



The 85/15 Rule

Reporting Exemptions and the
Education Service Waiver

Reporting Requirements

One-time Reporting Provision for
Accredited IHLs

Web Resources

Frequently Asked Questions

Q & A

LEARNING OBJECTIVES

At the completion of this training, you will be able to:

1. Identify the different exemptions and waivers of submitting 85/15 reports to VA
2. Identify the reporting schedule for ETIs
3. Understand reporting requirements for Accredited IHLs under the reporting provision expiring June 30, 2022
4. Find web resources for the 85/15 Rule



Choose **VA**

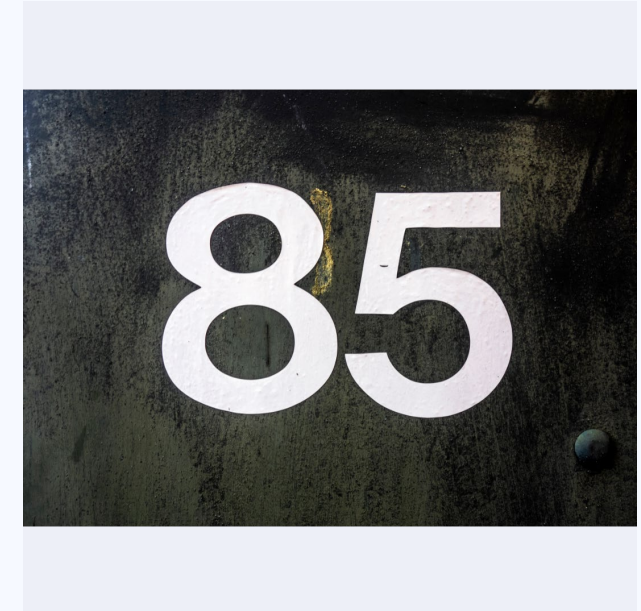


U.S. Department
of Veterans Affairs

WHAT IS THE 85/15 RULE

The 85/15 Rule (85/15) requires that a minimal number of non-supported students find a program worthwhile and valuable or the payment of Federal funds to Veterans who enroll in the program will not be authorized.

- VA cannot award benefits to any newly enrolling beneficiary if the ratio of supported students exceeds 85 percent
- Students successfully certified for the immediately prior (compliant) enrollment period, and who maintain continuous enrollment, may continue to receive benefits for a program that exceeds 85 percent
- Students receiving benefits under chapters 31 or 35 and under the Veterans Rapid Retraining Assistance Program (VRRAP) may enroll in programs that exceed 85 percent support students



Choose **VA**



U.S. Department
of Veterans Affairs



Reporting Exemptions and the Education Service Waiver

EXEMPTIONS FROM THE 85/15 RULE

1. Any On-the-Job Training (OJT) or Apprenticeship (APP) site.
2. Any farm cooperative program.
3. Any program offered by a flying club ("aero club") established, organized and operated pursuant to regulations of a military department of the Armed Forces as non-appropriated sundry fund activities which are governmental instrumentalities.



EXEMPTIONS FROM THE 85/15 RULE

Department of Defense (DoD) Exemption

Programs are exempt from all provisions of the 85/15 Rule if the ETI has a Department of Defense Exemption.

- The programs offered at the ETI must meet **all** regulatory requirements to qualify for this exemption
- ETI confirms eligibility for the DoD exemption by submitting a copy of the MOU between the ETI and the military installation

Visit our [website](#) for more information on the Department of Defense Exemption.

Education Service Waiver

A **program** is exempt from all provisions of the 85/15 Rule when it has an Education Service Waiver.

- Education Service Waiver is for specific programs only
- Director of Education Service grants this waiver for a specified period

Visit our [website](#) for more information on the Education Service Waiver.



35 PERCENT EXEMPTION

What is the 35 Percent Exemption?

An ETI with a 35 Percent Exemption is not required to routinely report 85/15 calculations to the VA.

85/15 calculations must still be provided at the request of VA or State Approving Agency staff.

35 Percent Exemption Criteria

The total number of VA beneficiaries enrolled in the educational institution must be less than or equal to 35% of the total student enrollment.

1. Any program(s) that exceed 85% Supported Student enrollment are not exempt and the ETI must continue to monitor and routinely report enrollment data on any programs not included in the 35 Percent Exemption.
2. Total student population is NOT based on Full Time Equivalency (FTE).



