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EXHIBIT D

TASK FORCE REPORT

**REPORT OF THE
SPECIAL TASK FORCE
ON VETERANS' EDUCATION POLICY**

MARCH 1990

Submitted to the

**Vocational Rehabilitation and Education Service
Veterans Benefits Administration
Department of Veterans Affairs**



**Veterans
Administration**

Memorandum

Date: March 30, 1990

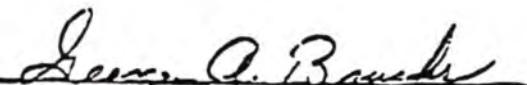
From: Special Task Force on Veterans' Education Policy

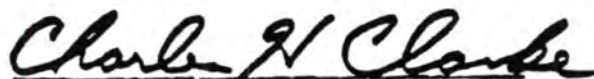
Subj: Final Report

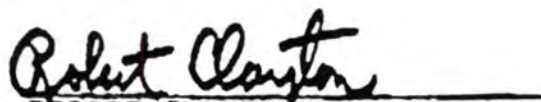
To: Director, Vocational Rehabilitation and Education Service

1. We have concluded our review and study of various issues concerning veterans' education policy. This study was the result of recommendations made by the Commission To Assess Veterans' Education Policy, and our final report is attached. Where appropriate, we have made recommendations for the Department's consideration in making its final report to the Committees on Veterans' Affairs of both the House and Senate.

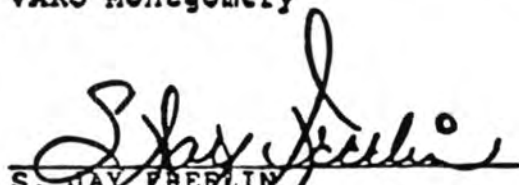
2. Although a great deal of time and effort have gone into this study and report, many issues remain unresolved and require further study. We encourage not only the Department but also the Congress to pursue these other areas expeditiously as we move toward greater modernization in the administration of the various education programs. We appreciate the opportunity to have made our views and recommendations known and hope that our efforts may in some way benefit our Nation's veterans and servicepersons.

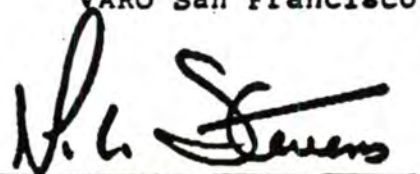

GEORGE M. BRUCKS
VARO Des Moines


CHARLES H. CLARKE
VARO St. Louis


ROBERT CLAYTON
VARO Montgomery


LEE EAKLE
VARO San Francisco


S. JAY FREELIN
VARO San Francisco


PHILLIP L. STEVENS
VARO Des Moines

INTRODUCTION

The Commission to Assess Veteran's Education Policy recommended in its report dated August 29, 1988, that a short-term task force of VA adjudicators and education liaison representatives from regional offices be established to identify and review inconsistencies among VA education programs. Following the review, the task force was asked to make recommendations toward the standardization of VA education programs.

The Department of Veterans Affairs has supported the Commission's recommendation, and a task force of three VA adjudicators and three education liaison representatives from four regional offices was established. This task force was supplemented with three staff members from the Program Administration and Policy section of the Vocational Rehabilitation & Education Service in Central Office. The Department, in establishing this special task force, also directed the members to look into various other issues concerning the administration of the various educational assistance programs. The task force met for three days in August 1989 and three days in October 1989. In addition to these meetings, much individual research, review, and rethinking of policy and procedure were added to this report.

During these meetings and in each task force member's individual efforts, review of five major areas of VA education policy was emphasized. These were:

1. Change of Program limitations
2. Certifications of attendance
3. Effective dates
4. Standardization of the variety of education programs established by law
5. Measurement of the pursuit of educational programs.

The focus of review by the task force was not broader essentially because of time constraints. Since the task force was to be of a short-term nature, its focus had to be somewhat narrow. The areas or issues that ultimately were selected for intensive review represent those areas in which members of the task force were most experienced through personal practical application of VA education policy; i.e., those areas representing common ground of the task force members in which all had first hand knowledge of VA education policy and its application; and most importantly, the Commission had also cited those areas as being issues of greatest concern to them.

After reviewing the Commission's findings as well as VA's interim responses, the task force members have attempted not only to apply each individual member's own first hand experience to each of the areas being studied, but also to provide material recommendations toward modernizing VA education policy.

The special task force wishes to thank the three members of the VBA Central Office Vocational Rehabilitation & Education Service staff who assisted the task force and who have been highly supportive of the task force efforts.

Each of the major concerns of study are discussed on the following pages. Except as noted, the task force is in general agreement on recommendations in each area. On the issue of measurement, however, the special task force was unable to reach any workable agreement. As such, further study is recommended. As noted in the following report, the present measurement system is complex, confusing, and cumbersome. However, without extensive study, no suitable alternative could be agreed upon. The task force urges as a matter of paramount concern that the Department and the Congress pursue viable workable solutions to this sensitive issue without further delay.

