College Tuition Fee Waiver Program For Veterans Dependents Procedures Manual

Academic Year 2016-2017

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Contents

Introduction 1
Purpose 1
Overview 2
Responsibilities of the Approver 2
Delegation of Authority 2
Definitions 3
Plan Overviews 8
Plan "A" 8
Who May Qualify? 8
Eligibility Specifications for Plan A 8
Plan "B" 9
Who May Qualify? 9
Eligibility Specifications for Plan B 9
Plan "C" 10
Who May Qualify? 10
Eligibility Specifications for Plan C 10
Plan "D" 11
Who May Qualify? 11
Eligibility Specifications for Plan D 11
Procedures for Reviewing College Tuition Fee Waiver 12
Applications 12
Plan A 12
Plan B 14
Procedures for Approved College Tuition Fee Waivers 15
Procedures for Denied College Tuition Fee Waivers 15
Reasons for College Tuition Fee Waiver Denials 15
Procedures for Retroactive College Tuition Fee Waivers 16
Overview 16
Procedures for Approval 16
Appendix - Sample Letters and Forms 17
Sample Approval Letter for Plan A 18
Sample Approval Letter for Plan B 19
Sample Denial Letter for Plan A or B 20
Sample Retroactive Approval Letter 22
Election to Receive College Tuition Fee Waiver Benefits 23
Stepchild Certification Form 24
Required Text for CalVet College Tuition Fee Waiver (DVS-40) Delegation of Authority Letter 25
Request for Transcript of Tax Return 26

Introduction

One of the benefits the California Department of Veterans Affairs (CalVet) administers is the College Tuition Fee Waiver Program for Veterans Dependents. Originally enacted in 1935, this program has seen many changes through the years. Current benefits are provided under the authority of the California Military and Veterans Code (M&VC), Article 2, Sections 890 through 899 and 980, the California Education Code, Section 66025.3 and Title 12, California Code of Regulations, Division 2, Chapter 3, Subchapter 3.5 (Title 12 CCR).

The basic benefit is the waiver of mandatory system wide tuition or fees at the University of California (UC), California State University (Cal State) including the California Maritime Academy, or a California Community College. Per Education Code Section 66025.3(d), waiver of tuition or fees shall apply only to a person who is determined to be a resident of California pursuant to Education Code Section 68000. Exceptions to residence determination may be found in Education Code Sections 68070 – 68085. The school which the student attends makes final residency determinations.

Purpose

The intent of this document is to describe the policies that shall be followed when reviewing, approving, and denying the college fee waiver. County Veteran Service Officers (CVSO) and their designees shall abide by the policies according to the M&VC, Education Code, and Title 12 CCR. Although the basic benefits of this program are the same, eligibility requirements contained in the M&VC are different from the eligibility requirements contained in the Education Code.

It is important for CVSOs and their designees to understand the different eligibility requirements as a dependent may qualify via one of the above Codes, but not the other.

Overview

The CVSO is responsible to award College Tuition Fee Waivers in accordance with M&VC Sections 890–899 and 980, Education Code Section 66025.3, Title 12, CCR, Sections 440-442, and the *CalVet College Tuition Fee Waiver Program for Veterans Dependents Procedures Manual*. College Tuition Fee Waivers issued in error could result in the county of issue being held financially responsible for repayment of the tuition and fees to the college whose tuition and fees were waived incorrectly. The College Tuition Fee Waiver (DVS-40) application and all supporting documents related to the grant of a College Tuition Fee Waiver will be audited.

If a College Tuition Fee Waiver is issued in error, an investigation to determine who was at fault (i.e., applicant or CVSO or both) will be conducted by CalVet in order to determine the party liable for repayment of the improperly waived tuition and fees. The CVSO will notify each individual applicant and each individual college in writing for each individual College Tuition Fee Waiver issued in error. The CVSO must sign each written notice with an original signature. A copy of each notice must be maintained in the veteran's file in VetPro. If it is found that the College Tuition Fee Waiver was issued fraudulently (fraud by applicant or CVSO or both) authorities will be notified which may result in criminal prosecution.

NOTE: All College Tuition Fee Waiver DVS-40 applications and supporting documentation must be uploaded to VetPro.

