receipt of education allowance or assistance.

RPO Processing Guidance:

A. 48-month LTS Limitation Workaround

If, at the time of the STEM Scholarship application, the STEM beneficiary has -

1) Exhausted chapter 33 and has used more than 39 months of combined education benefits but less than 48 months the STEM Scholarship application can be processed as normal and an acknowledgement letter can be issued.

   a. Upon selection, the Veterans Claims Examiner (VCE) should:
      i. In the Long Term Solution (LTS), review STEM eligibility banner for Original Entitlement.
      ii. Add Manual Award by selecting "**STEM Add Entitlement**" on Work Product Summary (WPS) page. The amount of entitlement added will be the difference between 9 months and the LTS generated STEM original entitlement.

   NOTE: The STEM original entitlement will not change in the STEM eligibility banner, but the remaining entitlement will reflect the adjustment.

   b. Flash The Image Management System (TIMS) claims folder "Section 1001 work around applied".

    c.   Route the TIMS folder for authorization, once all other processing actions are completed.

    d.   The Senior Veterans Claims Examiner (SVCE) will authorize the claim with payments and email the file number and work around method used, to Coach for tracking.

2) Exhausted chapter 33 **and** 48 months of combined education benefits a VCE should do the following:

    a.   Reduce any non-33 entitlement used on the Entitlement & Kicker page to **zero** with the following exceptions:
        i.   Do not reduce chapter 30 entitlement used to zero if it was relinquished.
        ii.   Do not reduce Chapter 1607 used to zero if it was relinquished under Colmery Section 106.
        iii.   Do not reduce chapter 1606 used to zero if it was relinquished and there is a kicker that was paid.

b. Add a manual award by selecting "**Charge Entitlement**" on the WPS page. The amount of entitlement charged will be the difference between the original chapter 33 entitlement displayed in the eligibility banner and the chapter 33 entitlement used.

    NOTE: If there is a Carr v. Wilkie manual award processed in LTS you will add the entitlement of that manual award to your calculation above.

c. Review WPS page to ensure no unexplained payments or debts are being created.

d. Flash TIMS file "Section 1001 work around applied".

    e.   Once all other processing actions are completed, route the TIMS folder for authorization.
    f.   SVCE will authorize claim with payments and email file number, work around used and if any chapter 31 adjustments were made to the Coach for tracking.

  3) **Not** exhausted chapter 33.

    a.   The VCE should process STEM Scholarship application and issue acknowledgement letter as normal.

b. If upon selection process or the first award chapter 33 entitlement has exhausted –

        i.   If more than 39 months but less than 48 months of education benefits were used follow procedures under Step 1.

ii. If 48 months of education benefits were used follow procedures under Step 2.

NOTE: The work around should be applied only if the applicant is STEM Scholarship eligible. If the beneficiary will be denied for any other reason, it is not necessary to perform the work around and a manual denial letter with the appropriate reason should be created. If other scenarios arise that are not listed, please contact Procedures Team for additional guidance.

B. Prioritization

In the selection process for STEM Scholarship, if in any given fiscal year, the maximum funding is reached, prioritization should be as follows:

1) Beneficiaries who require the most credit hours.

2) Beneficiaries who are eligible for the maximum Post-9/11 GI Bill benefit (100% level). Prioritization is given as follows:

a. Beneficiaries who are enrolled in a program of education leading to an undergraduate degree in an approved STEM program.
b. Beneficiaries who are enrolled in a program of education leading to a teaching certificate.
c. Beneficiaries who are enrolled in a dual-degree program leading to both an undergraduate and graduate degree in an approved STEM program.
d. Beneficiaries who have earned an undergraduate degree and are enrolled in a covered clinical training program for health care professionals.
e. Beneficiaries who have earned a graduate degree and are enrolled in a covered clinical training program for health care professionals.

NOTE: Prioritization has not been updated in the LTS at this time, if prioritization is required the Buffalo RPO STEM team is responsible.

C. Dual Degree Programs

1. Dual degree programs must be approved as such in the Web Enabled Approval Management System (WEAMS).
2. The dual degree program must include at least one undergraduate degree and at least one of the undergraduate degree programs must be STEM qualifying, based on the associated Classification of Instructional Programs (CIP) code.

D. Clinical Training

Covered clinical training for the purposes of the STEM Scholarship is defined as post graduate clinical training. These include residency and healthcare-related fellowship programs. Covered clinical training does *not* include clinical training that is part of an approved undergraduate or graduate degree program.

1. Residency and Fellowship programs typically occur in a hospital or other healthcare setting. Hospitals are approved in WEAMS as a type of Institution of Higher Learning (IHL).
2. These clinical training programs are generally reported in clock hours rather than as credit bearing programs. 40 clock hours per week is the standard full-time measure for residency and fellowship programs.
3. Beneficiaries train as paid employees, so it would be unusual to receive reported tuition and fees with an enrollment certification.

When confirming eligibility, the VCE should develop to the School Certifying Official (SCO) to confirm the CIP code for the clinical training program along with the earned STEM undergraduate or graduate degree. It is not necessary for the SCO to provide the CIP code of the STEM undergraduate or graduate degree. An updated CIP code list will be distributed to Buffalo STEM team coaches.

NOTE: If the clinical training program is at a hospital that is independently approved (not as part of associated college or university), they may not utilize CIP codes. In this case, the VCE should reference the CIP code list (series 60 or 61,) and input the code in LTS that best fits.

E. Teaching Certificate Programs

By nature, these are Non-College Degree (NCD) programs. Based on the school in question, the teaching certificate may be offered as an undergraduate credit bearing certificate or as a graduate credit bearing certificate. These programs may appear in WEAMS as approved NCD or IHL programs due to regional variations in AC&L procedures. If the program name includes 'Certificate' and it is reported by an IHL that offers a Bachelor's Degree or higher, a WEAMS program designation of 'NCD' should not be grounds for automatic denial.

Additionally, graduate teaching certificate programs may be reported in VA-Once as IHL training to permit the SCO to report the graduate full-time measure if less than 12 credits (even if otherwise reflected in WEAMS). This is a VA-Once system limitation therefore certification as graduate training should not be automatic grounds for denial.

When confirming program eligibility, the VCE should develop to the School Certifying Official (SCO) to confirm enrollment in a teaching certificate program, along with the earned STEM undergraduate degree. It is not necessary for the SCO to provide the CIP code of the STEM undergraduate degree if earned from another IHL. In this case, the VCE should reference the CIP code list and input the code in LTS that best fits.

Questions: If you have any questions, please direct them to the Procedures Team.

V/R

Procedures Team