

# Section 702 of the Veterans Choice Act and Act 11 of 2015

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SC Commission on Higher Education  
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# Section 702 of the Choice Act and Act 11 of 2015

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# Introduction

- In August 2014, President Obama signed the Veterans Access, Choice, and Accountability Act of 2014 (“Choice Act”) into law.
- Section 702 of the Choice Act requires the Department of Veterans Affairs (VA) to disapprove programs of education for qualified students under the Post-9/11 GI Bill and Montgomery GI Bill – Active Duty (MGIB – AD) at public institutions of higher learning if the school charges covered veterans and dependents tuition and fees in excess of the rate for resident students for terms beginning after July 1, 2015.

# Act 11 of 2015

- During the 2015 legislative session, SC enacted legislation to enable compliance with Section 702 of the federal Choice Act.
- S.391 (Act 11 of 2015) was signed into law on May 7, 2015 effective July 1, 2015.
- Act 11 of 2015 will apply to terms commencing on or after July 1, 2015.

# What does ACT 11 of 2015 Change?

- Renumbered existing citations under Section 59-112-50 relating to active duty military as subsection (B)
- Added subsection (C) to Section 59-112-50 relating to veterans and tuition rates:

## 59-112-50 (C)

(1) Notwithstanding any other provision of law, a covered individual enrolled in a public institution of higher education and receiving educational assistance under Chapter 30 and Chapter 33, Title 38 of the United States Code is entitled to pay in-state tuition and fees without regard to the length of time the covered individual has resided in this State.

## *59-112-50 (C) continued...*

(2) For purposes of this subsection a covered individual is defined as:

(a) a veteran who served ninety days or longer on active duty in the Uniformed Service of the United States, their respective Reserve forces, and the National Guard and who enrolls within three years of discharge; or

(b) a person who is entitled to and receiving assistance under Section 3311(b)(9) or 3319, Title 38 of the United States Code by virtue of the person's relationship to the veteran described in subsection (2)(a) of this section.

(3) A covered individual must live in this State while enrolled at the in-state institution.

## *59-112-50 (C) continued...*

(4) At the conclusion of the applicable three year period in subsection (C)(2)(a), a covered individual shall remain eligible for in-state rates as long as he remains continuously enrolled in an in-state institution or transfers to another in-state institution during the term or semester, excluding summer terms, immediately following his enrollment at the previous in-state institution. In the event of a transfer, the in-state institution receiving the covered individual shall verify the covered individual's eligibility for in-state rates with the covered individual's prior in-state institution. It is the responsibility of the transferring covered individual to ensure all documents required to verify both the previous and present residency decisions are provided to the in-state institution.

## What does this mean?

- Prior to the passage of Act 11 of 2015, to qualify for in-state tuition and fees, non-resident veterans after discharge from active service needed to take steps to establish intent to be a SC resident prior to their discharge.
- Act 11 of 2015 provides that covered individuals are entitled to pay in-state tuition and fees without having to establish the intent to become a SC resident, provided they are living in SC.

# Who are Covered Individuals?

- Veteran who:
  - is enrolled at a SC public institution;
  - is receiving educational assistance under Chapter 30 and Chapter 33, Title 38 of the United States Code;
  - served 90 days or longer on active duty in the Uniformed Service of the United States, their respective Reserve forces, and the National Guard;
  - enrolls within 3 years of discharge; and
  - is living in South Carolina while enrolled at the in-state institution.

# Who are Covered Individuals?

- Person who:
  - is enrolled at a SC public institution;
  - is entitled to and receiving assistance under Section 3311(b)(9) or 3319 Title 38 of the United States Code by virtue of his/her relationship to the eligible veteran; and
  - is living in South Carolina while enrolled at the in-state institution.

## Must Covered Individuals live in SC to be eligible?

- Yes - the law requires that a covered individual must live in this state while enrolled at the instate institution
- “Living in this state” includes permanent and temporary residences
  - For example: dormitories and other on campus residences.

# What if the “three years of discharge” date expires?

Following the “three-year period” in 59-112-50(C)(2)(a), Section 59-112-50 (C)(4) allows:

- a covered individual to remain eligible for in-state rates as long as continuously enrolled or transfers to another in-state institution immediately from the previous in-state institution.

# When do covered individuals begin eligibility under Act 11 of 2015?

- Beginning with terms commencing on or after July 1, 2015

# Implementation

- Requires greater coordination between Residency and VA Certifying Officials at the public institution and development of an institutional verification process in order to identify eligible enrolled covered individuals.
  - Each public institution will need to develop a process through which verification occurs.
- Verification under Act 11 of 2015 could depend on a collaborative effort amongst multiple institutional officers including, but not limited to, the institution's Certifying Official(s) and Residency Officer(s).

# How do public institutions verify that the student is a covered individual?

Requirement	Documentation
Receiving Benefits under Chapter 30 or 33	<ul style="list-style-type: none"><li>• Certificate of Eligibility</li></ul>
Served at least consecutive 90 days of active duty in uniformed service of the US	<ul style="list-style-type: none"><li>• DD-214</li></ul>
Must enroll in public institution in SC within 3 years of discharge date	<ul style="list-style-type: none"><li>• DD-214</li></ul>
Must be living in SC	<ul style="list-style-type: none"><li>• Proof of physical address (Not a P.O. box number)</li></ul>

# Contact Information

## SC Commission on Higher Education

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QUESTIONS?

# ELR Brief – Section 702 and Act 11

Julie Harden –SC Education Liaison Representative

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# Impact of Section 702 and Act 11 on VA Enrollment Certification and Compliance

- **No changes to existing VA enrollment certification and reporting requirements**
  - Schools continue to follow School Certifying Officials' Handbook
  - Schools continue to follow VA/SAA Training
- **Schools continue to certify net tuition pursuant to PL 111-377 of January 4, 2011 after subtracting tuition-only aid applied to charges**
- **Yellow Ribbon Program may benefit eligible students who are not considered “covered” under Section 702 and Act 11.**

# Impact of Section 702 and Act 11 on VA Enrollment Certification and Compliance

- **School certification practices directly impact the school's compliance with federal VA regulations under Title 38, US Code**
- **Section 702 and Act 11 will result in additional areas of review on compliance surveys at SC public colleges and universities**
- **Additional documentation will be specified/requested by VA Education Compliance Specialists and SAA staff acting as VA Education Compliance Specialists when scheduling the compliance audits**
- **Documentation would be related to the school's process for determining covered individuals under Act 11 and will include complete student accounts**

# Impact of Section 702 and Act 11 on VA Enrollment Certification and Compliance

- **New compliance details are under consideration and will be provided to school officials when available**
- **Please DO NOT contact a VA call center with questions regarding determination or certification of covered individuals under Section 702 and Act 11.**
- **School officials contact SAA for questions regarding Act 11**

**QUESTIONS?**