

30, 31, 32, 34, 35, and 36 of title 38, U.S.C. available for examination by authorized representatives of the Government. Furthermore, section 3684, title 38, U.S.C. requires that each educational institution offering a course, in which a veteran or eligible person is enrolled under chapter 30, 31, 32, 34, 35, or 36 of title 38, U.S.C., must report to VA the following information—

- The enrollment of each such veteran or eligible person; and
- The interruption or termination of the education of each such person.

The school official that prepares the above-required certifications is known as the “VA certifying official”.

Under current rules, if an educational institution offers courses in residence at a branch or extension, VA generally requires that each branch or extension itself must maintain the records and perform the required certifications. We refer to the branch or extension’s ability to maintain the records and prepare the certifications we require as having “administrative capability”. In the proposed rule, we include the definition of “administrative capability”.

If an educational institution offers courses at a branch or extension within the same State, the current rule allows the educational institution to centralize administrative capabilities at its parent facility. It may do so only if it can identify the records of students at each branch, specify which branch the student attends when sending certifications to VA, and if it maintains a centralized record keeping system at the parent facility.

Recognizing that several educational institutions now offer courses in many locations, and sometimes in many States, VA is proposing to amend its regulations to allow educational institutions more flexibility in centralizing administrative capability for its various locations. Under the proposed rule, the educational institution may be able to do so if it can meet the requirements in the proposed rule. To combine administrative capability of two locations not in the same State, VA proposes that the location with administrative capability must demonstrate the following—

(i) The location with administrative capability maintains all records and accounts that 38 CFR 21.4209 requires for each student at the location (or locations) without administrative capability. These records may be originals, certified copies, or in an electronically formatted record keeping system.

(ii) The educational institution has an employee (or employees) physically present at the location with

administrative capability who is able to discuss with or explain to VA the relationship between the student’s record and the enrollment information as certified to VA.

(iii) The educational institution location with administrative capability can specify the location where the student is training when sending certifications concerning that student to VA.

(iv) The educational institution location with administrative capability maintains a list of all programs approved for VA training for each location for which it has administrative capability.

(v) The educational institution location with administrative capability either—

(1) Has all required records for each location for which it has administrative capability available for review by State approving agency representatives and/or VA officials; or

(2) If located in a different State than the State approving agency representative or the VA official, has the ability and agrees to send copies of any records requested to the State approving agency representative and/or VA official from that location.

If an educational institution does centralize administrative capability for all its branches into one location under the proposed rule, it must have the VA certifying official (or officials) at the centralized location of the educational institution. Under the proposed rule, the location with administrative capability does not have to be a teaching location. Further, the proposed rule states that the educational institution may consolidate the administrative capability at its primary administrative offices when the primary administrative offices are not co-located at the main campus.

In addition, we propose to define the terms “main campus,” “branch campus,” and “extension.” We further propose that these definitions would apply only to the section of our regulations that the proposed rule amends. We are proposing these definitions because many educational institutions offer courses at various locations and we must clearly explain and distinguish how the rules regarding administrative capability apply to the different locations.

Within the education community, a main teaching facility of an educational institution is currently referred to variously as the “main campus,” “primary location,” “home,” “parent facility,” or “original campus”. We propose to choose the term “main campus” to distinguish the primary

teaching location from any additional locations the educational institution may have. If the educational institution has only one teaching location, it is the “main campus” for purposes of this proposed rule. If the educational institution does not designate any of its locations as the primary teaching location, we propose that the primary office of its Chief Executive Officer be the main campus, for purposes of this proposed rule.

Some educational institutions refer to a subordinate location as “branch,” “extension,” “alternative teaching site,” or “satellite,” to name a few. Other educational institutions consider all locations equal to each other and refer to them as “branches” or “teaching centers.” We propose to choose two terms, “branch campus” and “extension” to distinguish the different types of locations. We propose to define a “branch campus” similar to the Department of Education’s definition of “branch campus.” For purposes of this proposed rule, “branch campus” means a location of an educational institution—

(i) That is geographically apart and operationally independent of the main campus of the educational institution;

(ii) That has its own faculty, administration and supervisory organization; and

(iii) That offers courses in education programs leading to a degree, certificate, or other recognized education credential.

For purposes of this proposed rule, the term “extension” means a location of an educational institution that is geographically apart from and is operationally dependent on the main campus or a branch campus of the educational institution. Examples of an extension are classrooms at a business, hospital, or hotel.

Unfunded Mandates

The Unfunded Mandates Reform Act requires, at 2 U.S.C 1532, that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of \$100 million or more in any given year. This proposed rule would have no consequential effect on State, local, or tribal governments.

Executive Order 12866

This document has been reviewed by the Office of Management and Budget under Executive Order 12866.