CHANGE OF PROGRAM LIMITATIONS

On no other major issue did the Commission and VA diverge as they did over the issue of limitations on the number of times an eligible person may change his or her educational or vocational programs.

VA has pointed out that limitations on changes of program were initiated to curb abuses and believes that such limitations are still useful and should be retained. VA acknowledges, however, the need for improvement in the administrative procedures employed in applying the statutory change of program limitation.

The Commission, on the other hand, recommended abolishing the change of program limitation altogether. It argued that given the somewhat contributory nature of the Montgomery G.I. Bill, the limited months of entitlement available to veterans, and the greater responsibility of the more mature MGIB veteran, the limitation on changes of program should be suspended and the results reviewed after a period of time for possible abuses.

In reviewing each member's experience with and understanding of the change of program limitation, the special task force falls somewhere in the middle. It is believed that the vast majority of eligible beneficiaries are serious students attempting to use their benefits to achieve a viable educational or vocational goal which will assist them in becoming more productive. It is the experience and belief of the members of the task force that there is only a small minority of beneficiaries

who would use their benefits with little or no desire for achieving any practicable educational goal or objective, if all restrictions were to be removed. At the same time, the task force believes that there is an intrinsic value or worth in preserving the freedom for beneficiaries who are unsure of their goals to sample a few programs so they may realize what would be the most beneficial educational or vocational objective for them.

Thus the task force finds that some limitation on the number of times an eligible person may change educational or vocational programs is necessary. The current change of program limitations, however, are too narrow and restrictive, and at times seriously inhibit the ability of beneficiaries to change their minds as to what program of education would allow them to become the "best" that they can be.

Recognizing that each institution of higher learning is unique in its traditions, background, and expectations of its students, and that each has its own standards for determining what subjects a student may transfer toward particular degrees, the task force does not believe that a student should be penalized because credit hours taken in good faith at one such institution will not transfer as credit toward a degree at another institution.

Using an example similar to one presented by the Commission in their report, an individual may begin an education by taking general college courses. After one or two semesters, this person may decide that a college degree is not what he or she is best suited for or interested in

at the moment, and decides that employment in the near future is the most desirable goal. Enrollment in a three or four month vocational program of education might then be chosen as the fastest and most feasible means of attaining the skills necessary to reach this employment goal. After completion of the vocational school program, the individual finds employment and is temporarily satisfied, having reached the immediate goal

Under current rules, the individual in this example would be charged with their first and only optional change of program allowed, in changing from the college level or educational objective to the vocational course of study. If the person subsequently were to choose to enroll in another short vocational program and successfully completed it, he or she would be prevented from using further VA education benefits, even though 20 to 30 months of entitlement to educational assistance benefits might remain 'on paper'. This policy is too restrictive for the serious student.

Some eligible beneficiaries perhaps have no desire or aptitude to pursue degree courses and would prefer to use their benefits for nondegree vocational programs. Most vocational programs, however, are generally of much shorter duration than those leading to a degree. A serious claimant could complete three short vocational programs of four to six months in length and discover no further recourse to VA benefits exists even though there is significant "remaining entitlement".

Recommendation. The process of determining eligibility for changes of program should be simplified. --An eligible person should be allowed to successfully complete as many programs of education as desired as long as there is sufficient entitlement remaining and the individual is within the eligibility period.. This proposal should apply both to degree programs and nondegree programs alike.

Further, a change of program should not be charged if a beneficiary pursues no more than 20% of a chosen educational program. This would provide for changes of mind, within a reasonable framework, without penalty. If an individual starts but does not complete a program of education, whether a degree or a nondegree program, certain limitations would still apply if more than 20% of the course were completed.

If individuals choose to change their programs after completing more than 20% of the requirements for that program, then a change of program would be charged as is done in the present system, depending upon the credit that may have been actually lost. This rule should apply whether the student transfers from one IHL program to another, from IHL to NCD, or NCD to IHL. A chargeable change of program would be restored; i.e., negated for a person who initially was in one program, was charged a change of program when transferring to another program, then subsequently transfers back to the original program or to a new program after completion of the intervening program, provided the credits earned in the original program are completely credited toward the new program.

An individual should still be allowed one optional change of program without penalty. A second change of program could be approved if all appropriate eligibility criteria are met, but only after counseling by a vocational counselor designated or approved by VA.

Our experience has revealed an apparent lack of understanding on the part of beneficiaries concerning the program change limitation. To remedy this, prior to approval of the first change of program, the VA would notify the person of the limitation requirements and the person would be required to acknowledge receipt of the information within 60 days of the award of educational assistance.

CERTIFICATIONS

The Task Force notes that there has always been a great deal of concern about overpayments in the various education programs. Numerous studies in the past were undertaken to examine the causes of these overpayments as well as ways in which to prevent them. As a result of these findings, emphasis has shifted from debt collection to "debt avoidance" or "debt prevention".

