



October 31, 2025

Thomas Alphonso
Assistant Director for Policy and Procedures
Veterans Benefits Administration's Education Service
United States Department of Veterans Affairs
810 Vermont Avenue, NW
Washington, DC 20420

Public comment on: State Approval Agency Jurisdiction Rule, Docket No. VA-2021-VBA-0024

Dear Mr. Alphonso:

On behalf of the American Council on Education (ACE) and the undersigned higher education associations, we write regarding the Department of Veterans Affairs' (VA) proposed rule to amend its definitions relating to distance learning and independent study—and by extension, expand the scope of programs under State Approval Agency jurisdiction. The higher education community supports the goal of developing accurate, consistent definitions. However, we are concerned about both the substance of VA's proposed definitions and the consequences of updating definitions through current regulations. Based on the concerns outlined below, we recommend that VA work with Congress to modernize its definitions while maintaining critical guardrails for program quality and integrity.

Concern 1: Proposed Definitions Do Not Align Across Federal Agencies, Contain Inaccuracies

We appreciate that the Department of Veterans Affairs has recognized that its definitions for “independent study,” “distance learning,” and “resident learning,” as currently written, do not align with the common understanding of these terms. Accurate definitions support clarity, consistency, and ensuring a shared understanding between practitioners, students, and other education stakeholders. Further, for policymakers accurate definitions are necessary for developing effective public policy. We recognize that VA's effort to address stakeholder concerns and clarify terms has in part prompted this proposed rulemaking.

However, we want to echo higher education stakeholder concerns regarding the VA's proposed definitions.¹ A primary concern is that, as currently written, the VA's proposed definitions do not

¹ *Comment from Russ Poulin on VA-2021-VBA-0024-0007*, October 8, 2025, <https://www.regulations.gov/comment/VA-2021-VBA-0024-0011>.

fully align with existing Department of Education (ED) definitions.² ED has extensively engaged with the higher education community through its process of negotiated rulemaking to develop its existing definitions, including updates set to take effect in July 2026.³ Given that work, the VA would benefit from collaborating with ED to align definitions across agencies. Further, the VA’s framing of the proposed definitions does not differentiate between modality (the *how* of teaching) and curriculum (the *what* of teaching).⁴ For example, both “independent study” and “standard curriculum” are more appropriately understood as forms of curriculum rather than modalities of learning.

Concern 2: Updating Definitions Through Existing Regulations Jeopardizes Important Guardrails for Program Quality and Integrity

Beyond simply ensuring that definitions are accurate, VA’s proposed regulatory changes would significantly expand the scope of programs under State Approving Agencies’ (SAA) jurisdiction for review and course approval. As the VA notes in its supplemental notice of proposed rulemaking, “considering distance learning as a subset of independent study has effectively barred SAA approval of non-college degree (NCD) programs, which are not accredited, conducted via distance learning.”⁵ If the VA moves forward, SAAs would be newly responsible for evaluating these programs and assuring their quality.

The National Association of State Approving Agencies (NASAA) has voiced concerns about expanding GI Bill access to unaccredited, online NCD programs. As the national representative for SAAs, NASAA has said that the majority of members remain “deeply concerned” about oversight of online learning at unaccredited NCD programs due to their responsibility to safeguard and uphold the integrity of the GI Bill.

We appreciate that as a part of its proposed rule, VA is seeking feedback on how to “preserve program quality and integrity” and protect “VA educational beneficiaries from fraudulent and predatory schools.”⁶ The higher education community supports effective consumer protections for veterans and other military learners and agrees on the need to safeguard the integrity of the GI Bill program. However, expanding GI Bill access to unaccredited, online NCD programs represents a

² *Comment from Russ Poulin on VA-2021-VBA-0024-0007*, October 8, 2025, <https://www.regulations.gov/comment/VA-2021-VBA-0024-0011>.

³ *Program Integrity and Institutional Quality: Distance Education and Return of Title IV, HEA Funds*, U.S. Department of Education, January 3, 2025. <https://www.federalregister.gov/documents/2025/01/03/2024-31031/program-integrity-and-institutional-quality-distance-education-and-return-of-title-iv-hea-funds>.

⁴ *Comment from Russ Poulin on VA-2021-VBA-0024-0007*, October 8, 2025, <https://www.regulations.gov/comment/VA-2021-VBA-0024-0011>.

⁵ *State Approving Agency Jurisdiction Rule*, U.S. Department of Veterans Affairs, September 3, 2025, <https://www.federalregister.gov/documents/2025/09/03/2025-16836/state-approving-agency-jurisdiction-rule>.

⁶ *State Approving Agency Jurisdiction Rule*, U.S. Department of Veterans Affairs, September 3, 2025, <https://www.federalregister.gov/documents/2025/09/03/2025-16836/state-approving-agency-jurisdiction-rule>.

significant policy change that merits further discussion and consideration to ensure responsible use of taxpayer dollars, well beyond this public comment period.

Recommendation: VA Should Work with Congress and the Higher Education Community to Modernize Definitions While Preserving Program Guardrails

Given the scope and significance of VA's proposed changes—and the real harm that could result without appropriate guardrails for GI Bill program quality and integrity—we recommend that VA withdraw its proposed rule and instead work with Congress to make necessary changes. Further, we recommend that VA and Congressional leaders work with both ED and the higher education community—and in particular organizations with expertise in distance education—to ensure definitions appropriately capture the current state of the field.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Mitchell".

Ted Mitchell
President

On behalf of:

Achieving the Dream

ACPA-College Student Educators International

American Association of Colleges and Universities

American Association of Colleges for Teacher Education

American Association of Collegiate Registrars and Admissions Officers

American Association of Community Colleges

American Association of State Colleges and Universities

American Association of Veterinary Medical Colleges

American Council of Learned Societies

American Council on Education

Association of American Law Schools

Association of American Universities

Association of Community College Trustees

Association of Governing Boards of Universities and Colleges

Association of Jesuit Colleges and Universities

Association of Public and Land-grant Universities

Career Education Colleges and Universities

Council for Christian Colleges & Universities

Council of Graduate Schools

EDUCAUSE

National Association for College Admission Counseling

National Association of College and University Business Officers

National Association of Diversity Officers in Higher Education

National Association of Independent Colleges and Universities

UPCEA