35 PERCENT EXEMPTION

The 35 percent exemption will expire every 24 months:

Facility Type	35% Exemption Must Be Renewed Every
Accredited IHL	24 months
Non-Accredited IHL	24 months
Accredited NCD	24 months
Non-Accredited NCD	24 months

Per 38 Code of Federal Regulations (CFR) 21.4201 if there is reason to believe that the enrollment of veterans and eligible persons in the course may exceed 85 percent of the total student enrollment in the course, a 35 percent exemption can be revoked at that time.

The 35 percent exemption relieves the ETI of the burden of routine reporting only. Continue to monitor enrollments to ensure program compliance with the 85/15 Rule.



35 PERCENT EXEMPTION APPLICATIONS

When the total number of VA beneficiaries enrolled at an ETI does NOT exceed 35 percent the ETI may submit a request for an exemption to routine reporting of 85/15 calculations.

ETIs must include the following completed documents for the corresponding reporting period in their emailed request to the [ELR of jurisdiction](#):

- [35% Exemption from the 85/15 Reporting Requirement](#)
- [Statement of Assurance of Compliance with 85 Percent Enrollment Ratios, VA Form 22-10215](#); and if necessary
- [Statement of Assurance of Compliance with 85 Percent Enrollment Ratios Continuation Sheet VA Form 22-10215a](#).



When requesting the 35 percent exemption, regulation requires the ETI submit the 85/15 report for the corresponding reporting period.



U.S. Department
of Veterans Affairs

35 PERCENT EXEMPTION CONFIRMATION

An Educational and Training Institution (ETI) with a pending 35 percent exemption request should **NOT** submit any additional reports to VA.

VA will provide a confirmation of the exemption, and, if additional reporting is required, the ETI will be notified at that time.



90+ DAYS

An ETI with a 35 percent exemption request pending for **greater than 90 days** should contact the [ELR of jurisdiction](#) to confirm receipt.



The 35 percent exemption relieves the ETI of the burden of routine reporting only. Continue to monitor enrollments to ensure program compliance with the 85/15 Rule.



U.S. Department
of Veterans Affairs

35 PERCENT EXEMPTION REQUEST CORRECTION

Resubmit the reports and exemption request only for errors in reporting

- Submit all documents via email
- Type **CORRECTED** in the subject line

Send corrections to [ELR of jurisdiction](#)



The 35 percent exemption relieves the ETI of the burden of routine reporting only. Continue to monitor enrollments to ensure program compliance with the 85/15 Rule.



U.S. Department
of Veterans Affairs



Reporting Requirements

WHEN DO ROUTINE 85/15 CALCULATIONS NEED TO BE PROVIDED?

When the ETI is **structured on a Term, Quarter, or Semester Basis**

85/15 calculations must be submitted to the Education Liaison Representative (ELR) of jurisdiction no later than 30 days after the start of each regular term (excluding summer terms).

Enrollment Period	Start Date	Report Due Date
Spring Term	January 3, 2022	February 1, 2022
Fall Term	September 6, 2022	October 5, 2022



WHEN DO ROUTINE 85/15 CALCULATIONS NEED TO BE PROVIDED?

When the ETI is **not structured on a Term Basis**

85/15 calculations must be submitted to the ELR of jurisdiction no later than 30 days after the beginning of each calendar quarter. **Separate reports/calculations for each enrollment period during the quarter must be submitted by the due date.**

Calendar quarters align with the quarters of VA's fiscal year which starts in October and ends in September.

Due dates for routine reporting of 85/15 calculations will be as follows:

Due Date	Enrollment Periods Beginning Between
January 30 th	October 1 through December 31
April 30 th	January 1 through March 31
July 30 th	April 1 through June 30
October 30 th	July 1 through September 30



WHEN DO ROUTINE 85/15 CALCULATIONS NEED TO BE PROVIDED?