Because of the concern about excessive debts in other education programs, the monthly self-verification process for Chapter 30 IHL claimants was set up as a debt prevention initiative and tested for two years. The task force notes that the results of that test are fairly conclusive. Our evaluation found that actual debts in the chapter 30 sample would have been 50 percent greater without self-verification and that the requirement is cost effective.

The study concluded that significant debt can be avoided with a monthly self-verification requirement and recommended that the requirement be continued for all chapter 30 claimants and extended to chapters 32, 35, and 106. The Task Force concurs in the recommendations of the self-verification study and would like to emphasize that since payments are not made until a completed certification is received in VA, overpayments are being reduced without the perception of an unacceptable delay in payment.

Recommendation. The Task Force recommends that the self-verification procedure be extended to all education programs and all types of training except apprenticeship and on-the-job training. It is noted that the recently enacted Public Law 101-237 provides the Department with discretionary authority to require monthly self-certification verifying continued pursuit of training under any VA education program for both degree and non-degree training and for all rates of training, including training less than half-time. We fully endorse this new legislation and encourage the Department to exercise this discretionary authority in the manner intended by the law and as recommended by the study of the chapter 30 self-verification test. We also note that the reliability of rapid processing of returned verification forms is critical to the public acceptance of this procedure and expect that this aspect of processing will be carefully monitored by program managers.

Based on its collective experience of adjudicating claims over the years, the Task Force recommends that schools be given the authority to use the self-verification forms to report either a reduction in the student's training time or the complete withdrawal from all courses. Any time a student reduces training time, it should be optional that the certification form be signed by the certifying official of the school to verify the accuracy of the report. Students should be strongly encouraged to bring the form to the certifying official by appropriate language on the form itself.

Not only would this option obviate the need for a separate report to be filed by the school, it would also likely result in a more timely filing of the report, since the student would go to the school registrar's office or veterans' affairs office to get the verification form signed. Frequently, schools complain that students and/or instructors do not notify school certifying officials when there is a change in the students' enrollment status. Consequently, the VA does not receive the report in time to prevent resulting overpayments.

In addition, by having the student appear in person at the school certifying official's office, the school is given the opportunity to counsel the student not only concerning academic matters but also the use of veterans' education benefits, especially if there is any chance of an overpayment resulting. School officials could also provide information to the student regarding the VA requirement for submission of mitigating circumstances, if that is at issue.

These measures would result in more efficient and timely adjudicative actions in claims and an opportunity for explanation of VA benefit provisions to the affected student. The task force also believes that it would be more cost efficient, since duplicative adjudicative actions would be avoided, and there would be less likelihood of development actions being needed before a final adjudicative action is completed.

Additionally VA presently requires that enrollment certifications generally be submitted on or after the beginning date of classes, unless a request for advance payment is made. This "confirmed enrollment" policy is a means of avoiding overpayments by preventing VA from authorizing payments to a veteran who indicates he or she will pursue certain courses but fails to register or begin classes. During most of the nineteen seventies education payments were issued at the beginning of each month for the following month. Without the "confirmed enrollment" policy, a student would be paid on September first for all of September, even though classes hadn't yet begun. Today, however, VA issues education payments after the fact; that is, payments are issued for the preceding month after it has been completed.

Concurrent with the adoption of self-verification, we recommend that VA eliminate the confirmed enrollment policy and accept from schools early enrollment certifications which are not accompanied by an advance payment request. Since education payments will not be made until a student certifies enrollment in and continued pursuit of a program of education, there is no longer the necessity to delay processing by requiring either a confirmed enrollment or a request for an advance payment. This is not to recommend discontinuance of advance pays; such requests would still be honored, and would be handled in accordance with current procedures, but early enrollment certifications, absent an advance pay request, would be processed to deliver regular, as opposed to advance, payment..

EFFECTIVE DATES

It is noted that Public Law 101-237, signed on December 18, 1989, contained several provisions affecting education benefits processing that had been studied by the task force. One such provision is the amendment to title 38, United States Code contained in Section 419 of the Public Law regarding the effective date of adjustments of educational benefits. This provision amended 38 U.S.C. 3013 by adding a new subsection (b) as follows:

The effective date of an adjustment of benefits under any chapter referred to in subsection (a) of this section, if made on the basis of a certification made by the veteran or person and accepted by the Secretary under section 1780(g) of this title, shall be the date of the change.

This statutory change effectively removes the "end of the month" rule for reductions in training time that occur in cases requiring a monthly certification. VBA issued instructions to all VA regional offices on December 29, 1989, regarding implementation of that provision. Those instructions state that if a reduction in training time occurs on or after December 18, 1989, the effective date of award adjustment will be the date of the reduction. The instructions noted, however, that this provision applies only to IHL and NCD programs in chapter 30, and to NCD programs in chapters 32, 34, 35, and section 903. It does not apply to chapter 106 nor to IHL programs in chapter 32, 34, 35, and section 903. The task force believes that procedures under all programs should be as consistent as possible given each program's intended purpose and design.

