

(Chapter 33 Benefit Payments 38 CFR 21.9640)

Tuition and Fees

Tuition and fees are paid directly to the school on behalf of the student when the school's enrollment certification is processed. Tuition and fees are prorated by the student's benefit level.

Effective August 1, 2009, this was limited to the highest per credit hour tuition and the maximum fees charged by a public institution for undergraduate training in the state where the student was enrolled. State caps for tuition and fees are located at: http://www.benefits.va.gov/GIBILL/resources/benefits_resources/rate_tables.asp.

Students on active duty received the total amount of tuition and fees, not limited to the state maximum, or the amount of charges that exceeded the amount paid by the military's federal tuition assistance.

Effective August 1, 2011, the amount of tuition and fees payable for programs offered by IHLs changed. The in-state, undergraduate state maximum amounts for tuition and fees no longer apply.

- **U.S. Public Schools:** The actual net cost for in-state tuition and fees after the application of any waiver, scholarship, aid, or assistance [other than loans and funds provided under section 401(b) of the Higher Education Act of 1965], provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees
- **Private and Foreign Schools:** The lesser of the actual net cost for tuition and fees after the application of any waiver, scholarship, aid, or assistance [other than loans and funds provided under section 401(b) of the Higher Education Act of 1965], provided directly to the institution and specifically designated for the sole purpose of defraying tuition and fees, or up to the academic year cap.

The amount of the yearly cap will be adjusted each year based upon a Cost of Living Allowance (COLA) and is subject to proration based upon benefit level. **Fees That Are Permissible to be Certified as part of "Tuition and Fees."**

Only fees that are both **mandatory** and **assessed before a student can attend a program** are certifiable by schools. The only exceptions are tuition, or room and board fees which are never certifiable. See 38 CFR § 21.9505.

Permissible mandatory charges are those assessed by a school (other than tuition, or room and board) that are necessary for the pursuit of an approved program of education **and** are the same amount for all students (GI Bill and non-GI Bill alike). Mandatory fees may be for items, such as books, that could possibly be obtained from a source other than the school as long as the fee is assessed to all students.

Examples of mandatory fees include, but are not limited to, health premiums, freshman fees, graduation fees, and lab fees, kit charges, supplies, equipment, or certain study materials.

Fees do not include study abroad course(s) unless the course(s) is a mandatory requirement for completion of the approved program of education.

Fees do not include application fees.

Fees, and whether they are pre or post enrollment fees should be noted in the school's catalog or supplement and listed on the school's billing statement or invoice.

NOTE: Generally, fees may not include expenses to satisfy enrollment or admission pre-requisites (costs associated with program enrollment requirements that a student must complete **prior** to admission or enrollment; out-of-pocket expenses paid by the student to qualify for admission, e.g., permits to operate training equipment, drug screening, background checks, etc.). However, such expenses may be certified as fees if a school does not require students to complete all admission requirements prior to enrolling and starting training, but only if the fees are charged equally to all students regardless of whether some students may, or may not, have already completed those requirements prior to admission (i.e., the fee must be mandatory for all students without exception).

Important to note: If a student cannot continue a program due to not completing an admission requirement after starting training, all tuition and fees paid by VA will be considered school debts. **The SCO must take the following two actions** (if enrollment certification has already been submitted to VA when it's determined the student failed to meet admission requirements):

1. Submit an amended certification with zero tuition and fees. Amended tuition and fees are applied to the entire enrollment period. The full tuition and fees payment will become school debt.
2. Terminate the certification effective the student's last date of attendance. The student will be entitled to a prorated housing allowance and books & supplies payments through the last date of attendance.

Example One: A nurse training program requires all students to have a state background check, but the school allows students to enroll in the course with the condition that the background check be completed before working with patients. In this case, the school may include the background check cost as a mandatory fee. However, if a student fails to obtain the background check and, as a result, is unable to continue the program, the school will be responsible for reimbursing VA for any tuition and fees paid while the student was enrolled. Additionally, the fee must be applied uniformly to all students regardless of whether some students already had the background check prior to admission and enrollment. **Otherwise, the fee would not be mandatory for all students, and the school would not be permitted to include it as a mandatory fee.**

Example Two: A commercial driver's license (CDL) training program requires that all students have a Department of Transportation (DOT) issued permit to operate

commercial trucks to complete the mandatory driving portion of the training. The school allows students to enroll in the program without having first obtained this necessary permit to operate commercial trucks. In this case, the school may include the DOT permit cost as a mandatory fee. However, if a student fails to obtain the permit and, as a result, is unable to continue the program, the school is responsible for reimbursing VA for any tuition and fees paid while the student was enrolled. Additionally, to be a certifiable fee, this permit fee must be applied uniformly to all students whether or not some students had their permit prior to admission and enrollment.

If you are not sure if a specific fee meets the needed criteria to be considered mandatory, you should contact your [Education Liaison Representative](#) for guidance **prior** to certifying the fee.