



VETERANS EDUCATION SUCCESS

June 22, 2020

Department of Veterans Affairs
Education Services
810 Vermont Avenue
Washington DC 20420
Via electronic submission to EDUSTAENG.VBAVACO@va.gov

Re: Advisory Committee on Education

Dear Members of the Advisory Committee,

Veterans Education Success is a non-profit organization that works to advance higher education success for all military-affiliated students and provides free counseling and legal assistance to students using their GI Bill and military benefits.

We thank you for your work and would like to highlight a few matters we believe are relevant for further consideration by the committee:

Urge VA to Protect Veterans from Predatory Schools

Under 38 USC 3696, VA is prohibited from approving GI Bill to schools that engage in deceptive or misleading recruiting. For years, veterans and military service organizations have called on VA to implement this law in the face of glaring abuses, such as the Career Education Corporation schools, which were sued by 48 states plus the District of Columbia for defrauding students:

- 2019 [Letter](#) from 36 Veterans and Military Service Organizations to the Secretary of VA requesting implementation of 38 USC 3696 against Career Education Corporation and other well-known law-breaking schools.¹
- 2016 [Letter](#) from 23 Veterans and Military Service Organizations to the Secretary of VA requesting implementation of 38 USC 3696²

Finally, this year, VA implemented 38 USC 3696 against 5 schools (2 owned by Career Education Corporation) that had settled law enforcement lawsuits for defrauding students. Veterans and military service organizations [wrote](#) the Secretary of VA to praise VA's action and urged VA to be strong in the face of lobbying pressure by the predatory companies.³ We understand there has been significant lobbying pressure by the corporations.

¹ Available at <https://vetsedsuccess.org/36-veteran-and-military-organizations-ask-va-for-better-oversight-of-gi-bill-colleges/> (last visited Jun. 22, 2020).

² Available at <https://vetsedsuccess.org/twenty-three-veterans-and-military-organizations-ask-va-for-better-oversight-of-the-gi-bill/> (last visited Jun. 22, 2020).

³ Available at <https://vetsedsuccess.org/joint-military-veteran-service-organization-letter-praising-vas-effort-to-protect-veterans-and-taxpayers-from-schools-that-mislead-prospective-students/> (last visited Jun. 22, 2020).

In particular, veterans and military service organizations requested that VA bear in mind several reasonable and common-sense concepts in assessing the colleges' submission of evidence of "corrective action":