Toward that end, we urge the Department, in conjunction with the above proposed changes to certification procedures, to review its regulations covering effective dates involving reductions or discontinuances. Since payment usually would not be made until after the fact, effective dates under all education chapters and sections should be amended to correspond to the actual date of the event which necessitates the change in payment. The task force is pleased that the recent legislation has given the Department the authority to do that, and urges VBA to implement procedures along those lines as soon as possible.

Recommendation. An exception to the above rules should be made for death cases. If a student should die after receipt and negotiation of an advance payment but before the date through which payments were made, the effective date for termination should be the last date through which payments were made, eliminating the creation of an untimely overpayment. In all other death cases, however, it is recommended that payments be terminated effective the first of the month of death since the certification would not have been returned and payment would not have been made for the month of death.

Educational assistance currently may be paid for orientation or registration periods of up to two weeks before classes begin, if a course which leads to a standard college degree is being pursued. Since non-college degree (NCD) students are not afforded payments for any period prior to the first day of classes, we recommend eliminating payments for orientation and registration periods except for specific

individual students (generally freshmen) who are required by published school policy to register and/or physically appear on campus up to two weeks prior to the first date of scheduled classes. Moreover, NCD courses pursued at institutions of higher learning (IHL's) and which meet the rules for payment as IHL courses should be paid as IHL courses with regard to effective dates.

STANDARDIZATION

Much discussion has centered on the individual differences in the seven education programs (chapter 30, chapter 31, chapter 32, chapter 35, chapter 106, Section 901 and Section 903) VA currently administers, and the task force finds that the advantages to the standardization originally sought by the Commission to Assess Veterans Education Policy are substantial not only to the Department of Veterans Affairs but also to the education community at large as well.

Recommendation. Six different computer programs are currently employed to administer VA education programs. This mixture complicates and slows claims processing. Adjudicators are required to know not only the distinctions of each education program, but also the idiosyncrasies of each computer program as well. The task force believes that it is essential that computer programming be standardized so that all education programs may be administered through the same computer processes, and further recommends on-line computer processing be ardently sought to permit immediate amendments to a student's master record and reduce processing time.

Further, to attain an even higher degree of standardization, we recommend that Congress be urged to pass legislation that would combine all currently existing programs (exempting only chapter 31 for veterans with service connected disabilities) into one GI Bill patterned after the currently most highly evolved program, the Montgomery GI Bill - Active Duty (chapter 30),. The only features remaining as distinct to each

program would be the "entry ports", or criteria which determine basic eligibility, and the monthly rates of payment.

The value of such a reorganization would be that all programs would be modeled to the most recent needs of the nation and reflective of the most recent Congressional thinking on benefits delivery. Such a value is worth the minor disruptions which might be required to the present benefit delivery system. This extensive redesign could be called the new "Advanced Montgomery GI Bill."

Included as a part of this recommendation is that the Special Vocational Training and Special Restorative Training now contained in Chapter 35 be transferred to Chapter 31 where it is more closely functionally allied, and so as not to deprive an eligible (though very small) class of beneficiaries of a significant benefit to which they are now entitled.

The task force does not propose to radically deprive any class of prior beneficiary of an important benefit. However, some method of relieving chapter 32 beneficiaries of the loss of refundability would need to be addressed. This should not represent a serious problem, however. Simply preserving this variance until beneficiaries are phased out is not seen as a significant detractor of the standardization urged.

The most important (but not all inclusive) gains and losses to the beneficiaries of current programs that would occur under this proposed standardization are as follows:

Chapter 32 loses refundability (see comments above)

Chapter 32 gains entitlement to flight training

Chapter 32 loses 100% correspondence course

reimbursement and reverts to 55% reimbursement

Chapter 32 loses ability to enroll without H.S. Diploma
or equivalent

Chapter 106 gains entitlement to post baccalaureate
training

Chapter 106 gains eligibility to tutorial assistance

Chapter 35 loses eligibility to H.S. after 18th birthday

Chapter 35 gains extension of entitlement

Chapter 35 gains entitlement to flight training

Chapter 35 loses extension of delimiting date (except
for disability)

Chapter 35 gains entitlement charge advantage in
OJT/APPR programs

Chapter 35 gains use of benefits while on active duty

Chapter 35 gains 10 year basic eligibility vs. 8 years

Chapter 35 loses Special Vocational Training and Special
Restorative Training (see prior comments)

Chapter 35 loses 45 months entitlement to 36 months

It is noted that the following gains previously identified as changes
under the task force proposal were enacted into law while this study and
report were under preparation:

Chapter 106 gains eligibility to work study program
Chapter 106 gains eligibility to DJT/APPR programs
Chapter 106 gains eligibility to correspondence courses
Chapter 106 gains entitlement to NCD schools and courses
Chapter 106 gains vocational flight training
Chapter 106 gains eligibility to independent study
standing alone
Chapter 35 gains eligibility to work study program

NOTE: Even though the recent legislation provided work study benefits to those under Chapter 35 and Chapter 106, it provided differing provisions for the work study benefits so that now there is another layer of inconsistency among the various education programs. For example, reservists under Chapter 106 may receive work study benefits for duties performed at DOD facilities, in addition to VA facilities, which is not permitted for those under other chapters.