When an ETI:

1. offers both IHL and NCD programs **and**
2. is non-term-based **and**
3. reporting on a quarterly basis



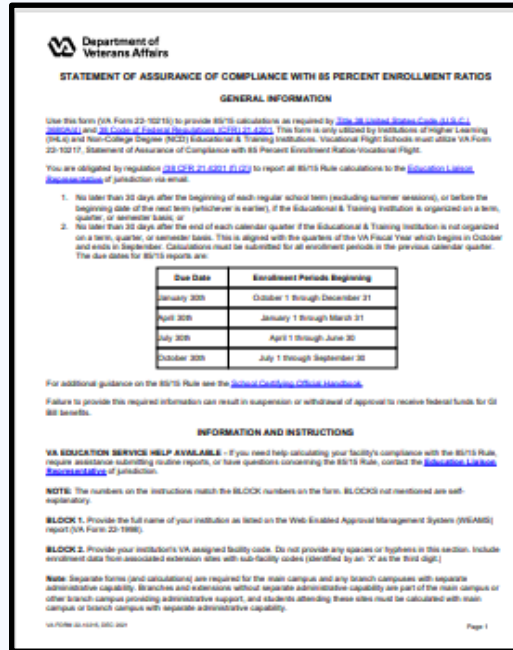
85/15 calculations must be submitted to the ELR of jurisdiction on a quarterly basis.

- Separate reports/calculations for each enrollment period during the quarter must be submitted by the due date.
- Each report will reflect the programs starting on the enrollment period start date (as published in the SAA-approved catalog).



U.S. Department
of Veterans Affairs

OMB APPROVED 85/15 FORMS



Department of Veterans Affairs
STATEMENT OF ASSURANCE OF COMPLIANCE WITH 85 PERCENT ENROLLMENT RATIOS

GENERAL INFORMATION

Use this form (VA Form 22-10215) to provide 85/15 calculations as required by [Title 38, United States Code \(38 U.S.C.\) 3802\(a\)\(1\)](#) and [28 Title of Federal Regulations \(38 CFR\) 38.203](#). This form is only utilized by Institutions of Higher Learning (IHL) and Non-College Program (NCP) Educational & Training Institutions, Vocational Flight Schools that offer VA Form 22-10217, Statement of Assurance of Compliance with 85 Percent Enrollment Ratio-Vocational Flight.

You are obligated by regulation [38 CFR 41.5011 \(f\)\(2\)](#) to report all 85/15 Rule calculations to the [Education Liaison Representative](#) of jurisdiction via email:

- No later than 30 days after the beginning of each regular school term (excluding summer sessions), or before the beginning date of the next term (whichever is earlier), if the Educational & Training Institution is organized on a term, quarter, or semester basis.
- No later than 30 days after the end of each calendar quarter if the Education & Training Institution is not organized on a term, quarter, or semester basis. This is aligned with the quarter of the VA Fiscal Year which begins in October and ends in September. Calculations must be submitted for all enrollment periods in the previous calendar quarter. The due dates for 85/15 reports are:

Due Date	Enrollment Periods Beginning
January 2025	October 1 through December 31
April 2025	January 1 through March 31
July 2025	April 1 through June 30
October 2025	July 1 through September 30

For additional guidance on the 85/15 Rule see the [Internal Certification Handbook](#).

Failure to provide the required information can result in suspension or withdrawal of approval to receive federal funds for GI Bill benefits.

INFORMATION AND INSTRUCTIONS

VA EDUCATION SERVICE HELP AVAILABLE: - If you need help calculating your facility's compliance with the 85/15 Rule, require assistance submitting 85/15 reports, or have questions concerning the 85/15 Rule, contact the [Education Liaison Representative](#) of jurisdiction.

NOTE: The numbers on the instructions match the BLOCK numbers on the form. BLOCKS not mentioned are self-explanatory.

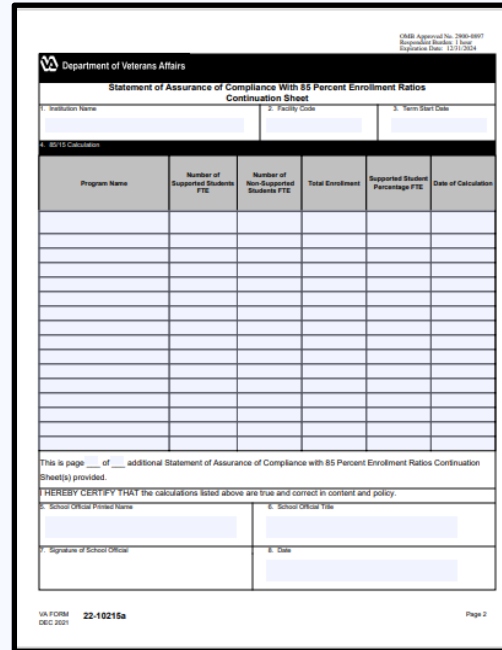
BLOCK 1. Provide the full name of your institution as listed on the VMS-Enabled Approval Management System (VAMS) report (VA Form 22-1994).