Responsibilities of the Approver

CalVet, Veterans Services Division, or its designees, including any CVSO **who maintains CalVet accreditation**, may determine eligibility to receive benefits under this program. Every award, denial or retroactive benefit letter generated through a CVSO shall be have an original signature by the appointed CVSO. If the CVSO is not CalVet-accredited, see Delegation of Authority below. All retroactive award letters shall have the original signature of the CVSO and a second CalVet-accredited representative, whether the CVSO is accredited or not.

Delegation of Authority

The CVSO may delegate the authority of the original signature requirement for each approval or denial letter to the County Veterans Service Office senior staff by submitting a delegation of authority letter to CalVet via VetPro Agency Attachments. The Delegation of Authority Letter must include the original signature of the CVSO and the original signature of each CVSOs senior staff person to which the CVSO has delegated the authority to sign. The delegation of signature authority is effective for no more than six months; thereafter, another signed letter must be submitted to CalVet with the required signatures. A Delegation of Authority letter must be submitted before any other staff are allowed to approve or deny College Tuition Fee Waivers, and on an ongoing basis prior to the beginning of each six-month period.

A template showing the required wording for the Delegation of Authority Letter for each of the six month periods of August to January 31 and February to July of each year is on page 25.

Definitions

Unless specifically described otherwise, definitions of terms not listed below, should be obtained from the M&VC or Education Code, or from Title 38, U.S. Code, or Title 38, Code of Federal Regulations (CFR).

Term	Definition
Academic Year	12 CCR Section 440 (b): "An 'academic year' shall commence on the first day and terminate on the last day of an entire academic year, as determined by the institutions of higher learning, and shall include all special and summer sessions." There are courses not covered by the College Tuition Fee Waiver; contact the school directly to inquire. If an applicant is applying to more than one school within the same academic year, a DVS-40 application for each school must be completed. Note: The start of an AY varies from campus to campus.
Annual Income	Annual income for the purposes of Plan B, shall be the amount of income reported to the Internal Revenue Service (IRS) or Franchise Tax Board (FTB) as "Adjusted Gross Income" (AGI) plus, value of any support received from a parent, from the period January 1st through December 31st of the preceding calendar year. Per California Education Code Sections 66025.3(a)(2) and 66025.3(c), the student's AGI and value of any support received from a parent cannot exceed the annual income limit as published by CalVet.
Annual Income Limit	In accordance with the California Education Code the "national poverty level" for a "single person under age 65," as published by the United States Census Bureau, shall be the annual income limit for the upcoming academic year. CalVet will issue a bulletin to announce the established level for each academic year. The current annual income limit is posted on the CalVet website at: https://www.calvet.ca.gov/VetServices/Pages/College-Fee-Waiver.aspx under the Eligibility tab at the bottom of the page. NOTE: The Census Bureau may adjust the poverty level several times per year; however, the Fee Waiver income limit is set just once per year and does not change for subsequent Census Bureau adjustments.
Appeals/Appellate Authority	Per 12 CCR Section 442: Applicants who disagree with a denial of benefits or a termination of benefits shall first appeal the decision to the Deputy Secretary, Division of Veterans Services. The appeal must be received in the Division within 90 days of the date of the letter which notified the applicant of the denial. Appeals must be in written form, stating the specific reasons why benefits should be granted, and mailed to: Deputy Secretary, Division of Veterans Services, California Department of Veterans Affairs, 1227 "O" Street, Sacramento, CA 95814. Appeals should include a copy of the denial letter and a telephone number where the student may be reached during normal business hours. Should the appeal be denied, the second appellate level is with the California Veterans Board, 1227 'O' Street, Sacramento, California 95814. Appellate determinations will be shared with the appropriate County Veteran Service Office.