The following individual program distinctions represent inequities perceived by the task force during its review and are presented as suggestions for inclusion in legislation that may be undertaken to achieve standardization of the current education programs, as recommended.

A child's eligibility to chapter 35 educational assistance is based on a parent's service-connected disability or death, yet a child who serves on active duty and is discharged under dishonorable conditions loses eligibility to chapter 35 benefits. The task force recommends that a child's chapter 35 eligibility not be terminated based on the character of discharge a child might receive following a period of active military service, since eligibility is based on the parent's service-connected disability or death, and not on the child's own active duty service.

Under certain circumstances, eligible persons are charged entitlement at equivalent rates but receive payments which vary widely. A chapter 30 student, for example, pursuing five hours over a term of 16 weeks at one college with tuition and fees of \$720.00 receives monthly payments of \$180.00, while a student attending another college under similar circumstances but with tuition and fees of \$360.00 receives monthly payments of only \$90.00 yet is charged the same entitlement as the student receiving \$180.00. The same inequity occurs for servicepersons. To correct these inequities, the task force recommends that either a less than one-half time and one-quarter time rate be established for all programs of educational assistance with the appropriate charge to entitlement, or entitlement for tuition and fees cases be charged proportionate to the full time rate applicable to the individual.

Under current regulations, a spouse has 10 years to use educational assistance following establishment of the veteran's permanent and total disablement from service-related causes. The law also provides that a new 10 year period of eligibility will begin running, if the veteran should die. This combination of circumstances may place a spouse in the unfortunate situation of having to choose between pursuing an education or staying at home to care for a severely disabled husband or wife. Worse, once the 10 year period has passed, the spouse can not receive benefits until the veteran dies.

We recommend, therefore, the elimination of delimiting dates for spouses married to veterans at the time of or within 10 years following the notification of a permanent and total disability rating. This change would not force spouses involved with the care of disabled veterans to choose between seeking an education or giving attention to their disabled veteran spouse. Spouses would not feel a time constraint and could seek an education as time allowed. We further recommend that spouses should not be eligible for benefits unless the marriage took place within 10 years following the notification of a permanent and total disability rating. No change is proposed to the current provision for termination of the 10 year period of eligibility following the veteran's death. .

Under current law, servicepersons attending school while on active duty are limited to reimbursement of tuition and fees charged by the school or the institutional training time rate otherwise payable, whichever is lesser. The entitlement charged in these cases is based on the training time. For example, even though a serviceperson may be attending school full-time, he or she could receive payments only for the cost of the course subject to the maximum full-time training rate otherwise payable but would be charged a full month of entitlement for each month of the term. This is not the case, however, for those active duty persons in the Chapter 32 (VEAP) program. Persons eligible for Chapter 32 receive educational assistance allowance at the training time rate otherwise payable, regardless of their status as a serviceperson or as a veteran. The task force recommends servicepersons under all programs receive educational assistance at the full rate payable for the training time being pursued with the appropriate charge to entitlement.

VA currently offers education loans under extremely limited circumstances. Given the restrictions for education loans, few persons apply for loans, even fewer have loans approved, and the task force recommends the loan program be terminated.

Chapter 30 eligibility is also based on a veteran's separation reason. Experience with a variety of cases indicates the various military separation points may not be applying the separation reasons in a manner which several members of the task force perceive is consistent. Some members of the task force, therefore, recommend changing this requirement and those affecting character of discharge reviews to parallel those currently in effect for chapters 31 and 32. Thus, the circumstances surrounding the separation would determine eligibility, rather than the separation code itself, and this determination would be made by VA in the process of adjudicating the claim. We would also retain the entitlement to character of discharge determinations by VA for the persons who would have been entitled to them previously, while extending this review to chapter 30 veterans.

MEASUREMENT

The single issue upon which there was most disagreement among the task force members was the issue of measurement for VA purposes. Measurement, as applied to education benefits payments, is complicated and at times, controversial. The task force examined the current system in great depth, took into consideration the opinions of the Commission To Assess Veterans' Education Policy, the Educational Assistance Advisory Committee, education associations such as the National Association of Veterans' Program Administrators and the American Association of Collegiate Registrars and Admissions Officers, the National Association of State Approving Agencies, and the opinions of accrediting associations as well as the Department of Education. Comparison was made with other Government programs such as Social Security. After extensive discussion, research, and thought-provoking debate, the task force remains divided over the best course of action to take.

