



February 18, 2022

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

Re: Principles of Excellence Complaint Feedback Tool, 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) regarding the GI Bill School Feedback Tool. This student complaint system was first authorized by Executive Order 13607,¹ Establishing Principles of Excellence for Educational Institutions Serving Service Members, Veterans, Spouses, and Other Family Members. The order directed the Departments of Defense and Veterans Affairs to create “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 Executive Order 13607 align with VA’s mission to serve and honor America’s veterans.

The student complaint system is also codified in 38 U.S.C. § 3698(b)(2), which requires the Secretary to provide “a centralized mechanism for tracking and publishing feedback from students and State approving agencies regarding the quality of instruction, recruiting practices, and post-graduation employment placement.”

We offer comments on the continuing need for this student complaint system and suggestions for its improvement below.

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

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

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

- **Provides prospective students with key information to make informed college choices.** Feedback from other veterans² helps prospective GI Bill students compare educational institutions and make careful college selections.
- **Enables VBA to provide customer service to veterans – to inform, support, and protect them.** The GI Bill School Feedback Tool system is the primary method for students to lodge complaints against their school, to be heard, and to know that VBA has their backs.
- **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.
- **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.³

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

We offer recommendations to enhance the clarity of the GI Bill School Feedback Tool and to increase the accuracy and utility of the information collected and reported through the GI Bill Comparison Tool.

- **Utilize complaints to trigger risk-based surveys.** The Johnny Isakson and David P. Roe, M.D., Veterans Health Care and Benefits Improvement Act of 2020 requires state approving agencies (SAAs) to include student complaints submitted through the GI Bill School Feedback Tool in risk-based surveys.⁴ Although the statute does not require student complaints to trigger risk-based surveys, such complaints are an important early warning sign to VBA of fraud, and VBA should exercise its discretion to direct SAAs to conduct a risk-based survey of a school if complaints show a pattern of abuse or a serious violation of law or VA regulations.
- **Do not deem complaints “invalid.”** We understand from discussions with VBA that complaints are reviewed and deemed valid or invalid, and that only valid complaints are sent to the school. We have been told that a number of veterans’ complaints submitted to the GI Bill School Feedback Tool by our organization were determined to be invalid. This is concerning, because all of the student complaints we receive are serious and deserve consideration. Moreover, VBA has not published any process or criteria to deem a complaint “invalid.” We urge VBA to consider as “valid” all complaints that touch on a Principles of Excellence issue on the GI Bill Comparison Tool and to upload all

² Where the term “veteran” is used, we also refer to other GI Bill beneficiaries.

³ *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>.

⁴ 38 U.S.C. § 3673A(b)(2)(C).

complaints to Consumer Sentinel. We urge VBA to recall that, at its August 2016 meeting discussing the Principles of Excellence with veterans and military organizations and representatives of the Departments of Defense and Education, the Consumer Financial Protection Bureau (CFPB), and the Federal Trade Commission (FTC), VBA's federal agency partners specifically noted that VBA lacks sufficient experience in consumer protection law to deem complaints invalid, and VBA specifically pledged that it would deem "valid" (and upload into Consumer Sentinel) any complaint alleging a Principles of Excellence issue, so long as it was not about "hamburgers" or anything else far outside of the Principles of Excellence.

- **Do not deem complaints "closed" until the student has an opportunity to react to the school's response.**⁵ Veterans tell us that VBA sends form letters saying that a student's complaint is "closed" once the school has responded – regardless of the nature or content of the school's response. Veterans report that this process leaves them feeling unsupported by VBA and as though VBA is taking the schools' side. Although the letter invites veterans to share additional information, veterans say it would not be worthwhile because the complaint has already been "closed." Instead of closing a complaint whenever a school has responded, we urge VBA to ask the veteran if the school's response is satisfactory. If the answer is yes, then it makes sense to close the complaint. But if not, VBA should seek more information from the veteran to determine their desired outcome. In addition, all closed complaints should be listed on the GI Bill Comparison Tool as closed either "to the satisfaction" of the student or not – which is the practice and recommendation of the CFPB.
- **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 GI Bill School Feedback Tool; 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 time-restrict the complaints shown on the Comparison Tool.** In 2019, VBA changed the Comparison Tool to show only those complaints filed in the last 24 months, reportedly at the request of schools. Please remember that veterans are VBA's constituency, and policy decisions should prioritize veterans' interests. Prospective students, SAAs, accreditors, other federal agencies, and academic researchers deserve to know if a school has a long history of student complaints, and there is no reason that a complaint submitted 25 months ago should be hidden from a veteran who is making a decision to attend.
 - **List all complaints – open or closed,** as well as anonymous complaints and complaints deemed "invalid." The complaints could be categorized according to these classifications on the GI Bill Comparison Tool, but they should all be included in some capacity for the sake of transparency. Students should know if there is a large number of open complaints about a school they are considering

⁵ We have been concerned about this practice going back to 2013. 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/>.

