

State of the New Mexico State Approving Agency

In December of 2010, congress passed the Post-9/11 Veterans Educational Assistance Improvements Act of 2010, Public Law 111-377, which became law in August of 2011. The Act provides clean up language to the Post-9/11 GI Bill Act to define and expand veteran's benefits. It also contained language that had positive and negative impacts on the State Approving Agencies (SAA) across the country and increased funding for the for-profit institutions, which has recently become a major concern of congress. This document addresses the positive and negative outcomes of PL 111-377 specifically for the New Mexico State Approving Agency (NMSAA).

In Section 203 of the aforementioned law, congress stripped SAAs across the nation of their approval¹ authority and added a compliance² component to their responsibilities. Upon initial implementation, the SAA's across the country (including New Mexico) saw this new function as a conflict and not a good use for a state entity. The NMSAA now recognizes that components of the compliance function bring some validity to the agency and permit better oversight of the facilities providing training to veterans. The strong components of the compliance responsibility are ensuring the facilities are certifying the correct enrollment and receiving the correct amount of tuition and fees from the Department of Veterans Affairs (VA). Before SAAs performed compliance as a central function³, the staff would perform supervisory⁴ visits without any prior knowledge of what the schools have certified⁵ to the VA. The agencies now have access to the VA records and prepare for visits with information that wasn't provided prior to the changes.

As mentioned earlier, there are weak components of the compliance charge. The SAAs are required to review/audit VA payments to the schools and veterans. Currently, the VA systems are outdated and difficult for VA compliance specialists to navigate⁶, which makes it extremely challenging for SAA staff who have received very little training with these systems. When findings occur, the information is transmitted on a word document, via email. This leaves room for additional human error and is unsecure for transmitting information that contains personal information⁷. It is the position of the NMSAA that congress did not intend the VA to use the SAAs as auditors of the federal systems, but to ensure fraud is not occurring at facilities participating in this program within each state. The outcome of compliance is burdensome, archaic and useless to the participating programs and the VA. The outcomes of these visits should be measured and utilized for trainings and best practices for schools and their certifying officials. As the approval role is an important function of the SAAs, the NMSAA considers the approval process⁸ to be redundant and an inefficient use of time and money. When this office submits approvals to the VA regional office, the acceptance of the approval goes through a duplicative process to check every component of the approval. Also, the VA is not currently processing approvals, even though veterans are waiting to enroll in programs.

A more effective approval authority can be an important part of reviewing the integrity of a program, rules, policies and procedures of institutions. The approval process can be used as training to identify disciplines where veterans may not participate. If full approval authority is returned to the SAAs, it should be considered to reduce requirements for both accredited and non-accredited institutions. The Code of Federal Regulations (CFR) in many instances is outdated and does not apply to several active facilities, especially state and local government entities⁹. The approval process should be the responsibility of the SAAs and not the VA.

If the VA continues to repeat the work of the SAAs, it is not clear why the administrative investment of the federal government is necessary. It would be a better use of resources by the federal government to have Education Liaison Representatives (ELR) provide assistance and training to school certifying officials¹⁰. It is also the opinion of this office that ELR's were created to assist and support active facilities receiving VA benefits and the corresponding schools' certifying officials. While many ELRs, including New Mexico's, make every attempt to assist the schools, it is difficult for these individuals to liaise with the schools when performing compliance and other reactionary (to congress and the media) job duties as assigned. If congress and the federal government wish to have ELRs continue down the road of compliance, they should consider using the SAAs as liaisons and trainers to the school, to better prevent errors and debts.

¹ December of 2010, the United States Congress passed Public Law 111-377, which section 203 deemed accredited public and not for-profit degree granting institutions of higher learning approved for VA education related benefits. The law also contained language allowing the VA to use State Approving Agency's for compliance.

² Compliance is a term used by the VA which means an audit of school records and the VA systems.

³ The current functions of the State Approving Agency are: Approval, Compliance Visits, Technical Assistance, Outreach, Liaison and Contract compliance.

⁴ Supervisory visit was function of the State Approving Agency that was replaced with compliance after the change in federal law. These visits were not as rigorous, however more frequent (89 facilities in FY11 vs. 56 facilities in FY12) and not only seen as a compliance function, but as a training mechanism for staff.

⁵ Schools are required to certify VA beneficiary's rate of pursuit by credit hour or clock hour and the amount of tuition and fees for the program. The information certified must comply with federal statutes, regulations and the programs must be approved or deemed approved.

⁶ The current VA systems are not set up for the current post 9/11 GI – Bill program passed by congress three years ago. The VA systems are piecemealed of several different systems which are not integrated.

⁷ The New Mexico State Approving Agency adheres to all Federal Educational Rights and Privacy Act (FERPA) Regulations and does not transmit any sensitive identifiable information through email.

⁸ The approval process differs from state to state and the State of New Mexico does have stricter guidelines to follow.

⁹ Many fire and police academies do not award prior education and training. It is a VA requirement that all approved facilities collect and evaluate this information. State and local government should be exempt of these requirements. If these entities fail to collect the information, the VA may determine the student should never have been enrolled and require the recipient to pay back all monies received.

¹⁰ Every state and territory in the United States has an Education Liaison Representative (ELR) and the majority have a one or multiple located in their state. Some ELR's are assigned to multiple smaller states.