



DEPARTMENT OF VETERANS AFFAIRS
St. Louis VA Regional Office
St. Louis, MO

Dr. Mary B. Hawkins
President, Bellevue University
1000 Galvin Road South
Bellevue, NE 68005

July 2, 2020

Dear Dr. Hawkins:

In a letter dated March 9, 2020, I informed you of my determination that there is sufficient evidence to support a finding that Bellevue University (Bellevue) has utilized advertising, sales, or enrollment practices which are erroneous, deceptive, or misleading either by actual statement, omission, or intimation in violation of 38 U.S.C. § 3696. Additionally, I informed you of my determination that there is sufficient evidence to support a finding that Bellevue's registered nurse (RN) to bachelor of science in nursing (BSN) program did not meet the approval requirements of 38 U.S.C. § 3672(b)(2)(A)(i) as this program was not "[a]n accredited standard college degree program." Accordingly, the March 9, 2020, letter served as notification that I intended to disapprove the enrollment of all individuals not already enrolled in Bellevue programs at all five campuses, unless Bellevue took corrective action within 60 days. On May 5, 2020, I provided you a 30-day extension. Lastly, on May 26, 2020, I provided more guidance and afforded you another 30-day extension to take appropriate corrective actions. Our offices have been engaged in dialogue throughout this time to help address your questions and our concerns in the hopes of resolving this matter in a manner consistent with the protective principle embodied in 38 U.S.C. § 3696 for the safeguarding of GI Bill benefits on behalf of our Servicemembers, Veterans, and their dependents.

After reviewing all relevant information and evidence, I have concluded that Bellevue has taken sufficient corrective action; therefore, I will not disapprove enrollments for new students. This matter has been satisfactorily resolved. I will not be referring this case to my Committee on Educational Allowances.

Nature of the Evidence Relied Upon

My conclusions are based on the following evidence and reasoning:

Pursuant to 38 U.S.C. § 3696(a), VA shall not approve the enrollment of an eligible person in "any course offered by an institution which utilizes advertising, sales, or enrollment practices which are erroneous, deceptive, or misleading either by actual

statement, omission, or intimation.” See *also* 38 C.F.R. § 21.4252(h)(1). Information contained in a complaint filed by the Nebraska State Attorney General in the District Court, Sarpy County, against Bellevue, case number D59CI190000344, constitutes evidence that Bellevue may have failed to meet the section 3696(a) requirements. The complaint alleges that from approximately May 2012 to March 2016, Bellevue made false, deceptive, and misleading statements to prospective and then-current students regarding the accreditation status of its RN to BSN program and the value of a BSN degree from an unaccredited nursing program. The complaint specifically alleges that the RN to BSN program was not accredited prior to October 2017. From approximately May 2012 to March 2016, Bellevue made deceptive and misleading representations on its website and in written and oral statements. For example, in May 2012, a Frequently Asked Questions section of Bellevue’s website for the RN to BSN program stated that it was in the process of being accredited by the Commission on Collegiate Nursing Education (CCNE) and anticipated receiving accreditation prior to graduation of the first cohort, but Bellevue had not yet even applied for accreditation through CCNE. A program guide disseminated around 2016 featured the words “FLEXIBLE. AFFORDABLE. ACCREDITED. NONPROFIT.” on five of eight pages. Bellevue’s website for the RN to BSN program at various times between 2013 and 2016 listed “Accredited” as one of the benefits of the BSN degree. Bellevue also told certain students that the program was accredited. Additionally, emails from Bellevue to students either affirmatively stated that the lack of accreditation did not detract from the value of a degree from the program or did not contain information regarding the limitations of a degree that was not accredited.

Additionally, pursuant to 38 U.S.C. § 3690(b)(3)(A)(i), VA may take action regarding a course when evidence shows a substantial pattern of eligible beneficiaries receive benefits they are not entitled to because the course approval requirements of 38 U.S.C. chapter 36 are not being met. And prior to 2017, the RN to BSN program was not meeting the course approval requirements of chapter 36. Specifically, prior to 2017, the RN to BSN program was deemed approved under 38 U.S.C. § 3672 as an accredited standard degree program. However, pursuant to 38 U.S.C. § 3672(b)(2)(A)(i), a program could be deemed approved for purposes of 38 U.S.C. chapter 36 only if it was an accredited standard college degree program offered at a public or not-for-profit proprietary educational institution that was accredited by an agency or association recognized for that purpose by the Secretary of Education. And as noted above, the RN to BSN program was not accredited prior to October 2017. Thus, the program failed to meet the approval requirements necessary to be deemed approved under 38 U.S.C. § 3672.

Efforts to Obtain Corrective Action

1. On March 9, 2020, I sent Bellevue notification of my initial determination that there is sufficient evidence to support a finding that Bellevue engaged in prohibited advertising, sales, or enrollment practices.

2. Since March 9, 2020, until today, I have engaged in several conversations and correspondence (by standard mail, electronic mail, telephone) with the school to assess whether Bellevue has taken sufficient corrective action.

Actions Taken by the School Which I Have Determined to Be Sufficient Corrective Action

1. Between February 2016 and April 2017, nine nursing students complained to the Nebraska Attorney General's Office about Bellevue's specialized accreditation. Bellevue cooperated and responded to each complaint, and four of the nine were closed based on Bellevue's response
2. When Bellevue determined that it would not get the specialized accreditation in the anticipated timeframe, it notified students and assisted any who wanted to transfer. It continues to support these students as it would other students through personal letters of reference.
3. The University offered generous scholarships to students who stopped attending prior to full CCNE accreditation; three students have accepted, and others have inquired.
4. Bellevue has updated any and all marketing materials related to the RN to BSN program and began having students expressly acknowledge the programmatic accreditation status of Bellevue.

We have reviewed all relevant information and evidence and have concluded Bellevue has taken sufficient corrective action. We will not disapprove enrollments for new students. This matter has been satisfactorily resolved.

I appreciate the actions your school has taken and your continued cooperation to safeguard GI Bill benefits for our Servicemembers, Veterans, and their dependents.

Sincerely,

Mitzi Marsh
Director, St. Louis Regional Office