The task force recognizes that the current procedures have resulted in significant problems with measurement of the less traditional programs of education that have evolved away from the more traditional classroom curriculum delivery mode of the 1950's and early 1960's upon which VA and the Congress have based the current procedures. It must be acknowledged, however, that the increasing use of nontraditional courses such as internships, undergraduate research projects, independent studies, externships, readings in honors projects, student contracted studies, practicums, alternative studies, self-paced curriculum, field studies,

cooperative education, open circuit television courses, modem based studies and many more yet unknown or unnamed variants to receiving academic credentials is the area of greatest concern. The Commission itself, for example, was never able to agree on a definition of "independent study." The issue of measurement in relation to the mode of delivery remains as the primary point of contention.

There were many within the task force who argued, and concluded after careful review of existing policies and procedures, that the current system is fair and equitable to the majority of beneficiaries. Those holding this opinion recognized, however, that certain changes should be made to allow for the emergence of nontraditional modes of obtaining traditional degrees. Some task force members argued that the mode of delivery should not be as important as the final result, which is the obtaining of the degree. In addition, some task force members urged that minor changes should be made in the measurement of vocational and technical programs to allow more standard payment of benefits. In this regard, the task force notes and applauds the action of Congress through Public Law 101-237 to eliminate the absence reporting requirements traditionally placed on those students pursuing noncollege degree programs.

The task force generally agrees that the current measurement system is cumbersome and complex mainly because it has attempted to make fine distinctions between rates of pursuit. For example, the laws have generally provided for five different payment levels: full time, 3/4

time, 1/2 time, less than half but more than quarter, and 1/4 time or less. The problems multiply when a student's pursuit must be defined. Considerations such as standard class sessions, independent study, and mixed measurement also become crippling to the administration of benefits.

The reasons for fine distinctions in training time have been obscured by the evolving patterns in higher education, and indeed in all education and training programs. The education community has indicated that there may be scant correlation between traditional training time and concurrent employment. Many schools have developed programs geared toward the working professional which postulate full-time academic pursuit while the student is simultaneously employed full-time. Servicepersons are pursuing courses which schools measure as full-time programs while still performing all their full-time military duties. The idea that more units cost more money, although generally true within a school, is far outdated by the widely divergent tuition rates between schools. Clearly many could and do argue that these developments render obsolete a measurement system with five different payment levels based on the training time of adult learners.

Beyond the fact that a system of fine distinctions between rates of pursuit may no longer be valid lie the additional complications of such a system itself. A myriad of nuances affect training time and, because of fine distinctions, different payment rates are applied.

The task force considered various ways to come to grips with measurement. Among the different perspectives discussed were the following:

- No Change from present system
- Retain system but change some definitions
- Retain system except for standard class sessions
- Retain system but consider credit hours (units) alone
- Change system to a two-tier system, eliminating part-time distinctions
- Eliminate measurement distinctions altogether

Among the arguments raised during discussions of the task force was the idea that a credit hour is a credit hour whether it is achieved through traditional residential courses, independent study, open circuit television courses, weekend college programs, or whatever the mode of delivery, as long as the school is approved by the State approving agency. It was noted by some that as the population grows and as more and more people seek college degrees, schools have been forced to come up with new and innovative ways of filling this need without lessening the final product. There is a balance that must be achieved, as in all Government programs, between the need to pay benefits to the serious student while safeguarding the taxpayers' dollars with the needs of the colleges and universities to grant a quality degree to people from many walks of life while understanding that needs of employment and of providing adequate provisions for a family might conflict with traditional residential instruction methods.

Many would argue, however, that despite claims from the education community, there no longer exists any standard definition of a credit hour (even for accredited schools), that provides a quantifiable unit for measurement purposes, or indeed for any other purpose external to the particular institution that issues the credit. Even then, the definition could be limited further to the term in which it is issued, as some schools may and do redefine credits or credit equivalency. The total reliance on credit hours, therefore, while internally administratively simple, and thus advocated by some members of the task force, could, others believed, appear to destroy all uniformity of payments not only among schools but potentially even between programs at the same school and from year to year or term to term as schools redefine what a credit is in their case.

As did the Commission beforehand, the task force attempted to work out new definitions and new ways of considering independent study and other less traditional modes of delivery in an integrated system. Each new definition, each new procedure that was discussed seemed no better than the situation which currently exists. The premier example is the Commission's recommendation to pay independent study at 75% of the full-time rate, if more than 12 units were taken by independent study. Although this was an honest attempt to provide a solution, its implementation would have resulted in a very unwieldy administrative procedure, as VA indicated in its interim report to the Committees. The outright elimination of measurement distinctions favored by some, including some of the task force members, could possibly result in the

extreme case in all students receiving the "full time" rate. Although this solution recognizes the impossibility of making meaningful distinctions between payment rates, it tends to make a mediocre situation even worse, and the task force members remain evenly divided on the issue of complete elimination of measurement distinctions.