Term	Definition
Applicant	A child, stepchild, spouse, unmarried surviving spouse or Register Domestic Partner (RDP). On occasions, the veteran is known for applying for the waiver for his/her dependents (student signature is still required on DVS-40).
Application	"Applications" are comprised of the DVS-40 and all required supporting documentation. All applications for benefits under this program shall be on the most recent CalVet, Veterans Services Form "DVS-40" (rev 7/16). DVS 40 applications received by facsimile (FAX) and email are acceptable. The application may be downloaded at: www.calvet.ca.gov.
Approval Period	Per 12 CCR Section 440(a): "Grants of College Fee Waiver benefits shall be made on a year-to-year (academic year) basis. Applicants must reapply each year to maintain continuity of benefits." There shall be no partial year grants of benefits. Approvals may be granted only for the current AY, or the immediate upcoming AY. College Fee Waiver application packages (DVS-40 and required documents) received, or approvals dated, after the last day of the school's academic year are not allowed. NOTE: No approvals under Plan B shall be granted until all required documentation and information is included in the application package (e.g. income document, birth certificate, etc.).
Approver	CalVet, Veterans Services Division, or its designees, including CVSOs who maintain CalVet accreditation may determine eligibility to receive benefits under this program. Award and Denial letter shall be signed by the appointed CVSO (if they are accredited by CalVet). The CVSO may authorize other CalVet-accredited senior staff to approve or deny college fee waivers by submitting a Delegation of Authority letter to CalVet by uploading the signed document in VetPro's Agency Attachments.
Child	For the definition of a Child, see Dependency Requirements in this table.
Death of Veteran, Effect On Dependents Entitlement	The death of a service-connected disabled veteran shall have NO adverse effect on a dependent's eligibility to receive benefits under this program.

Term	Definition
Dependency Requirements	For the purpose of this program, M&VC Section 890(b) states, "Dependent of a veteran" means the natural or adopted child of a veteran, or stepchild of a veteran as defined by the United States Department of Veterans Affairs for compensation purposes, the unmarried surviving spouse of a veteran, or the spouse of a totally disabled veteran. Title 38, Code of Federal Regulation, Section 3.57 (a)(1) includes a child legally adopted before the age of 18 years, and a stepchild who acquired that status before the age of 18 years and who is a member of the veteran's household, or was a member of the veteran's household at the time of the veteran's death. Title 38, Code of Federal Regulation, Section 3.57 (a)(2), also includes persons who were adopted by the veteran between the ages of 18-23 years, and a person who became a stepchild of the veteran between the ages of 18-23 years and who is a member of the veteran's household or was a member of the veteran's household at the time of death. Persons acquiring adopted or stepchild status between the ages of 18-23 must be continuously enrolled in a course of instruction. A divorce or termination of a relationship may affect eligibility; a former stepchild may be eligible only if the veteran retains custody. A child's marital status alone will not be a bar to receiving benefits under Plan B. **Requirements to Establish Dependency** Establishing dependency requires a copy of the student's birth certificate, showing the veteran as a parent. The veteran named as a parent on the birth certificate should be the same person named on the VA award notice for service connected disability. For stepchildren and adoptions: (1) if a stepchild, obtain a copy of the marriage license and child's birth certificate, (2) if an adopted child, a copy of the adoption order will suffice, (3) school transcripts to show the child has continuously been in school since the age of 18, (4) If a stepchild, the Stepchildren Certification Form. Use these documents to show proof of relationship of the veteran to the student verification of dependency and definition of a child for this program. NOTE: The applicable required documents must be uploaded to VetPro. CVSOs should identify a student by viewing a valid driver license or another valid government issued photo I.D.

Term	Definition
Effective Date Of Benefits	Per 12 CCR Section 441: Entitlement can be established in advance for the upcoming academic year, however, the earliest effective date for which entitlement can be established for fee waiver purposes, will be the beginning date of the academic year in which the application for benefits was received by the Division of Veterans Services or its designees.
Fees Waived	Education Code Section 66025.3(a) prohibits any campus of the University of California, California State University, or California Community College from charging "mandatory system wide tuition or fees, including enrollment fees, registration fees, differential fees, or incidental fees". Note: By statute, CalVet determines benefits eligibility for the student. By statute, each school system waives "fees", based upon their own definitions and written guidelines. Any "disagreements" regarding what "fees" should be waived, should be resolved at the lowest possible level-between the student and school involved.
National Poverty Level	For the purposes of Plan B, the National Poverty Level is defined as the poverty threshold for a single person, under the age of 65, according to the U.S. Census Bureau. CalVet will annually publish the annual income limit based upon the poverty threshold dollar amount. Also see "ANNUAL INCOME" in this table.
Period Of War	For the purpose of Plan A, a veteran must have served during a period of war as declared by the U.S. Congress, or in a campaign or expedition in which a medal has been authorized by the U.S. Government.
Registered Domestic Partner (RDP)	A copy of the California Certificate of Registered Domestic Partnership issued by the Secretary of State, naming the partners and dependents, must be part of the eligibility verification process, and uploaded with the application package to VetPro.
Residency Determinations	Students must meet the residency requirements of the school they will attend. The waiver of tuition or fees under this section shall apply only to a person who is determined to be a resident of California pursuant to Education Code Chapter 1 (commencing with Section 68000) of Part 41. Colleges make residency determinations.
Responsibilities And Liabilities Of Those Processing Benefits	Counties found to have granted an invalid benefit will lose the Workload Unit value and be liable to reimburse the school. Examples: there is no service-connected disability/death, income and value of support exceeds the National Poverty Level, there is no evidence of dependency.

