

Complying with Section 702 of the Choice Act | 05.18.2015

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Please find a list below of additional resources from the “*Complying with Section 702 of the Choice Act*” webcast. Resources include a checklist to help you comply, as well as documents outlining the Act. If you wish to print only certain resources, you may click their respective links to jump directly to them in the packet.

Pre-Webcast Resources

1. [Quick Reference Checklist: Moving Forward with the Choice Act and Section 702](#) – Page 2
2. [Executive Summary: HR 3230: The Veterans Access, Choice and Accountability Act of 2014](#) – Pages 3-4
3. [Title VII of the Veterans Access, Choice and Accountability Act](#) – Pages 5-7

Moving Forward with the Choice Act and Section 702

Quick Reference Checklist

1. (The Who and Why): Are you involving the right people and offices across campus? (Slides 31-35)
 - Veteran Services Office
 - Veteran educational benefits certifying official
 - Financial Aid
 - Undergraduate Admissions
 - Registrar
 - Bursar
 - Enrollment Management and Student Affairs
 - Student Veterans of America chapter
 - Government and legislative liaison
 - Marketing and advertising
 - Office of Public Affairs
2. (The What): What considerations may impact your school? (Slide 38)
 - Size of your school
 - Leadership that must be involved
 - Policies and procedures that must be put into place
 - Updating catalogs, websites, and other general information
 - Outreach and communications
 - Student management system
 - Staff training and education
3. (The How): Chronologically developing an implementation plan, combining the who, why, what and the how:
 - Steps to take right away (Slide 35 and 40)
 - Steps to take in the next 2-3 weeks (Slide 36 and 41)
 - Steps to take in the next month (Slide 37 and 42)
 - Conduct a follow-up after 1st week in July

HR 3230: THE VETERANS ACCESS, CHOICE AND ACCOUNTABILITY ACT OF 2014 (Executive Summary)

Sponsor: Representative Harold Rogers, (KY-5)

Became Public Law 113-146 on August 7, 2014

EFFECTIVE: July 1, 2015

TITLE VII—OTHER VETERANS MATTERS

Section 701

Section 701 expands the Marine Gunnery Sergeant John David Fry Scholarship to include surviving spouses of members of the Armed Forces who die in the line of duty. (Currently the scholarship is only for child dependents).

Section 702

A. Directs the VA Secretary to disapprove, for purposes of the All-Volunteer Force and the Post-9/11 Educational Assistance programs, courses of education provided by a public educational institution of higher education (IHE) that charges veterans living in the state higher tuition and fees than it charges in-state residents, regardless of the veteran's state of residence.

Makes this provision applicable to:

- (1) Veterans who were discharged or released from at least 90 days of active service less than three years before their date of enrollment in the applicable course,
- (2) Family members eligible for such assistance due to their relationship to such veterans (Chapter 33 or 35), and
- (3) Courses that commence on or after July 1, 2015.

**** Why does it matter?** Because the Post-9/11 GI Bill pays all in-state tuition and fees at public institutions. Out-of-state students, however, must pay the difference.

B. Prohibits the Secretary from disapproving a public IHE's course on the grounds that the IHE conditions a veteran's receipt of in-state tuition rates on such veteran:

- (1) Demonstrating an intent, by means other than physical presence, to establish residency in the state; or

(2) Satisfying other requirements not related to the establishment of residency. (Honorable Discharge)

***Section 702 does not pertain to veterans residing outside the state of the IHE.

Veterans Access, Choice and Accountability Act

TITLE VII—OTHER VETERANS MATTERS

Sec. 701. Expansion of Marine Gunnery Sergeant John David Fry Scholarship.

Sec. 702. Approval of courses of education provided by public institutions of higher learning for purposes of All-Volunteer Force Educational Assistance Program and Post-9/11 Educational Assistance conditional on in-State tuition rate for veterans.

Details of the law:

SEC. 701. EXPANSION OF MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP:

(a) **EXPANSION OF ENTITLEMENT.**—Subsection (b)(9) of section 3311 of title 38, United States Code, is amended by inserting “or spouse” after “child”.