Many members of the task force argued that the desired result could be obtained for college degree programs by retaining the current system of payment based on credit hours for training pursued in residence for standard terms and the equivalent credit hour measurement for nonstandard terms. It was believed that this would require the elimination of the standard class session requirement currently in use. However, the outright elimination of the "standard class session requirement" was not recommended. Rather, some suggested that this requirement should be suspended for a period of, for example, five years, with a complete review at the end of that time to determine if indeed any widespread abuse of VA benefits had occurred as the result. During the period of suspension of standard class sessions requirements, programs of education at institutions of higher learning would be measured on the basis of the credit hours pursued and the length of time required to earn them without regard to the mode of delivery. For example, six semester credits during a term measured on semester hours would be six credit hours regardless of whether they were taken through independent study, open circuit television, weekend courses, or in residence.

Even though the task force was unable to reach any general consensus on

these points and makes no recommendation, there was general agreement that if there is any desire whatsoever to have an education measurement policy that will assure payments to beneficiaries at different schools or in some cases in different programs at the same schools or in many shortened terms including summer sessions, that consists of approximately the same amount of money for approximately the same amount of study, then there must be a uniformly defined quantifiable unit of measurement to apply. The only other alternative, and one suggested but still not endorsed during the work of the task force, is to remove the multiple tiers of part-time measurement, replacing them with a simplified, two-tier system, consisting of a fulltime rate and a "less than fulltime" rate, but with a "floor," defined by a minimal number of credits, below which no payment would be issued.

The problems inherent in a multiple level system based on outdated concepts of how curriculum is currently presented to and pursued by adult students, lead to the misunderstandings, misconceptions, aggravations and ultimately, low level animosity that often may exist between school officials and VA staff. The current system, most agree, is not the ultimate solution. It needs to be more representative of the modern day milieu of the education community and academia. The overriding concern, though, is that any changes be thoroughly considered, researched using "what if" scenarios, and completely understood before any revision to law or regulation is undertaken.

Recommendation. The task force regrets that it has been unable to reach agreement on any clear and workable solution to what the Commission characterized as an ever deepening measurement problem. Additional time and study are needed for further consideration of measurement, to include as much outside information and informed opinion from knowledgeable and experienced persons as can possibly be found, no matter how self-serving those opinions might be, and no matter how "conservative" or "liberal" in their approach to benefits payments.

Two specific measurement issues still need to be addressed. These are: (1) the handling of usual educational pursuit in a quantifiable environment and (2) establishing a fair and uniform way of meeting nontraditional curriculum delivery in a way devoid as fully as possible of "exception handling" techniques. To these ends the task force concedes, as did the Commission To Assess Veterans' Education Policy before it, that further exploration of these issues is needed, if any type of consensus is to be reached. With sufficient time and resources, it is believed that some sort of middle ground might be reached through further policy discussions centering on a sensible measurement system that would not be as restrictive as the present system nor as laissez-faire as totally abandoning a Federal system of quantification by a deregulatory approach as some might advocate, or of completely relinquishing all measurement determinations to schools either directly or by formula.

APPENDIX to TASK FORCE REPORT

Proposed Redesign of Title 38 USC Chapters Concerning Various Education Benefits

The following is the first design of a new Title 38 which would simplify and standardize the benefit programs. In the first draft, Title 10's Chapter 106 has not been included.

Current Chapter 31:

Remains the same as far as Veterans Vocational Rehabilitation is concerned. Editorial changes to replace Administrator with Secretary.

Adds Sections formerly 1736, 1740, 1741, 1742, 1743 from Chapter 35 concerning Specialized Vocational Training and Special Restorative Training.

The name Special Restorative Training is changed to Special Training Program throughout these sections.

In section 1740 delete "(as defined in section 1701(a)(1)(A) of this title)" and insert "under Chapter 35 of this title" delete the period and insert "or predetermined vocational objective."

In section 1741 delete "the parent or guardian of" insert after person "or other person acting on behalf of the eligible person"

Current Chapter 30:

Section 1402 is removed, pertinent parts are included at chapter 36.

Section 1401 add "(a) Purposes. After 1401(a)(6), add " (b) Definitions pertaining to this chapter are found in chapter 36 of this title."

Section 1411(a) final words delete "basic" delete "this chapter." insert "chapter 36 of this title in such amounts and under such conditions as described in this chapter and chapter 36."

Section 1414 delete, as the basic concept would be included in chapter 36.

Section 1419 delete, as this benefit is included in chapter 36.

Subchapter IV retitled Administrative Provisions.

Sections 1431, 1432, 1433, 1434 are deleted as their import would be included in chapter 36.

Section 1435(e) would be deleted as all tutorial assistance payments would be through the readjustment benefits funding.