Term	Definition
Service-Connected Disability/Death	A *permanent* disability, or death, which has been formally rated by the USDVA. Any disabilities rated "for examination purposes only" do *NOT* qualify. Verification shall consist of a USDVA award notice. For purposes of Plan A, a veteran's service-connected disability must be verified via USDVA award notice stating service-connected disability rating percentage for each academic year that a new DVS 40 application is submitted. An exception exists for veterans that have a permanent and total service-connected rating or died due to service-connection causes.
Spouse Or Registered Domestic Partner	For the purposes of Plan A, the person married to, or a RDP of, a veteran who is totally disabled as a result of service-connected disabilities. Note that effective January 1, 1997, all age restrictions for a spouse have been removed. Supporting documents are required, i.e.; California Certificate of Domestic Partnership.
Surviving Spouse of Registered Domestic Partner	For the purposes of Plan A, the unmarried person who was married to, or a RDP of a veteran whose cause of death was officially rated or adjudicated as "service-connected." Supporting documents are required as stated above.
Totally Disabled	For the purposes of Plan A, a veteran that is rated 100% disabled for service-connected disability compensation purposes, or in receipt of the 100% service-connected disability compensation rate due to "individual unemployability" by the USDVA. Temporary ratings, i.e., 38 CFR 4.28, 4.29 and 4.30, shall not in themselves be a basis for granting benefits under Plan A. It is permissible to grant benefits under Plan A for veterans rated for (individual unemployability) on a year-to-year basis.
Value Of Support	For the purposes of Plan B, Education Code Section 66025.3(a)(2) states the Value of Support shall be any support provided to the child during the preceding annual year by the parent, as "certified under penalty of perjury." Examples of "support" include college housing assistance, transportation, medical and dental care, school books, and supplies. IRS Publication 501 has further definitions that may be helpful, but the IRS worksheet is not a requirement and not all of the IRS definitions translate directly. Note: If $0.0 is claimed on the DVS-40 under AGI and Value of Support from a parent, an explanation must be attached as to how the student affords to attend school.

Plan Overviews

Plan "A"

Who May Qualify?

1) The CHILD of a wartime veteran who is totally disabled due to service-connected disabilities, or whose death was officially rated as service-connected. The child must be over 14 years old and under 27 years old, unless the child is a veteran, and then the age limit is extended to age 30,
2) The SPOUSE or Registered Domestic Partner (RDP) of a wartime veteran who has been rated as service-connected totally disabled. Note that there are no age limit restrictions,
3) The unmarried SURVIVING SPOUSE or RDP of a wartime veteran whose death has been rated as service-connected. Note that there are no age limit restrictions,
4) ANY DEPENDENT of any veteran who has been declared missing in action, captured in the line of duty by hostile forces, or forcibly detained or interned in the line of duty by a foreign government or power.

Eligibility Specifications for Plan A

a) Wartime service required. The veteran must have served at least one day of active duty during a period of war as declared by the U.S. Congress, or during any time in which the veteran was awarded a campaign or expeditionary medal.

b) Specific age requirements must be met for an otherwise eligible child.

c) Dependents in receipt of federal educational benefits under Chapter 35, Title 38, United States Code are not eligible. Applicants must submit a signed Election to Receive College Fee Waiver Benefits Plan A in lieu of Chapter 35 benefits on page 23.

a) There are no income restrictions under this plan.

b) For children: The event which caused basic entitlement to benefits, (i.e., the date the veterans died of service-connected causes or the date the USDVA rated the veteran as totally disabled as a result of service-connected disabilities), must have occurred prior to the child's 21st birthday.

c) Students must meet residency requirements as determined by the school.

Plan "B"

Who May Qualify?

A child of a veteran who has a service-connected disability, or had a service-connected disability at the time of death, or died of service-related causes. The child's "annual income", which includes the child's adjusted gross income plus the value of support provided by a parent, may not exceed the annual income limit which is posted on the CalVet website at: https://www.calvet.ca.gov/VetServices/Pages/College-Fee-Waiver.aspx under the Eligibility tab at the bottom of the page.