BLOCK 2. Provide your institution's VA assigned facility code. Do not provide any spaces or hyphens in this section. Include enrollment data from associated extension sites with sub-facility codes (identified by an "X" as the third digit.)

Note: Separate forms (and calculations) are required for the main campus and any branch campuses with separate administrative capability. Branches and extensions without separate administrative capability are part of the main campus or other branch campus providing administrative support, and students attending these sites must be calculated with main campus or branch campus with separate administrative capability.

VA FORM 22-10215
DEC 2021

VA FORM 22-10215



Department of Veterans Affairs
OMB Approved No. 2685-0007
Revised/Revised 1 page
Expiration Date: 12/31/2024

Department of Veterans Affairs
Statement of Assurance of Compliance with 85 Percent Enrollment Ratios
Continuation Sheet

1. Institution Name: _____ 2. Facility Code: _____ 3. Term Start Date: _____

4. 85/15 Calculations

Program Name	Number of Supported Students FTE	Number of Non-Supported Students FTE	Total Enrollment	Supported Student Percentage FTE	Date of Calculation

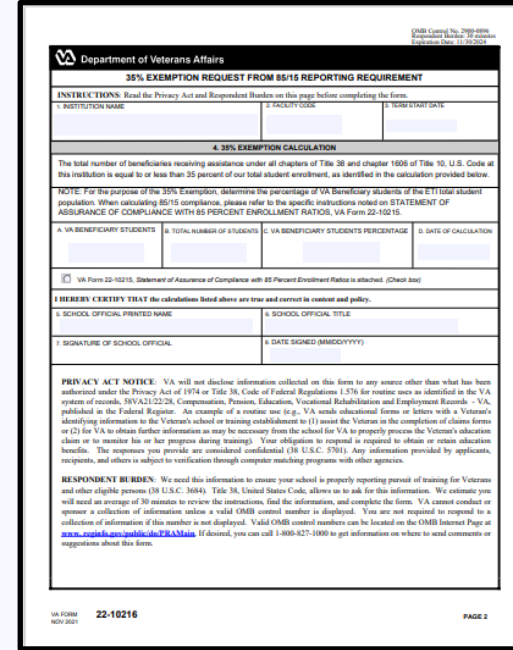
This is page ___ of ___ additional Statement of Assurance of Compliance with 85 Percent Enrollment Ratios Continuation Sheets provided.

THEREBY CERTIFY THAT the calculations listed above are true and correct in content and policy.

5. School Official Printed Name: _____ 6. School Official Title: _____
7. Signature of School Official: _____ 8. Date: _____

VA FORM 22-10215a
DEC 2021

VA FORM 22-10215a



Department of Veterans Affairs
OMB Approved No. 2685-0008
Revised/Revised 1 page
Expiration Date: 12/31/2024

Department of Veterans Affairs
35% EXEMPTION REQUEST FROM 85/15 REPORTING REQUIREMENT

INSTRUCTIONS: Read the Privacy Act and Response Booklet on this page before completing the form.

1. INSTITUTION NAME: _____ 2. FACILITY CODE: _____ 3. TERM START DATE: _____

4. 35% EXEMPTION CALCULATION

The total number of beneficiaries receiving assistance under all chapters of Title 38 and chapter 1608 of Title 10, U.S. Code at this institution is equal to or less than 35 percent of our total student enrollment, as identified in the calculation provided below.

NOTE: For the purpose of the 35% Exemption, determine the percentage of VA Beneficiary students of the ETT total student population. When calculating 85/15 compliance, please refer to the specific instructions noted on STATEMENT OF ASSURANCE OF COMPLIANCE WITH 85 PERCENT ENROLLMENT RATIOS, VA Form 22-10215.

A. VA BENEFICIARY STUDENTS	B. TOTAL NUMBER OF STUDENTS	C. VA BENEFICIARY STUDENTS PERCENTAGE	D. DATE OF CALCULATION

VA Form 22-10215, Statement of Assurance of Compliance with 85 Percent Enrollment Ratios is attached. (Check box)

I HEREBY CERTIFY THAT the calculations listed above are true and correct in content and policy.

