

85/15 RULE

Flight Programs

The Code of Federal Regulations (38 CFR 21.4201) states VA shall not approve the enrollment of any VA-eligible person, not already enrolled, in any course for any period during which more than 85 percent of the students enrolled in the course are having all or part of their tuition, fees, or other charges paid for them by the educational institution or by the Department of Veterans Affairs. VA refers to this as the 85-15 rule.

WHO IS AFFECTED BY THIS REGULATION

Any course offered by a flying club established, organized and operated pursuant to regulations of a military department of the Armed Forces as a *nonappropriated sundry fund activity* are exempt from the requirements of CFR 21.4201.

All schools not exempt as shown above are required to comply with regulations outlined in CFR 21.4201.

For the purpose of this discussion a veteran may be a serviceperson, veteran, reservist, authorized dependent, or other eligible individual who is receiving GI Bill benefits from the VA.

CERTIFICATION OF THE 85/15% RATIO

The 85-15 rule means that in any course, for any period, not more than 85% of those enrolled can be veterans, or other eligible individuals who are receiving GI Bill benefits from the VA. Flight schools are required to maintain an 85-15% veteran to non-veteran ratio log. A veteran may not be enrolled or re-enrolled for any approved flight course where the ratio of the number of hours of training of veterans to non-veterans exceeded 85% in the 30-day period prior to enrollment of the veteran. If the 85% restriction is not met, do not enroll the student until it is met.

SCHOOL VERIFICATION

In order to comply with CFR 21.4201, flight schools are required to submit a quarterly report certifying compliance with the 85-15% enrollment restriction. The following School Quarterly 85-15% Certification Form must be completed and submitted to the VA at the end of each quarter unless the school has a "35% Waiver" (see below). A copy should be retained in the school files. All approved schools are required to submit this certification whether they had an active student receiving VA benefits or not.

STUDENT VERIFICATION

A new veteran student cannot begin a Part 141 or 142 training program if veteran students completed more than 85% of the total logged instructional hours flown in the preceding 30-day period at the flight school.

CFR 21.4201 requires the school to be in compliance with the 85-15% enrollment restriction in the 30-day period prior to enrollment or re-enrollment of a veteran. To ensure compliance with this regulation, the following Student 85-15% Certification Form must be completed prior to the enrollment or re-enrollment of an eligible veteran in a flight-training program. The school should place the completed form in the individual student's file to support compliance with this rule. The VA will review this form at the time of the supervisory/compliance visit.

35 PERCENT WAIVER

Flight schools that can demonstrate that their veteran student enrollment is 35% or less of their overall student enrollment may be granted a waiver from the 85-15% reporting requirement. As long as the veteran student enrollment remains 35% or less, veteran students can be enrolled in approved training programs without exception. If the 35% veteran student enrollment is exceeded, veteran students must be enrolled in accordance with the 85-15% ratio requirements. This waiver allows schools to skip the reporting requirement each quarter. It is not a waiver from complying with the regulation.