



# **Standard Operating Procedure**

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## **Section 107 Targeted Risk-Based Review (TRBR)**

**12/24/2020  
Version 1.0**

SECTION 107 TRBR SOP

**Authority:** Assistant Director, Oversight and Accountability Division, Section 107 Targeted Risk-Based Reviews policies and procedures will comply with this document. Deviations or exceptions are not authorized without the express written consent of the undersigned. Recommendations for changes or improvements to this document should be forwarded to [EDUOVERACCT.VBACO@va.gov](mailto:EDUOVERACCT.VBACO@va.gov) Approvals, Compliance & Liaison (223B) Team.

Deputy Director  
Program Management  
Education Service

TRBR Section 107 Recertification Revision Changes		
Version #	Date of Change	Remarks
1.0	12/24/2020	Initial TRBR Section 107 Recertification guidance established

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## SECTION 107 TRBR SOP

### **1. PURPOSE:**

This document establishes policies and procedures necessary to execute Section 107 Targeted Risk-Based Reviews for schools not in compliance with Section 107 recertifications of enrollments required per the Harry W. Colmery Veterans Educational Assistance Act of 2017.

### **2. SCOPE:**

VA will develop and implement Section 107 TRBR policy and guidance to support Post-9/11 GI Bill beneficiaries when schools fail to recertify impacted enrollments to conform with Section 107 by December 31, 2020. With the passage of the Colmery Act, the Monthly Housing Allowance (MHA) is based on the physical campus location where a student attends the majority of his or her classes for any enrollment beginning on or after August 1, 2018. VA implemented an IT solution to support processing MHA payments in accordance with Section 107 requirements on December 1, 2019. Students enrolled in terms between August 1, 2018 and the implementation of if the Section 107 functionality continued to receive MHA under the previous statutory ruleset.

Previous enrollments must be recertified by school officials to ensure VA properly pays the MHA owed to GI Bill beneficiaries or, in some circumstances, for VA to waive a debt as a result of an overpayment. The Section 107 TRBR process will include the following: review, research, remote or onsite visit, reporting, and sharing of findings. Mitigation and enforcement actions can be completed for all findings.

The objective is to ensure Post 9/11 GI Bill Beneficiaries are “made whole” for any retroactive MHA payments owed, to enhance institutional oversight and accountability, and to ensure the integrity of enrollment data.

### **3. APPLICABILITY:**

This policy and procedures applies to VA Central Office (VACO) teams.

TRBRs apply to institutions and training facilities approved to receive VA educational assistance benefits under the various GI Bill programs. Data derived risk factors indicate that specific institutions will likely fail to self-certify completion of the recertification of impacted enrollments under Section 107 by the established deadline of December 31, 2020. TRBRs do not replace current legislatively mandated compliance survey requirements. Rather, TRBRs augment the current compliance survey requirements. As such, the requirements of section 3693(a) of title 38, United States Code, remain in effect. As directed by Education Service (EDU), TRBRs will be given priority and the Chief Education Liaison Officers (CELOs) will adjust the compliance survey schedule as needed, in order to allow for the timely completion of TRBRs while also ensuring that statutory requirements are met for the Fiscal Year.

#### **4. DEFINITIONS:**

Section 107 Targeted Risk-Based Review (TRBR): A Section 107 TRBR is a remote or onsite review assigned and conducted based on known risk factor identification that an institutions has potentially failed to complete necessary retroactive certifications for Section 107 of the Colmery Act by the established deadline of December 31, 2020, to make beneficiaries whole and ensure the integrity of enrollment data in VA systems of record. A Section 107 TRBR review is not a criminal investigation, however, serious violations of VA's reporting requirements may be referred to the Office of Inspecting General (OIG) or other law enforcement agencies as determined by EDU's Executive Director.

Impacted enrollments: Enrollments with quarter, semester, or term start dates of August 1, 2018 through November 30, 2019. All other enrollments with a quarter, semester, or term start dates on or after December 1, 2019, are assumed to have been certified using the correct main, branch or extension facility code for the purposes of the TRBR. Subsequent enrollments will be checked on statutorily mandated compliance surveys.

Extension Campus: A location of an educational institution that is geographically apart from, and is operationally dependent on, the main campus or a branch campus of the educational institution.

Recertification Process: Educational Institutions with extension campuses are generally required to recertify impacted enrollments to VA by December 31, 2020. In order to avoid the imposition of an unnecessary reporting burden, VA also developed a Section 107 Recertification Waiver Process that allows schools to be waived from the recertification requirement. The requirement to recertify enrollments through the VA-Online Certification of Enrollment (VA-ONCE) IT system if and only if:

- The enrollments only involve an extension campus (or campuses) that share the same zip code as the main or branch campus originally reflected on the certification to VA; or
- The enrollments only involve an extension campus (or campuses) that share the same Military Housing Area as the main or branch campus

#### **5. ASSIGNMENT OF SECTION 107 TRBRs:**

Assignment of the Section 107 TRBR visits will be made by the Approvals, Compliance and Liaison (AC&L) team staff based on data provided by the EDU Program Integration Officer (PIO). The list provided by the PIO will include a prioritization of the schools on the High-Risk Schools list and the highest risk schools will be recommended for Section 107 TRBRs, however, adjustments may be made by AC&L based upon resource availability. VA has a goal of conducting Section 107 TRBRs in the 2<sup>nd</sup> quarter of FY21 (possibly 3<sup>rd</sup> quarter depending on COVID or travel budget).