Current Chapter 32:

Section 1602 is removed, pertinent parts are included at chapter 36.

Section 1601 add at the beginning "(a)", and add "(b) Definitions pertaining to this chapter are found in chapter 36 of this title."

Subchapter III retitled Entitlement

Section 1631 replace with the following

(a) Except as provided in chapter 36 of this title for the purposes of apprenticeship or other on job training and subject to section 1641 of this title, the amount of the monthly payment to which any eligible veteran is entitled shall be ascertained by (A) adding all contributions made to the fund by the eligible veteran, (B) multiplying the sum by 3, (C) adding all contributions made to the fund by the Secretary concerned, and (D) dividing the sum by the lesser of 36 or the number of months in which contributions were made by such veteran.

(b) Each participant is entitled to educational assistance under chapter 36 of this title in such amounts and under such conditions as described in this chapter and chapter 36 of this title.

Sections 1632, 1633, 1634, 1641 are deleted as their import would be included in chapter 36.

Current Chapter 35:

Section 1701 is removed, pertinent parts are included at chapter 36.

Section 1700 add at the beginning "(a)", and add "(b) Definitions pertaining to this chapter are found in chapter 36 of this title."

Section 1710 replace with the following

(a) Each eligible dependent shall be entitled to educational assistance under chapter 36 of this title in such amounts and under such conditions as described in this chapter and chapter 36 of this title.

(b) Each eligible dependent shall be entitled to Specialized Vocational Training and to the Special Training Program as each are described in chapter 31 of this title.

Throughout this chapter, replace "eligible person" with "eligible dependent" when referring generically to persons eligible under

chapter 35 since "eligible person" will be used to refer to any person eligible for any of the education programs administered by VA. Replace "person" with "child" where the term refers only to a child rather than a spouse or child.

Section 1712(a) delete "person" insert "child" delete "on the person's twenty-sixth birthday" insert "10 years later".

Replace 1712(a)(3) with the following:

1712(a)(3) if the Secretary first finds the circumstances making the child eligible after the child's eighteenth birthday but before the child's twenty-sixth birthday, then such period shall end 10 years after the date of death of the parent from whom eligibility is derived; however, in no event shall such child be entitled to benefits permitted by this chapter beyond his or her 31st birthday." delete subsections (4), (5) and (6)

Delete Section 1712((b)((1)(A) redesignate (B) and (C) as (A) and (B)

Delete Section 1712 (b)(2) and (3)

Delete Section 1712 (c) (f) and (g)

Redesignate Section 1712 (d) and (e) as (c) and (d)

Insert new Section 1712 (e) as follows

(e) Extensions of the ending date may be made as provided in chapter 36 of this title; however, in no event shall a child be entitled to benefits permitted by this chapter beyond his or her 31st birthday.

Sections 1720 through 1726 delete since pertinent parts are included at chapter 36.

Subchapter IV redesignated as Subchapter III

Section 1732 replace with:

1732(a) The educational assistance allowance for eligible dependents shall be computed as a basic monthly rate of \$404 per month. The allowance payable for pursuit of programs shall be calculated as prescribed in chapter 36 of this title.

(b) If a program of education is pursued by an eligible dependent at an institution located in the Republic of the Philippines, the educational assistance allowance computed for such person under this section shall be paid at a rate in Philippine pesos equivalent to \$0.50 for each dollar.

Sections 1733, 1734 and 1735 would be contained in information found in chapter 36.

Sections 1736 through 1743 are removed to chapter 31.

Subchapter VI is redesignated IV.

Section 1761 is incorporated in chapter 36

Section 1763 add prior to the final period "and annually thereafter until the child reaches the age of eighteen. Thereafter the Secretary shall notify the eligible child of the educational assistance allowance available annually until the child reaches the age of twenty-six"

Section 1765(a) add prior to the final period ", and who were born prior to January 1, 1992"

Section 1765(c) delete.

Current Chapter 36:

Generally, eliminate the word "course" and substitute either "program of education" or "unit-subject" depending on context.

Current Subchapter I remains the same

Add Subchapter II Definitions [note: to be compiled from those originally found in other chapters and here consolidated and standardized]

Subchapter III consists of current Section 1780

Section 1780 add 30, 32, 106, et cetera.

Generally replace veteran, spouse, child, with "eligible person"

delete 1780 (a)(2) --absence accounting at NCDs.

delete (B) and (C) which permit interval payments.

Section 1780(f) delete

Section 1780(g) amend to provide for discretionary withholding of each payment (other than advance payments) until the eligible person provides confirmation of attendance.

Current Subchapter II redesignate as Subchapter IV

Section 1786 include children as part of replacing veteran, spouse, child, with "eligible person"

Section 1787 change to all eligible persons, define monthly rate in terms of percentages of the basic rate for each individual, specify that entitlement computation will be on same percentage basis as monthly rate.

Section 1791 Change of Program amend to follow our new guidelines.

Current Subchapter III delete.