



**DEPARTMENT OF VETERANS AFFAIRS**  
**Veterans Benefits Administration**  
**Education Service**  
**Washington, D.C. 20420**

August 24, 2018

Mr. Keith Boylan, Deputy Secretary, Veterans Services  
California Department of Veterans Affairs  
P.O. Box 942895  
Sacramento, CA 94295

Dear Mr. Boylan:

The purpose of this letter is to formally bring your attention to U.S. Department of Veterans Affairs' concerns regarding the California State Approving Agency for Veterans Education performance under the FY18 contract signed by your agency and VA.

Our concerns relate to the following issues:

1. Improper suspension and/or withdrawal and notification to educational institutions:
  - a) University of Maryland University College (UMUC) - CSAAVE agreed that the withdrawal letter sent to UMUC had an incorrect rationale for withdrawal, however CSAAVE has not re-issued a revised withdrawal letter to UMUC to advise the school of CSAAVE's new interpretation. This omission denies UMUC the opportunity to rectify the issues in which CSAAVE used for the denial determination
  - b) Suspension /Withdrawal of Thomas Jefferson School of Law – Action taken under 38 CFR 21.4259. CSAAVE inappropriately took action as if the programs were not accredited and advised the school to request a waiver from VA. Thomas Jefferson School of Law's programs were accredited at the time, although in a probationary status.
  - c) Suspensions/withdrawals of out of state institutions operating within CA and those that operate on military bases (e.g., Embry Riddle Aeronautic University, Southern Illinois University, St. Leo University, etc.)

2. CSAAVE's refusal to approve programs operated on military bases, and the forwarding of requests for approval of these programs to VA.
3. CSAAVE's interpretation of administrative capabilities of an institution (e.g., Northcentral University).
4. CSAAVE's requirement that IHLs provide job placement rates as a condition of approval for non-college degree programs
  - a) CSAAVE's staff, Latanaya Johnson, advised VA that this action is taken only when a school advertises success rates. VA is aware that the request for information and proof of job placement rates is a condition of approval and can be found on CSAVVE's application for approval. Section 21.4253(f)(3) states that a course not leading to a standard college degree will be accepted as an accredited course when, *inter alia*, it "leads to a high school diploma or a vocational objective." 38 C.F.R. § 21.4253(f)(3).
  - b) 38 C.F.R. § 21.4252(b)(1) through (3) provides a process for determining whether a course is avocational or recreational, meaning the course does not lead to a vocational objective. Paragraphs (1) and define which courses will be presumed to be avocational. Because regulation defines specific course types as being presumed to be avocational, no other courses – such as courses for which an educational institution does not provide job-placement rates – should be presumed to be avocational.
  - c) Paragraph (3) specifically states that VA – not SAAs – may make determinations regarding whether or not additional course types should be classified as avocational. Nevertheless, CSAAVE has denied approval and or withdrawn approval for programs when an accredited school cannot provide job placement rates, regardless of subject matter, thereby preventing Veterans from receiving a certification for a vocational objective of their choice.
5. CSAAVE's lack of timely response or delayed responses to VA's request for information (e.g. Spartan School of Aeronautics and compliance referral updates).
6. To date, CSAAVE has only performed 75 out of the 188 compliance surveys for FY18. CSAAVE is required to complete 90% for satisfactory performance.

The above performance concerns, combined with the fact that the CA SAA was rated as minimally satisfactory for FY17, will impact VA's decision to offer an agreement for FY19 per 38 U.S.C. § 3674A(a).

Please contact me upon receipt of this letter at (202) 461-9800 if you have any questions or wish to discuss these matters further.

I look forward to CSAAVE's timely resolution of these performance concerns.

Sincerely,

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Robert M. Worley II  
Director, Education Service