## 6. EXECUTION:

A Section 107 TRBR will not be conducted in the same manner as a compliance survey. However, in certain instances, it may be determined that a compliance survey be conducted to apply an economy of resources.

Guidelines for execution of Section 107 TRBR:

1. VACO AC&L team receives High-Risk School list from PIO team.
2. VACO AC&L team disseminates the list to AC&L Field Staff.
3. AC&L Field Staff extracts the student list from OBIEE. (Data Analytics team would run the report as backup if validation of student list from OBIEE exposes inaccurate student enrollment list) (Appendix A)
  - a. OBIEE Report to collect Section 107 CH33 students: "Fac Code Detail Analysis"
  - b. Date Range 08/01/2018 to 11/30/2019
  - c. Go to Details tab
  - d. Export to Excel
    - i. Sort spreadsheet by Claim Number
    - ii. Add "Extension Campus" and "VAONCE Recert Complete" headers after "Email Address"
4. ECSS will schedule visit (onsite or remote due to COVID-19 restriction)
  - a. Notify school of visit and include Section 107 CH33 Fac Code Detail Analysis student list
  - b. Request documents from school
    - i. Term Registration documents for terms from August 1, 2018 to November 30, 2019 for each student
    - ii. Unofficial Transcripts (to show which campus student attended) for each student
    - iii. Campus Code Chart (to show codes for each campus)
5. Site Visit
  - a. ECSS will review the unofficial transcripts of each student and compare them to the Campus code chart to determine if the student attended an extension campus or not during the August 1, 2018 to November 30, 2019 timeframe. Under the header "Extension Campus" the ECSS would indicate a "Y" on the spreadsheet for the students that did attend an extension campus and a "N" for the students that did not.
    - i. Example: There are a total number of 187 students on the Section 107 CH33 Fac Code Detail Analysis (OBIEE report). Out of the 187 students, the ECSS found that 50 students had a "Y" for attending an Extension Campus and 137 students had a "N".
  - b. The ECSS will then confirm the number of students that were recertified with the SCO.
    - i. Example: The ECSS will ask the SCO out of the 50 students that attended an extension campus from August 1, 2018 to November 30, 2019, how many were recertified.
  - c. The SCO will provide the number of students that were recertified.
  - d. The ECSS will use VAONCE to look up each student's term to verify if a recertification was submitted. If the enrollment was recertified, a "Y" will be

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placed in the VAONCE Recert Complete column for the corresponding term. If the ECSS finds that the enrollment was not recertified, a “N” will be placed in the VAONCE Recert Complete column.

- e. The ECSS will request the SCO to recertify all the students with a “N” while onsite.

### **6.1. TIMEFRAME TO COMPLETE SECTION 107 TRBR:**

EDU has a goal of conducting the Section 107 TRBRs in the 2<sup>nd</sup> quarter of FY21.

- 223B assigns TRBR to CELO
- CELO assigns to AC&L Field Staff (7 days)
- AC&L Field Staff completes all assigned visits (90 days)

### **6.2. CANCELLING A TARGETED RISK-BASED REVIEW:**

It is possible that an administrative decision will be made that a Section 107 TRBR should not be performed based on the following:

- Revised PIO Team data analysis
- New information is received from an institution that would remove it from the TRBR list.

The VACO 223B Approvals, Compliance & Liaison team will obtain concurrence from the PIO team before removing any facility from the Section 107 TRBR assigned list. For example, if after notifying the school of the upcoming visit, the school contacts the AC&L Field Staff stating they have self-certified completion of the recertification process, a request will be made to the PIO team to rerun the High-Risk School list to confirm the school self-certified and completed all recertifications. If the data shows they in fact recertified, the TRBR may be cancelled.

## **7. SECTION 107 TRBR REPORTING:**

AC&L Field Staff will use Salesforce to record Section 107 TRBR actions:

1. Upload Spreadsheet of students to include the status of extension campus and VAONCE recertification completed
2. Upload Narrative of findings (Appendix B)
3. Complete 1934 entries (number of students on OBIEE report, number of students needing recertification, etc.)
4. The Section 107 TRBR Narrative report will provide a summary of facts in respect to the records reviewed. This information will be retained by EDU for analysis and further evaluation of actions to be communicated with the institution.
5. AC&L Staff only need to upload individual student documents if the school is non-compliant and adverse actions are under consideration or being undertaken.