5. SCHOOL OFFICIAL PRINTED NAME: _____ 6. SCHOOL OFFICIAL TITLE: _____
7. SIGNATURE OF SCHOOL OFFICIAL: _____ 8. DATE SIGNED (MM/DD/YYYY): _____

PRIVACY ACT NOTICE: VA will not disclose information collected on this form to any source other than what has been authorized under the Privacy Act of 1974 or Title 38, Code of Federal Regulations 1.576 for routine uses as identified in the VA system of records, 89VA212228, Compensation, Pensions, Education, Vocational Rehabilitation and Employment Records - VA, published in the Federal Register. An example of a routine use (e.g., VA sends educational forms or letters with a Veteran's identifying information to the Veteran's school or training establishment to (1) assist the Veteran in the completion of claims forms or (2) for VA to obtain further information as may be necessary from the school for VA to properly process the Veteran's education claim or to monitor his or her progress during training). Your obligation to respond is required to obtain or retain education benefits. The responses you provide are considered confidential (38 U.S.C. 5701). Any information provided by applicants, recipients, and others is subject to verification through computer matching programs with other agencies.

RESPONDENT BURDEN: We used this information to ensure your school is properly reporting pursuit of training for Veterans and other eligible persons (38 U.S.C. 3084; Title 38, United States Code, allows us to ask for this information. We estimate you will need an average of 30 minutes to review the instructions, find the information, and complete the form. VA cannot conduct or sponsor a collection of information unless a valid OMB control number is displayed. You are not required to respond to a collection of information if this number is not displayed. Valid OMB control numbers can be located on the OMB Internet Page at www.reginfo.gov/public/inPRAMain. If denied, you can call 1-800-827-1000 to get information on where to send comments or suggestions about this form.

VA FORM 22-10216
NOV 2021

VA FORM 22-10216



Choose **VA**



U.S. Department of Veterans Affairs

REMINDERS



1. List all approved programs, and any variations, beginning on the term start date reflected in block 3 of the VA Form 22-10215 and VA Form 22-10215a.
2. Do not include withdrawn or unapproved programs
3. Use the FTE enrollment calculations in the “Total Enrollment” column
4. Submit separate reports for each enrollment period
5. Include the 85/15 report with the 35 percent exemption request
6. Sign and date all forms
7. Continue to monitor 85/15 after the 35 percent exemption is granted





Reporting Provision for Accredited IHLs

PROVISIONAL GUIDELINES FOR ACCREDITED INSTITUTIONS OF HIGHER LEARNING

Accredited IHLs are granted a one-time provision to submit 85/15 calculations using an attached spreadsheet valid until June 30, 2022

- The spreadsheet must provide all element headers and calculations as listed on the VA Form 22-10215
- The spreadsheet must be converted to an inalterable pdf document
- Every page of the pdf document must be signed and date-stamped

Deadline for submission of the Spring 2022 calculations is June 30, 2022.



INSTRUCTIONS FOR SUBMITTING EXCEL SPREADSHEETS

VA will accept an attached spreadsheet with the same element headers and calculations as listed on the 22-10215 (created with a program like Excel), saved as a PDF.

- Include on each page of the document:
 - (1) the signature of the individual who will be signing the VA Form 22-10215 and
 - (2) a date stamp
- For question 4, you may insert, on the first line of question 4 under “Program Name” the following: *“Please see the attached signed and date stamped PDF spreadsheet.”*

You can submit the form and additional documents to VA through the already established methods. VA will accept the form and additional documents from Accredited Institutions of Higher Learning through **June 30, 2022**.





85/15 Web Resources

85/15 RULE WEBPAGES

Additional information on the 85/15 Rule is available on our website.

VA | U.S. Department of Veterans Affairs

Search Contact us Sign in

VA Benefits and Health Care About VA Find a VA Location My VA

I AM A...
Select One

- Transition and Economic Development
- Compensation
- Education & Training
- Veteran Readiness & Employment
- Home Loans
- Life Insurance

VA » Veterans Benefits Administration » Education and Training » The 85/15 Rule

Education and Training

The 85/15 Rule

The 85/15 Rule (85/15) requires that a minimal number of non-Veterans find a program worthwhile and valuable or the payment of Federal funds to Veterans who enroll in the program will not be authorized. The 85 Percent Rule prohibits paying Department of Veterans Affairs benefits to students enrolling in a program when more than 85 percent of the students enrolled in that program are having any portion of their tuition, fees, or other charges paid for them by the Education and Training Institution (ETI) or by VA under Title 38 and Title 10. When the ratio of supported students to non-supported students exceeds 85 percent, only students maintaining continuous enrollment may continue to receive benefits for that program.

