

June 2, 2020

Department of Veterans Affairs
Veterans Benefits Administration
810 Vermont Avenue NW
Washington, DC 20420
Via electronic submission

Re: Principles of Excellence Complaint System Intake, OMB Control No. 2900-0797

Dear Sir/Madam:

Thank you for the opportunity to comment on the collection of information by the Veterans Benefits Administration (VBA), as authorized by Executive Order 13607.¹ The order seeks to “ensure that Federal military and veterans educational benefits programs are providing service members, veterans, spouses, and other family members with the information, support, and protections they deserve.” The order establishes “streamlined tools to compare educational institutions using key measures of affordability and value” and “a strong enforcement system through which to file complaints when institutions fail to follow” the Principles of Excellence. The goals of the Executive Order align with VA’s mission to serve and honor America’s veterans.

The complaint system is also codified in 38 U.S.C. § 3698. Section 3698(b)(2) states that the Secretary shall include “a centralized mechanism for tracking and publishing feedback from students and State approving agencies (SAAs) regarding the quality of instruction, recruiting practices, and post-graduation employment placement.”² We offer comments on the continuing need for this complaint system and suggestions for its improvement below.

Whether the proposed collection is necessary for the proper performance of VBA’s functions

We believe that the collection of this information is essential for the success of military-connected students and the administration of educational benefits. The tracking and reporting of student feedback is essential because it:

- **Arms prospective students with key information to make informed college choices.** Feedback from other veterans helps students compare educational institutions and make careful college selections.
- **Enables VBA to provide “customer service” to veterans – to inform, support, and protect them.** The Principles of Excellence feedback system, as codified in statute, is the primary method for students to lodge complaints against their school, to be heard, and to know that VBA “has their backs.”

¹ Exec. Order No. 13607, 77 FR 25861 (2012).

² 38 U.S.C. § 3698, <https://www.law.cornell.edu/uscode/text/38/3698>.

- **Provides VBA with a critical “early warning system”** to enable proper oversight and efficient administration of the GI Bill. Student feedback can alert VBA to systemic problems at schools – such as missing or mishandled GI Bill funds, changes to degree requirements, or loans taken out without the veteran’s permission.³
- **Protects taxpayer funds from waste, fraud, and abuse.** Knowing about problems enables VBA to stop “improper payments to ineligible colleges” – as VA’s Inspector General pointed out.⁴

Ways to enhance the quality, utility, and clarity of the information to be collected

We offer recommendations to enhance the clarity of the complaint system and increase the accuracy of the information collected.

- **Utilize complaints to trigger risk-based program reviews.** Schools with complaints showing a pattern of abuse or even with a single complaint alleging serious illegality should be subject to a risk-based review by SAAs.
- **Do not deem complaints “invalid.”** Neither 38 U.S.C. § 3698 nor the Executive Order envision VBA deeming so many complaints “invalid.” Moreover, at an August 2016 meeting, VBA pledged to attendees (including veterans and military service organizations, and representatives of the Departments of Defense and Education, the U.S. Consumer Financial Protection Bureau, and the U.S. Federal Trade Commission – which explicitly stated they want all complaints uploaded to Sentinel) that VBA would deem “valid” any complaint alleging a Principle of Excellence issue, so long as it was not about “hamburgers.” VBA’s federal agency partners made this request because they did not think VBA had sufficient experience in consumer protection law to deem complaints invalid.
- **Do not deem complaints “closed” until the student has an opportunity to react to the school’s response, as we have suggested since 2013.⁵** Veterans tell us that they have not felt supported when they receive a form letter from VBA stating that the complaint has been closed because the school has responded. Even though this letter invites veterans to share additional information, veterans often feel as though it would not be worthwhile because the complaint has been closed. Please ask the veteran if the school’s response is satisfactory. VBA can still close the complaint, but it should note if it was closed “to the satisfaction” of the student, just like the U.S. Consumer Financial Protection Bureau does.

³ Where the term “veteran” is used, we also refer to military-connected GI Bill beneficiaries.

⁴ *VA’s Oversight of State Approving Agency Program Monitoring for Post-9/11 GI Bill Students*, Department of Veterans Affairs, Office of Inspector General, Dec. 3, 2018, <https://www.va.gov/oig/pubs/VAOIG-16-00862-179.pdf>.

⁵ Public Comment, OMB Control No. 2900-NEW (Principles of Excellence Complaint System Intake), Oct. 15, 2013, <https://vetsedsuccess.org/public-comment-by-veterans-military-organizations-providing-suggestions-for-vas-student-complaint-intake-system-2/>.