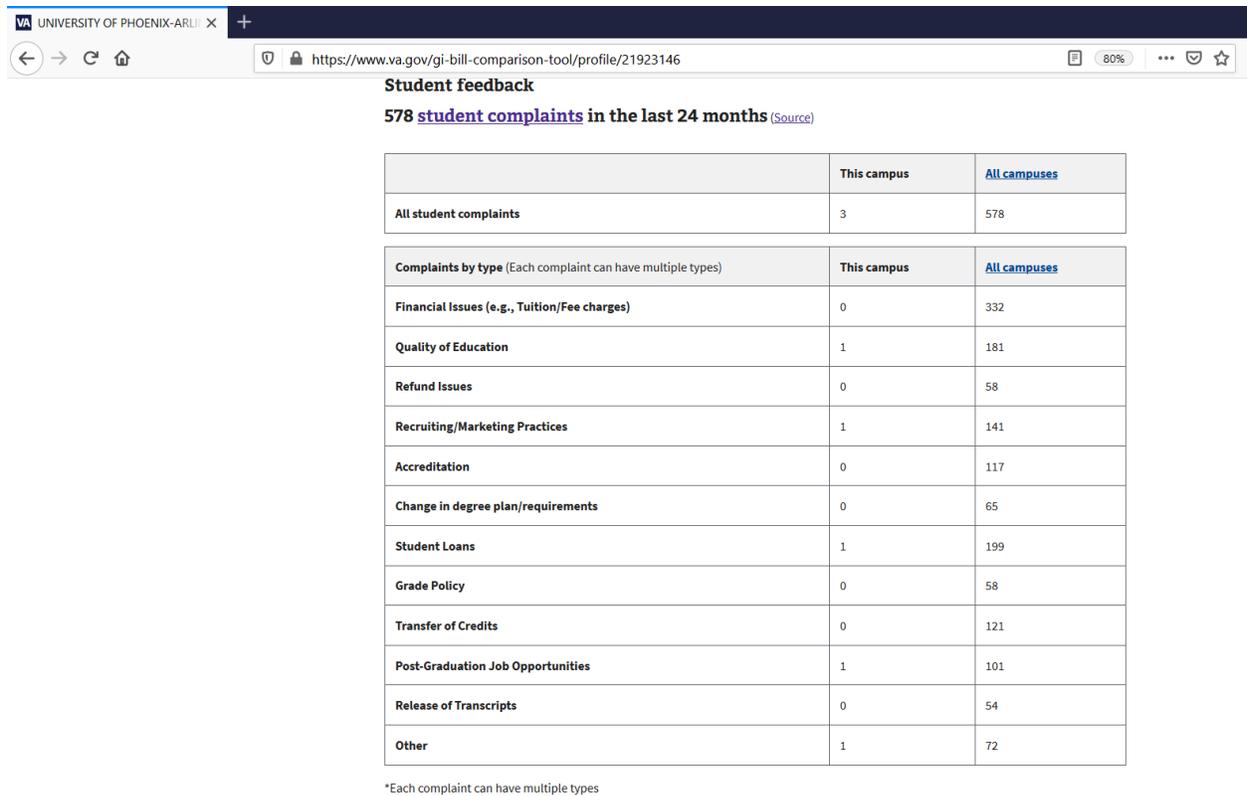
- ***Has there been sufficient deterrence for future fraud against students and the GI Bill?*** Fraud against veterans must be met with a repercussion strong enough to send a deterrent message to these and other schools. It should be commensurate with the breadth and depth of the harm caused, measured, for example, by the number of students enrolled during that period of time, the dollar value of tuition paid during the time of the deceptive practices, or the severity of penalties imposed by law enforcement.
- ***Does the school have a history of deceptive recruiting?*** Some of the schools at issue have faced repeated punitive action by government for defrauding students.[\[ii\]](#) If prior government lawsuits and fines were not sufficient to deter repeat offenses, then any "corrective action" they claim now provides little assurance. 38 USC § 3696 provides a clear ban on such schools' re-entry into GI Bill eligibility.
- ***Can the school verify its recruiting?*** VA and the State Approving Agencies cannot be expected to bear the burden of verifying the school's future recruiting. Schools should pay for a well-respected, independent auditor to verify the schools' recruiting and advertising practices for some years going forward, as law enforcement and the Education Department often require.[\[iii\]](#) However, any school that has repeatedly verified its recruiting is clean but, at the same time, has been found in violation of federal and state consumer protection laws, cannot be trusted.
- ***Has the school removed the offending executives?*** Schools should repudiate the deceptive practices by requiring the executives who ran or approved the deceptive practices to leave the companies, as law enforcement often requires[\[iv\]](#) and as Temple University already did. This sends a message to all employees that deceptions will not be tolerated and will help prevent a repeat offense.
- ***Has the school removed the pressure on recruiters?*** College recruiters deceive students because they are under boiler-room pressure to enroll new students. Schools should remove recruiters' enrollment quotas and incentives and voluntarily close the 90/10 loophole (as DeVry did in 2016 following its settlement with the Federal Trade Commission for deceptive advertising).[\[v\]](#) The 90/10 loophole incentivizes proprietary colleges to see service members as nothing more than dollar signs in uniform, and to use aggressive marketing to draw them in.[\[vi\]](#)
- ***Risk-based SAA review.*** We recommend that, in addition to any corrective action, each school undergo a careful risk-based review by the relevant State Approving Agencies to ensure these schools are truly worthy of serving VA students. Does the school offer a quality education? Are students graduating and obtaining good jobs? Are the faculty qualified? Is the school engaging in price-gouging in billing VA for tuition that is more than twice what the school spends educating the veteran? The review should also explore any GI Bill student complaints against the school.

We urge the Committee to urge VA to follow these common-sense and very reasonable guidelines in assessing whether the schools are worthy of veterans' hard-earned GI Bill.

GI Bill Comparison Tool

During the Advisory Committee’s May 2019 meeting, Veterans Education Success asked the Committee to expand the information available on the Comparison Tool to help military-connected students make informed decisions of where they chose to pursue higher-education. Unfortunately, the Comparison Tool still remains lacking in information.

The Comparison Tool does not include all complaints made about a school. First, the tool only includes complaints from the past 24 months, as the Committee recommended in its fiscal year 2019 report. During stakeholder meetings over the past year, VA stated that complaints older than 24 months could still be accessed from the Comparison Tool website, but that is not true as of the date of this comment. For example, the school with the most complaints in the Comparison Tool is University of Phoenix. Here is what the Comparison Tool shows:



Student feedback
578 student complaints in the last 24 months (Source)

	This campus	All campuses
All student complaints	3	578

Complaints by type (Each complaint can have multiple types)	This campus	All campuses
Financial Issues (e.g., Tuition/Fee charges)	0	332
Quality of Education	1	181
Refund Issues	0	58
Recruiting/Marketing Practices	1	141
Accreditation	0	117
Change in degree plan/requirements	0	65
Student Loans	1	199
Grade Policy	0	58
Transfer of Credits	0	121
Post-Graduation Job Opportunities	1	101
Release of Transcripts	0	54
Other	1	72

*Each complaint can have multiple types

There is no option to view complaints older than 24 months. Although the bottom of the webpage contains a link to “Download Data on All Schools (Excel),” that spreadsheet contains the same information reflected above regarding the number of complaints. Without information about complaints older than 24 months, veterans are presented an incomplete picture of the school. For example, how is the veteran to know whether complaints against a school have decreased or increased over recent years? This would help a veteran determine whether a school has recently started declining or improving based on student complaint trends. Veterans Education Success requests that the Committee recommend the Secretary include complaints older than 24 months on the Comparison Tool, even if it is just in the downloadable file, and report the number of complaints for each year in order to show trends.