Eligibility Specifications for Plan B

a) Wartime service not required.

b) No specific age requirements.

c) No prohibition against concurrent receipt of fee waiver benefits and USDVA Chapter 35 benefits.

d) Children are the only dependents eligible under this Plan.

e) Current academic year entitlement is based upon the previous calendar year's "annual income" which includes the child's adjusted gross income.

f) Students must meet residency requirements as determined by the school.

Plan "C"

Who May Qualify?

Any dependent, or surviving spouse or Registered Domestic Partner (RDP) who has not remarried, of any member of the California National Guard, who in the line of duty, and while in the active service of the state, was killed, died of a disability resulting from an event that occurred while in active service to the state, or is permanently disabled as a result of an event that occurred while in the service to the state. "Active service of this state", for the purpose of this subdivision, means a member of the California National Guard activated pursuant to Section 146 of the Military and Veterans Code.

Eligibility Specifications for Plan C

a) Guard member's death or permanent disability must have occurred while in the active service of the state. You must have a copy of orders stating that the activation was under Military and Veterans Code section 146, not section 143.

b) This program applies only to dependents, surviving spouses or RDP of members of the California National Guard.

c) Students must meet residency requirements as determined by the school.

NOTE: If you receive an application under this plan, develop the application with the above requirements, collect the package then forward to CalVet for approval or denial to:

CalVet
Attn: Nancy Noriega
Veterans Services Division
1227 "O" Street, Suite 105
Sacramento, CA 95814

Plan "D"

Who May Qualify?

1. Medal of Honor recipients
2. The child of a Medal of Honor recipient.
3. Specified dependents of a Registered Domestic Partner (RDP).

Eligibility Specifications for Plan D

a) Benefits under this program are limited to undergraduate studies only.
b) Age, income, and residency requirements must be met for a child.
c) Spouses, RDPs, surviving spouses or RDPs are not eligible under this program.
d) There are no prohibitions against receiving concurrent USDVA Chapter 35 benefits.
e) Students must meet residency requirements as determined by the school.

NOTE: If you receive an application under this plan, try first to establish entitlement to benefits under Plan A or B, as the requirements are less restrictive. Otherwise, develop the application package then forward to:

CalVet
Attn: Nancy Noriega
Veterans Services Division
1227 "O" Street, Suite 105
Sacramento, CA 95814

Procedures for Reviewing College Tuition Fee Waiver Applications

Plan A

To establish whether the applicant is eligible to receive benefits under the College Tuition Fee Waiver Program, the approver must verify the following:

Type of Dependent	For Plan A, Approver Must Verify:
All Dependents	1. Verify DVS-40 (for current year), College Fee Waiver Application for completeness and accuracy. 2. Verify dependency by including the applicable documentation described in Definitions (page 5), Dependency Requirements. 3. Verify USDVA award notice that the veteran was declared missing in action, captured in the line of duty by hostile forces, or forcibly detained or interned in the line of duty by a foreign government or power.
Child	1. Verify DVS-40 (for current year), College Fee Waiver Application for completeness and accuracy. 2. Verify dependency by including the applicable documentation described in Definitions (page 5), Dependency Requirements. If veteran retains custody of a former stepchild, verification documents must be presented. 3. Child must be over 14 years old and less than 27 years old, unless the child is a veteran, then the age limit extends to age 30. 4. If death of a service-connected disabled veteran occurred while married to the spouse, marriage certificate and veteran's death certificate must be on file. 5. Verify veteran wartime service, total disability due to service- connected causes OR death rated as service connected OR incurred while in the line of duty thru the USDVA award notice. 6. Veteran's death due to service-connected causes or rating as totally disabled as a result of service-connected disabilities must have occurred prior to the child's 21 birthday. 7. No income restrictions. 8. Concurrent receipt of Plan A and USDVA Chapter 35 benefits is prohibited. Applicant must read and sign "Election to Receive CalVet College Fee Waiver Benefits." (see page 23). 9. Applicant must contact the school they will be attending to learn about the residency requirements.