- **Ensure all complaints are uploaded and publicly available.** All complaints should be public and searchable on the GI Bill Comparison Tool in order to increase public confidence in VBA’s management of the feedback system; to prompt schools, states, SAAs, and accreditors to address problems; and to ensure prospective students have an accurate picture of the concerns raised by other students.⁶
 - **Do not limit the complaints shown on the Comparison Tool.** Only those filed in the most recent 24 months appear. This is a change at VBA in response to lobbying by schools. But veterans are VBA’s constituency; schools are not. Prospective students, SAAs, accreditors, other federal agencies, and academic researchers deserve to know if a school has a long history of student complaints. If a school feels that it has made changes that address older complaints, it could request a note on the profile to that effect.
 - **List all complaints** – open or closed, as well as anonymous complaints or complaints deemed “invalid.” However, open, anonymous, or invalid complaints could be weighted less.
 - **All complaints – whether open or closed – should be uploaded to Consumer Sentinel.** Law enforcement agencies must have access to all student complaints if they are to enforce the law. It is our understanding that complaints are uploaded only once they are validated and closed, so a significant number of complaints are never shared with other agencies.

- **Improve caution flags on the GI Bill Comparison Tool.** As we wrote in 2016, caution flags are not consistently or uniformly posted.⁷ Veterans should always be warned if a school has legal or regulatory problems. VBA should also post a flag when a school has received a large number of student complaints.

- **Give students the option to make the narrative portion of their complaint public.** “Yelp-style” feedback, which VBA has contemplated since 2014, would give military-connected students a real sense of the experiences of fellow students at a school.

- **Make the form more “user-friendly.”** Veterans and military service organizations have made this request since 2013.⁸ VBA should preface the form with encouragement to students to speak up and file their complaint. In addition, many of the terms and descriptions are not easy for students to understand. Specifically:
 - Recruiting or marketing practices: Students would understand this category better if “recruiting” was replaced with “admissions or enrollment.” Likewise, “marketing” could be replaced with “advertising.”
 - Accreditation: The description currently says, “*The school is unable to get or keep accreditation.*” But the Executive Order specifically explains that some bad actor

⁶ *Id.*

⁷ Letter to Robert Worley, Director of the Education Service, Department of Veterans Affairs, from Derek Fronabarger, Director of Policy, Student Veterans of America, and Walter Ochinko, Policy Director, Veterans Education Success (May 10, 2016), <https://vetsedsuccess.org/wp-content/uploads/2019/01/gi-bill-comparison-tool-letter-worley.pdf>.

⁸ *Supra* note 5.

schools lie to students about the accreditation they do have. A better description would include, “The school promised it had accreditation that was the same as other schools”; “the degree you earned does not qualify you for the job you want”; and “the school told you that you would be able to obtain a license and you cannot.”

- Financial concern: The current description, “*The school is charging you a higher tuition or extra fees,*” could be clarified by adding the phrase “than you expected” or “than you were promised.” Please add additional examples, including, “The school promised the GI Bill would cover everything, but it didn’t” and “the school promised a ‘veteran discount’ but never gave it to you.”
- Student loan: The description is too narrow. Please add additional examples, including, “The school signed you up for loans without your permission”; “the school told you that you were signing up for grants, not loans”; and “the school told you that you needed to take out loans until your GI Bill payments came in.”
- Post-graduation job opportunity: The description is too narrow. Please add additional examples, including, “You can’t find a job in your field”; “the school did not deliver the job placement help it promised”; and “the school promised that you would earn a specific amount of money after graduation.”
- Change in degree plan or requirements: The description is too narrow. Please add additional examples, including, “The school discontinued a program that you were pursuing” and “the school signed you up for a program you did not want to study.”
- Quality of education: The description is too narrow. Please add additional examples, including, “The school did not deliver the ‘hands-on’ education it promised”; “the school used outdated materials”; and “employers do not take your degree seriously.”
- Transfer of credits: Students frequently share that their school told them their credits would transfer to other schools. The description could be improved by referencing this fact: “The school promised that your credits would transfer to other schools, but you have found out they won’t.” Another example would be, “The school promised it would accept credits you had previously earned, but it didn’t.”
- Refund issues: The current description is not very clear, since students do not often receive refunds of the GI Bill. Please expand the description, such as, “The school has not returned your GI Bill funds to VA after you withdrew from a class.”
- Other: Another issue that frequently arises is that a school does not accommodate a student’s military service, which the Executive Order requires schools to do. This should be added to an existing category or shared as a new category of complaint.

We appreciate your consideration of these perspectives and recommendations and stand ready to provide any support necessary should VBA choose to implement them.

Sincerely,



High Ground Veterans Advocacy



Student Veterans of America



Rebecca I. Porter, PhD
President and CEO
Military Child Education Coalition



Veterans Education Success