Second, the tool includes only the number of “valid” complaints and does not include any complaint VA deems “invalid.” This is problematic because the process of declaring a complaint “valid” or “invalid” lacks transparency. Not only does the Comparison Tool fail to disclose that only “valid” complaints are counted in the total number of complaints, it also does not disclose how it makes these “valid/invalid” determinations. No information is available on VA’s website for the criteria used and no statistics are available for how many complaints are found “invalid” and why. Some of the complaints VA finds “invalid” may, nonetheless, contain relevant information for a veteran seeking to make a school choice. Further, if the process was transparent, a veteran could determine for him or herself whether the “invalid” complaints merit any weight. Veterans Education Success requests that the Committee recommend to the Secretary that *all* complaints be reflected in the Comparison Tool, not just those that are deemed “valid.” Or, at bare minimum, VA clearly communicate what is considered to be either a valid or an invalid complaint and what criteria is used to make that determination.

Additionally, the questions asked of students when submitting a complaint in the GI Bill Feedback Tool are vague and imprecise, potentially leading to many complaints being inaccurate. This impacts the information fed into the Comparison Tool. Veterans Education Success previously submitted⁴ comments to VA with recommended improvements to these questions to increase the accuracy of the information collected and, potentially, prevent some complaints from erroneously being deemed “invalid.” These recommendations are included as an attachment to this document. We ask the Committee to recommend that the Secretary improve the questions contained in the GI Bill Feedback Tool accordingly.

Finally, the Comparison Tool does not warn veterans about known scams that cheat veterans out of their GI Bill benefits as well as common ways some schools lie to students to entice them to enroll. These tactics include lying about credit transferability, job prospects, the true cost of tuition, school accreditations, and taking out student loans without students’ knowledge or permission. These have been well documented in a 2012 investigation by the U.S. Senate Health, Education, Labor and Pensions Committee.⁵ USAA Educational Foundation, which has an agreement with the Pentagon to provide unbranded informative videos for public and government use, released a short, unbranded, educational video that addresses these matters that can easily be added to VA’s website to warn veterans about these known scams, available at <https://vimeo.com/370920512>. We ask the Committee to recommend the Secretary add this video to VA’s GI Bill website.

Transition Assistance Curriculum

The current transition assistance education track curriculum for servicemembers’ leaving active duty does not contain adequate information to help transitioning servicemembers make informed decisions.

⁴ Available at <https://vetsedsuccess.org/comment-on-the-department-of-veterans-affairs-principles-of-excellence-complaint-system-intake/> (last visited Jun. 22, 2020).

⁵ Available at https://www.help.senate.gov/imo/media/for_profit_report/PartI.pdf (last visited Jun. 22, 2020).

Much like VA's GI Bill website, the curriculum does not include adequate warnings about choosing the right school and avoiding known scams. As referenced above, USAA's unbranded educational video would greatly benefit servicemembers in understanding potential risks and knowing what information to look out for in choosing a school. Similarly, VA's excellent "[Know Before You Go](#)" video⁶ should also be shown during Transition Assistance. We request the Committee recommend to the Secretary that these two videos be added to the transition assistance education track curriculum.

Additionally, the education track curriculum⁷ does not include information about VA programs such as VET TEC or apprenticeships. Without information about how to utilize these benefits, veterans are later confused about the requirements and how to qualify for them. We request the Committee recommend to the Secretary that the education track transition assistance curriculum include information about non-traditional educational opportunities available through VA.

Veterans Education Success would be pleased to assist the Committee by sharing additional research and historical information, as well as making our researchers and policy experts available to speak with the Committee in developing recommendations. Please feel free to contact Aniela Szymanski at aniela@vetsedsuccess.org or 702-234-5956.

Sincerely,



Aniela K. Szymanski
Senior Director of Legal Affairs and Military Policy

Attachment:

Veterans Education Success letter of June 2, 2020, *Re: Principles of Excellence Complaint System Intake, OMB Control No. 2900-0797*

⁶ Available at <https://www.youtube.com/watch?v=Z1ttkv9oRI4> (last visited Jun. 22, 2020).

⁷ Available at <https://www.dvidshub.net/publication/issues/49655> (last visited Jun. 22, 2020).