Type of Dependent	For Plan A, Approver Must Verify:
Spouse Or Registered Domestic Partner (RDP)	1. Verify DVS-40 (for current year), College Tuition Fee Waiver Application for completeness and accuracy. 2. Copy of marriage certificate or (RDP) Declaration. 3. Verify veteran wartime service, total disability due to service-connected causes OR death rated as service connected OR incurred while in the line of duty thru a USDVA award notice, 4. No income restrictions. No age restrictions. 5. Concurrent receipt of Plan A and USDVA Chapter 35 benefits is prohibited. Applicant must read and sign "Election to Receive CalVet College Fee Waiver Benefits." (see page 23). 6. Applicant must contact the school they will be attending to learn about the residency requirements.
Unmarried Surviving Spouse OR (RDP)	1. Verify DVS-40, (for current year) College Fee Waiver Application for completeness and accuracy. (rev 7/16) 2. Verify copy of marriage certificate/RDP declaration and veterans' death certificate OR USDVA award notice and verify that unmarried surviving spouse or RDP was on deceased veteran's award, prior to death. 3. Verify wartime service via USDVA award notice that death was rated as service- connected. 4. No income restrictions. No age restrictions. 5. Concurrent receipt of Plan A and USDVA Chapter 35 benefits is prohibited. Applicant must read and sign "Election to Receive CalVet College Fee Waiver Benefits." (see page 23). 6. Applicant must contact the school they will be attending to learn about the residency requirements.

Plan B

To establish whether the applicant is eligible to receive benefits under the College Tuition Fee Waiver Program, the approver must verify the following:

Type of Dependent	For Plan B, Approver Must Verify:
Child	1. Verify DVS-40 (for current year), College Tuition Fee Waiver Application for completeness and accuracy. 2. Verify child dependency. See Definitions (page 5), Dependency Requirements for required documents. 3. Verify Veteran's service-connected disability at time of death or death due to service-related causes via USDVA award notice. No specific service-connected percentage required. 4. Verification of Income for a student's Adjusted Gross Income (AGI) can be verified with a SIGNED copy of the entire tax return filed with the IRS (1040, 1040EZ) or similar FTB form, or a statement from the IRS or FTB must be provided verifying AGI or the fact that there is no record of a return being filed. If FTB or IRS tax return was electronically submitted, confirmation that the return was accepted must be provided. IRS and FTB statements may be obtained by visiting a local IRS or FTB office, or by calling the IRS at 1-800-829-1040, or the FTB at 1-800-852-5711. If above options are not available, applicant may complete IRS Form 4506-T, option #7 and send to the IRS (See page 26). If the form is completed correctly, request will be processed within 10 business days. Income/Non-filing verification letters must be dated after April 15th. Form W-2 will not be accepted as proof of AGI, however, when a student is married and a joint tax return was submitted you should use the W-2's to determine individual share of the joint income. In cases where the DVS 40 reports $0 AGI, and $0 Value of Support, a certified statement must be completed which states how the student can afford to attend school. Do not accept a Form 1040 or FTB 540 that reports $0.0 income. This does not substitute for the verification of non-filing. 5. Wartime service not required. No age restrictions. 6. No prohibition against concurrent receipt of fee waiver benefits and USDVA Chapter 35 benefits. 7. Only children are eligible under this plan. 8. Applicant must contact the school they will be attending to learn about the residency requirements.

Procedures for Approved College Tuition Fee Waivers

Once applicant eligibility has been established, the approver completes an approval notice.

- Approval letter must be completed on the county letterhead, using the standard wording shown in this manual (template for Plan A is on page 18; template for Plan B is on page 19; both are uploaded in VetPro).
- Approval letter must also be signed by the CVSO or a person included on the signed Delegation of Authority letter uploaded in VetPro.
- Scan and upload approval letter into the veterans VetPro file.
- Provide the applicant with the original approval letter to take to the California public college they designated on their DVS-40.
- Disputes regarding the fees to be waived shall be between the applicant and the school.

Procedures for Denied College Tuition Fee Waivers

When an approver denies a college tuition fee waiver, a denial letter must be given to the applicant with instructions on the appeal process.

- Denial letter must be completed on the county letterhead, using the standard wording shown in this manual (templates for Plan A and B on page 20 as well as uploaded in VetPro).
- Denial letter must be signed by the CVSO or his or her designee, uploaded into the veteransVetPro file, and then given to the applicant.
- Denials under Military & Veterans Code, Section 890.3 (applicant meets all requirements except for veteran's service connected disability rating) should not be appealed since the waiver will be retroactive once USDVA adjudicates service-connected disability or death benefits and applicant brings back the denial letter(s). However, applicant has the right to appeal if they wish.