Links to other topics at the bottom of every page

Additional pages dedicated to 85/15 Rule information

85/15 FAQs	Full-Time Equivalency	Suspension and Review
Restricted Aid	Supported and Non-Supported Students	Reporting Requirements
35 Percent Exemption	DoD Exemption	Education Service Waiver

[The 85/15 Rule](#)

Team
Schools

85/15 RESOURCES

- [APRIL 2022 OFFICE HOURS](#)
- [FEBRUARY 2022 OFFICE HOURS](#)
- [SEPTEMBER 2021 OFFICE HOURS](#)
- [THE 85/15 RULE](#)
- [STUDENT STATUS CHECKLIST](#)
- [SCO HANDBOOK](#)
- [38 U.S. Code §3680A](#)
- [38 CFR §21.4201](#)





Frequently Asked Questions

OVERLAPPING ENROLLMENT PERIODS (MODULAR/COHORT)

The ETI has bi-weekly start dates for approved programs. Should it submit a different report for each start date? Should we list only those students enrolling for that start date?

When calculating 85/15 for programs offered on a non-term basis (i.e., modular, cohort, etc.) the school administrators will review and report on all students enrolled in a program at the start of each module or cohort. The submission of these multiple reports is due within 30 days of the end of the quarter. This submission must include separate reports for all enrollment periods beginning during the quarter upon which the ETI is reporting.



LIFTING THE 85/15 PAYMENT SUSPENSION

After a program is found non-compliant, is an ETI able to submit interim reports to have the 85/15 payment suspension lifted?

Yes, the ETI may submit interim reports to the ELR of jurisdiction.

Once the ratio is reestablished, the ETI must individually compute every enrollment of a VA beneficiary to ensure the 85 percent limitation is not again immediately exceeded until

- the end of the term or
- the end of the calendar quarter, if the school is not operated on a term-basis.



ROOM AND BOARD & MONTHLY HOUSING ALLOWANCE

When determining institutional support, do room and board charges count? And, if yes, must the room and board charges be paid in full by the report date.

Institutional support for 85/15 purposes does not include support for non-mandatory fees or charges (i.e., fees or charges that could not be certified to VA).

If an ETI charges tuition and fees, but a VA beneficiary is exempted from paying tuition and fees and only certified for MHA purposes, is that student considered supported?

Yes. For the purposes of 85/15, any VA beneficiary using VA benefits under Title 10 or Title 38 is supported; however, if the ETI is one that doesn't charge tuition and fees to any student, it may not be subject to the 85/15 Rule.



THIRD-PARTY FUNDS

An ETI has proof that the student will receive Title IV funds that will cover the full amount of tuition, fees, and other charges for the school year prior to the 85/15 reporting date. The ETI distributes the funds equally throughout but not in full until the end of the school year. Thus, the student carries a balance from enrollment period to enrollment period until the last term/semester that year. Does the ETI count all terms as non-supported (all aid is non-supported)?

Example

- Tuition for the Academic Year is \$10,000
- The award letter, and the payments, will be split equally over the terms

Academic Year					
Term 1		Term 2		Term 3	
Tuition and Fees	\$4000.00	Tuition and Fees	\$3000.00	Tuition and Fees	\$3000.00
T4 Awarded	\$3333.34	T4 Awarded	\$3333.33	T4 Awarded	\$3333.33
Term Balance	\$ 666.66	Term Balance	\$ (333.33)	Term Balance	\$ (333.33)
AY Balance	\$ 666.66	AY Balance	\$ 333.33	AY Balance	\$ -

In the above scenario term 1 is \$666.66 short of being covered and terms 2 and 3 are over 333.33 to make up the difference.

When a third-party award covers the tuition, fees, and other charges in full, then the award letter alone would stand as proof of funds; however, if the award does not cover the full amount of tuition, fees and other charges, the student would be supported any time there is a balance due on the reporting date.





Questions?



U.S. Department
of Veterans Affairs