⁶ *Id.*

attending. We urge you not to discount anonymous complaints because we agree with VA's assessment, as stated in the Federal Register notice, that "allowing anonymous complaints will garner more ground truth on what is happening with Veterans using their education benefits at different schools."⁷ Students may file anonymous complaints because they fear retaliation from the school or for a number of other valid reasons, and these complaints should be reported.

- **All complaints – whether open or closed – should be uploaded to Consumer Sentinel.** It is our understanding that VBA is uploading complaints only after they are validated and closed. Law enforcement agencies must have access to all student complaints if they are to enforce the law – as they specifically requested of VBA, and as VBA specifically pledged to do, in August 2016. We urge VBA to upload all complaints to Consumer Sentinel in a timely manner after receiving the feedback.
- **Give students the option to make the narrative portion of their complaint public.** "Yelp-style" feedback, which VBA has contemplated since 2014, would give GI Bill students a real sense of the experiences of fellow students at a school. There is no reason not to include this information, which is shared in complaint databases utilized by both the government (CFPB) and non-government companies (Yelp, Angie's List, and many others).
- **Improve caution flags on the GI Bill Comparison Tool.** Caution flags on the GI Bill Comparison Tool are crucial because veterans frequently report that they view a school's GI Bill eligibility as amounting to a "VA stamp of approval." As we have raised since 2016, caution flags are neither consistently nor uniformly posted.⁸ Veterans should always be warned if a school has experienced legal or regulatory problems. For example, as of February 18, 2022, neither American InterContinental University nor Colorado Technical University bears a caution flag on the GI Bill Comparison Tool, despite a settlement between their parent company and the FTC, a settlement of nearly \$500 million with 49 states, and an additional action by the state of New York. VBA should also post a caution flag when a school has received a large number of student complaints.
- **Tweak the new GI Bill Comparison Tool location search function to better serve students.** We appreciate the new addition of a method for students to search for schools by location. We have several suggestions for improving the search functionality.
 - **Provide an explanation of how the location search function works.** This information could be included on the opening page of the GI Bill Comparison Tool, or a link could be provided to another page that contains the information. It would also be helpful if the opening page of the Comparison Tool linked students

⁷ Agency Information Collection Activity: Principles of Excellence Complaint Feedback Tool (Dec. 20, 2021), https://www.federalregister.gov/documents/2021/12/20/2021-27490/agency-information-collection-activity-principles-of-excellence-complaint-feedback-tool?utm_source=federalregister.gov&utm_medium=email&utm_campaign=subscription+mailing+list.

⁸ 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>.

to College Scorecard and College Navigator in order to alert GI Bill beneficiaries to the extensive information those resources provide on institutional outcomes.

- **Describe how to filter a location search upfront** – before users initiate a location search, not after.
 - **Identify the institutional sector** of a school, even if students do not filter their search.
 - **Add additional filtering options**, including the ability to search for schools that are eligible for federal student aid, schools that offer specific types of credentials and degree programs (e.g., nursing, business, welding), and schools that offer exclusively online instruction. The search could also be enhanced by allowing students to sort the results by cost.
 - **Do not include schools outside of the search radius in search results.** Currently, location searches list other campuses for multi-campus schools that happen to have a single campus located within the search radius, even when the other campuses are situated all across the country. This obscures the true list of schools that are located nearby and ends up promoting low-quality chain schools with worse student outcomes.
 - **Resolve inconsistencies in the number of schools identified in location search results.** On several different days in January 2022, a Veterans Education Success employee performed the same location search, and the school results varied significantly each time. VBA should ensure that all location searches provide consistent results.
- **Make the GI Bill School Feedback Tool form more “user-friendly.”** Veterans and military service organizations have made this request since 2013.⁹ 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 and fail to help VBA (and law enforcement, including the Inspector General) learn about the true breadth and nature of fraud students face. 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 Executive Order 13607 specifically explains that some bad actor 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 also add other examples that are important to protecting veterans and informing law enforcement, including, “The school

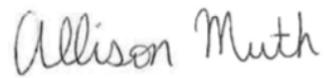
⁹ *Supra* note 5.

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 Executive Order 13607 requires schools to do. This should be added to an existing category or shared as a new category of complaint.
- **Adjust the ability to submit a complaint on behalf of someone else.** Although a person can submit a complaint to the GI Bill School Feedback Tool on behalf of someone else, the tool states that the submitter's name is sent to the school that is the subject of the complaint, rather than the name of the student. In many instances, the person submitting the complaint has no formal representative capacity for the veteran and should not be the one with which the school communicates to resolve the complaint. As one example, a student's spouse or family member may submit the complaint for the student because he or she is deployed on active duty in the military and unable to access a computer. Also, a veterans service organization may submit complaints from veterans, with permission. The name of the third party can be collected by VA, but only the name of the student veteran that attended the institution should be shared with the school.

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

Sincerely,



Allison Muth
Attorney
Veterans Education Success



Christopher J. Madaio
Vice President for Legal Affairs
Veterans Education Success