



## EDUCATION AND TRAINING

### SECTION 702 WAIVER PROCESS FACT SHEET

## BACKGROUND AND PROCESS

President Barack Obama signed the Veterans Access, Choice, and Accountability Act of 2014 ("Choice Act") into law in August 2014. Section 702 of the law amends 38 U.S.C. §3679 by adding a new section (c), requiring the Department of Veterans Affairs (VA) to disapprove programs of education under the Post-9/11 and Montgomery GI Bill programs at public institutions of higher learning if the institutions charge qualifying Veterans and dependents tuition and fees in excess of the rate for resident students for terms beginning after July 1, 2015. VA is diligently working to implement all provisions of Section 702 of the Choice Act.

VA recognizes that many states are challenged to achieve compliance by July 1, 2015 due to state legislative and/or policy changes required. To assist the states, the Secretary of Veterans Affairs is using his authority to waive the provisions of Section 702 of the Choice Act for all terms beginning prior to January 1, 2016. This will allow the states and schools not already in compliance by July 2, 2015, additional time to make the necessary changes and ensure GI Bill students may continue their education and training at their chosen institutions.

VA strongly encourages each non-compliant state/institution (appropriate authority) to submit its compliance plans to its State Approving Agency (SAA) by June 15, 2015, to ensure all requirements are met before the expiration of the Secretary's limited waiver on January 1, 2016.

### HOW TO SUBMIT YOUR COMPLIANCE PLAN

Complete and submit your Section 702 Compliance Plan immediately.

1. Review program eligibility and availability.
2. Email all required supporting documentation and signed plan for compliance so that your State Approving Agency (SAA) can evaluate your plan.
3. Once your written plan is received, the SAA will email you regarding any additional information needed or notify you once your plan has been submitted to VA (generally within 7 calendar days).

---

A waiver will be limited. This restriction ensures that education beneficiaries will be able to fully benefit from the provisions of §3679(c). The waiver will be effective for terms beginning on or after June 2, 2015. The waiver will remain in effect for terms beginning prior to the earlier of:

- The effective date of the law, rule, or policy bringing the school(s) into compliance; or
- The day following the expiration date as listed on the waiver approval by VA

## **ELIGIBILITY FOR WAIVER**

The Appropriate Authority (i.e., State Authority or Non-State Authority) with power and/or control to make decisions regarding eligibility for tuition and fee charges at the resident rate must initiate the plans for compliance.

- State Authority – This is the appropriate authority when State laws, regulations, or policies dictate or limit the policies of public institutions of higher learning to grant charges at the resident rate.
- Non-State Authority – This is the appropriate authority when an organization or entity below the level of State government (for example, a board of regents) has the unrestricted authority to set the resident tuition and fee policy for one or more public institution of higher learning under the authority’s control.

The Appropriate Authority must certify that:

- The State or other designated authority’s laws, rules, regulations, or policies do not currently meet the requirements set forth in 38 U.S.C. §3679(c); and
- The authority is actively pursuing changes in order to amend existing laws, rules, regulations or policies to require resident tuition and fee charges for covered individuals as described in 38 U.S.C. §3679(c).
  - Actively pursuing means the State or Non-State Authority has introduced an amendment or change in law, regulation, or policy to the authority body.



---

## AVAILABILITY OF WAIVER

A waiver will only be granted:

To the appropriate authority for the purpose of allowing the State, board, or institution an opportunity to comply with the resident rate tuition and fee requirements; and

- All plans for compliance must originate from the appropriate authority or designee and must be sent in writing.
- The appropriate authority will submit a written plan to the SAA via email. Please click here or go to <http://www.nasaa-vetseducation.com/Contacts.aspx> to locate the SAA contact information for your State.
- The request must include a plan to bring the State into compliance along with all supporting documentation.
- The SAA Director (or his/her designee) within seven calendar days will review the Incoming Letter (plans for compliance) and work with the appropriate authority to verify/clarify the nature of the plan.
- Once verification is made, the SAA will send the plan for compliance and all attachments to [Section702.vbavaco@va.gov](mailto:Section702.vbavaco@va.gov).
- VA will review the plan for compliance and publish to the GI Bill website.

## What You Need to Apply

The Section 702 Waiver Program asks for a detailed plan regarding your State's or other Authority's path to compliance, an estimate of the amount of time needed to achieve compliance.

The plan must include:

- Date of request
- Signature and Name of Appropriate Authority (of requester)
- Current status and remaining actions
- Description and support for the request
- Estimate of the amount of time reasonably required to implement



- 
- Length of plan for compliance
  - All required supporting documentation

**State Authorities** should provide a copy of:

- Description of the State's legislation process,
- Calendar of upcoming sessions,
- Copy of the proposed compliant legislation,
- Timeline to achieve compliance.

**Non-State Authorities** (such as Board of Regents or individual IHLs) should provide a copy of:

- Description of the policy amendment and/or approval process,
- Calendar of upcoming meetings,
- Copy of the proposed compliant policy,
- Timeline to achieve compliance,
- Name(s) of institution(s) covered by the policy change.

## WHAT'S NEXT

If your submitted Section 702 Plan for compliance meets the eligibility requirements, you'll receive an email notifying you that your plan has been submitted to VA for approval.

Once all of your documents are received, allow up to twenty one (21) calendar days for VA to post the plan to the GI Bill Website. If you haven't found the information you're looking for or need help with the Section 702 Waiver Program, please contact your State Approving Agency (SAA). To locate the SAA for your state please visit: <http://www.nasaa-vetseducation.com/Contacts.aspx>. To find up to date information on waivers and section 702 compliance please visit:

<http://www.benefits.va.gov/gibill/702.asp>

## Inquiries and Technical Support

For question about the content of this factsheet or technical support please email:

[Section702.vbavaco@gov](mailto:Section702.vbavaco@gov).