(b) **LIMITATION AND ELECTION ON CERTAIN BENEFITS.**—Subsection (f) of such section is amended—(1) by redesignating paragraph (2) as paragraph (4); and

H. R. 3230—43(2) by inserting after paragraph (1) the following new paragraphs:

“(2) **LIMITATION.**—The entitlement of an individual to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) because the individual was a spouse of a person described in such paragraph shall expire on the earlier of—“(A) the date that is 15 years after the date on which the person died; or“(B) the date on which the individual remarries.

“(3) **ELECTION ON RECEIPT OF CERTAIN BENEFITS.**—A surviving spouse entitled to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) who is also entitled to educational assistance under chapter 35 of this title may not receive assistance under both this section and such chapter, but shall make an irrevocable election (in such form and manner as the Secretary may prescribe) under which section or chapter to receive educational assistance.”.

(c) **CONFORMING AMENDMENT.**—Section 3321(b)(4) of such title is amended—

(1) by striking “an individual” and inserting “a child”; and (2) by striking “such individual’s” each time it appears and inserting “such child’s”.

(d) **EFFECTIVE DATE.**—The amendments made by this section shall apply with respect to a quarter, semester, or term, as applicable, commencing on or after January 1, 2015.

SEC. 702. APPROVAL OF COURSES OF EDUCATION PROVIDED BY PUBLIC INSTITUTIONS OF HIGHER LEARNING FOR PURPOSES OF ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM AND POST-9/11 EDUCATIONAL ASSISTANCE CONDITIONAL ON IN-STATE TUITION RATE FOR VETERANS.

(a) IN GENERAL.—Section 3679 of title 38, United States Code, is amended by adding at the end the following new subsection:

(1) Notwithstanding any other provision of this chapter and subject to paragraphs (3) through (6), the Secretary shall disapprove a course of education provided by a public institution of higher learning to a covered individual pursuing a course of education with educational assistance under chapter 30 or 33 of this title while living in the State in which the public institution of higher learning is located if the institution charges tuition and fees for that course for the covered individual at a rate that is higher than the rate the institution charges for tuition and fees for that course for residents of the State in which the institution is located, regardless of the covered individual's State of residence.'

(2) For purposes of this subsection, a covered individual is any individual as follows:

(A) A veteran who was discharged or released from a period of not fewer than 90 days of service in the active military, naval, or air service less than three years before the date of enrollment in the course concerned.

(B) An individual who is entitled to assistance under section 3311 (b) (9) or 3319 of this title by virtue of such individual's relationship to a veteran described in subparagraph (A):

If after enrollment in a course of education that is subject to disapproval under paragraph (1) by reason of paragraph (2)(A)H. R. 3230—44or (2)(B) a covered individual pursues one or more courses of education at the same public institution of higher learning while remaining continuously enrolled (other than during regularly scheduled breaks between courses, semesters or terms) at that institution of higher learning, any course so pursued by the covered individual at that institution of higher learning while so continuously enrolled shall also be subject to disapproval under paragraph (1).

It shall not be grounds to disapprove a course of education under paragraph (1) if a public institution of higher learning requires a covered individual pursuing a course of education at the institution to demonstrate an intent, by means other than satisfying a physical presence requirement, to establish residency in the State in which the institution is located, or to satisfy other requirements not relating to the establishment of residency, in order to be charged tuition and fees for that course at a rate that is equal to or less than the rate the institution charges for tuition and fees for that course for residents of the State.

The Secretary may waive such requirements of paragraph (1) as the Secretary considers appropriate. Disapproval under paragraph (1) shall apply only with respect to educational assistance under chapters 30 and 33 of this title.

(b) EFFECTIVE DATE.—Subsection (c) of section 3679 of title 38, United States Code (as added by subsection (a) of this section), shall apply with respect to educational assistance provided for pursuit of a program of education during a quarter, semester, or term, as applicable, that begins after July 1, 2015.