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Note: If a school believes it has completed all recertifications under Section 107, it can self-certify completion by filling out the Section 107 Recertification Completion Survey located in the SCOs with Extension Campuses section of the process on the [SCO Training Portal](#). Accuracy may be verified during regularly scheduled, statutorily mandated compliance surveys.

### **8. FOLLOW ON ACTION FOR VA AND SAA (ENFORCEMENT):**

When a Section 107 TRBR report is complete. The Narrative Report and Spreadsheet data will be shared with the EDU PIO ([FOREVERGIBILL.VBAVACO@va.gov](mailto:FOREVERGIBILL.VBAVACO@va.gov)) and EDU leadership for review. Follow-on actions for non-compliance could include the following:

- Allowing the school some reasonable time period (such as 30 days) in which to complete the recertification process if the educational institution has completed a majority of the required recertifications and will commit to meeting the deadline.
- Communications with SAAs to seek the utilization of normal “60-day suspension” procedures if VA finds that students are still owed money due to the educational institution’s failure to recertify. During the 60-day suspension, the school will have to recertify all of their impacted enrollments. If the school fails to comply, their VA approval will be withdrawn.
- Communications with SAAs to seek the withdrawal of GI Bill approval if VA finds that the educational institution’s failure to recertify was egregious.
- Suspension of payments of educational assistance or disapproval of enrollment for all veterans, servicemembers, reservists, or eligible persons enrolled in a course for 60 days (The suspension would require the issuances of 60-day and 30-day notices of intent prior to denial of the benefits or disapproval of enrollment for failure to meet reporting requirements).



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**Appendix A: Section 107 CH33 Fac Code Detail Analysis**

Facility Code	Claim Number	Program Name	Begin Date	End Date	Last Name	First Name	Extension Campus	VAONCE Recert Complete
25805605		OFFICE ADMINISTRATOR CERT	1/30/2019	4/18/2019		Jeffrey	N	N
25805605		INFORMATION TECH NETWORK SUPPORT TRACK3	7/22/2019	10/24/2019		Richard	Y	Y
25805605		OFFICE ADMINISTRATOR CERT	6/10/2019	9/10/2019		Henry	Y	N
25805605		INFORMATION TECH NETWORK SUPPORT SPEC	7/22/2019	10/31/2019		Ruben	Y	Y
25805605		INFORMATION TECH NETWORK SUPPORT-TRACK 3	12/10/2018	3/21/2019		Kirk	Y	Y
25805605		OFFICE ADMINISTRATOR CERT	12/10/2018	3/12/2019		Shawn	Y	N
25805605		INFORMATION TECH NETWORK SUPPORT SPEC	4/1/2019	7/18/2019		Shawn	N	N
25805605		INFORMATION TECH NETWORK SUPPORT-TRACK 2	7/22/2019	10/31/2019		Shawn	N	N
25805605		INFORMATION TECH NETWORK SUPPORT SPEC	9/23/2019	1/16/2020		Bobby	N	N
25805605		INFORMATION TECH NETWORK SUPPORT SPEC	1/28/2019	2/14/2019		Nirmal	Y	Y
25805605		INFORMATION TECH NETWORK SUPPORT SPEC	3/11/2019	3/28/2019		Nirmal	Y	Y

## **Appendix B: Section 107 TRBR NARRATIVE REPORT**

The surveyor will record the following items listed below within a Narrative Report:

Name of School:

Facility Code:

State:

TRBR Completed Onsite or Remote:

Date TRBR Conducted:

Date TRBR Submitted:

Total count of students on initial OBIEE report:

Total count of students identified by school documents to be attending extension campus(es):

Total count of terms associated with students attending extension campus(es):

Total count of identified terms not recertified in VAONCE:

Did school provide all documents requested timely and accurately?

Did school complete any recertifications during TRBR?

If incomplete with all required recertifications, what plan do they have in place to complete?

If incomplete, what factors did the institution provide which are causing the delay in completing the recertification for all students?

Surveyor Name:

Surveyor Region:

## **Appendix C: Glossary of Terms**

Risk Indicator is an indicator of risk that an institution(s) may be at considerable risk of violating a requirement enumerated in statute, VA regulations, or the Principles of Excellence.

EForce Education Service's Compliance Survey module within Salesforce platform. As of FY-18, all compliance survey's scheduled and completed are stored in this module.

Education Service Office of Oversight and Accountability (223) VACO division which provides Education Services strategy for all compliance actions.

Approvals, Compliance & Liaison Team (223B) VACO team assigned the responsibility to review incoming information, research background data, make decision on assigning a TRBR, and track TRBRs from start to finish.

Regional Processing Offices (RPO) Two Regional Offices that support the processing of education claims, and completion of any referrals submitted by 223B and SAA upon completion of any compliance actions.

State Approving Agencies (SAA) State employees that support VA in completing approval, compliance, and liaison actions for schools eligible to receive GI Bill Benefits.