Reasons for College Tuition Fee Waiver Denials

The reasons for denial are reflective of the vast majority of appeals encountered. The applicable reasons for denial are shown on the Sample College Fee Waiver Denial Letter on page 20.
NOTE: If benefits are denied, make sure you deny the benefit for the proper reason(s).

Procedures for Retroactive College Tuition Fee Waivers

Overview

When a veteran comes into a CVSO office seeking assistance, inquire whether veteran has college bound dependents or dependents currently in college. If so, provide information on the College Tuition Fee Waiver Program for Veterans Dependents and determine whether the veteran has a service connected disability rating or if there is a currently a pending claim with the USDVA. A claimant must provide written verification that an application is pending with the USDVA at the time the DVS-40 application is submitted. If veteran may be eligible for but does not have a service connected disability rating and is interested in applying for the CalVet College Tuition Fee Waiver, you may complete a DVS-40 application and subsequently issue a College Tuition Fee Waiver Denial Letter (see sample page 20).

Inform the veteran that State law, specifically Education Code, Section 66025.3, does not provide us with the authority to grant fee waiver benefits if the veteran does not have a service connected disability rating. However, an exception exists and relates to college fee waivers received under the provisions of Military & Veterans Code Section 890.3(a)(1). The law permits retroactive fee waiver benefits from the school system when a claim is denied, due solely to the fact that the veteran in question has a claim pending with the USDVA for service connected disability or death benefits, but has yet to be awarded such benefits and in the future the USDVA adjudicates a service connected rating and the veteran brings back the denial letter(s) for each subsequent year.

Procedures for Approval

To approve a retroactive CalVet College Tuition Fee Waiver under Military & Veterans Code, Section
890.3:

1. Review copy(s) of the CalVet Tuition Fee Waiver denial letter(s) that were specifically denied based on Military and Veterans Code, Section 890.3(a)(1) and are eligible for retroactive fee waiver.

2. Request a copy of USDVA award notice adjudicating service-connected disability or service- connected death benefits.

3. Review or compare with your records. If a CalVet Tuition Fee Waiver letter was issued by another county, contact that county and verify records.

4. If approved, issue CalVet Tuition Fee Waiver approval letter(s) for each AY and school(s) name for which the CalVet Tuition fee waiver is approved. (See sample page 22). **NOTE: TWO signatures are required for this approval letter specifically: Original signature of CVSO, whether they are accredited or not, and original signature of another CalVet-accredited rep—if there is one at the CVSO.** If the application is denied, then issue a denial letter.

5. Scan and upload letter(s) via VetPro Agency Attachments.

6. Disputes regarding the fees to be waived shall be between the applicant and the school.

Appendix - Sample Letters and Forms

- Sample Approval Letter for Plan A
- Sample Approval Letter for Plan B
- Sample Basic Denial Letter for Plan A or B
- Sample Retroactive Approval Letter
- Election to Receive College Tuition Fee Waiver Benefits
- Stepchild Certification Form
- Required Text for CalVet College Tuition Fee Waiver (DVS 40) Delegation of Authority Letter
- IRS Form 4506-T

Sample Approval Letter for Plan A

CVSO Official Letterhead

COLLEGE FEE WAIVER AUTHORIZATION (PLAN A) DEPENDENTS OF SERVICE-CONNECTED DISABLED OR DECEASED VETERANS.

ACADEMIC YEAR: 20XX-20XX

Date

STUDENT
111 ACADEMIC WAY
COLLEGETOWN, CALIFORNIA 90210

Dear Student:

Congratulations! You have been found eligible to receive CalVet College Tuition Fee Waiver benefits under the provisions of the California Military and Veterans Code, Sections 890 – 899 and Section 980. These benefits are provided to you by the grateful State of California to recognize the sacrifices made by a veteran while serving our country with honor.

Having been found eligible for benefits means that you shall not be charged any mandatory system wide tuition or fees, while attending either: (1) a California Community College, (2) a campus of the California State University (Cal State) system, or (3) a campus of the University of California (UC) system. Many colleges and universities have campus-based and extension fees which may not be waived. Contact staff at your school's Veterans Affairs Office for additional information and provide them with a copy of this letter.

Please note the following:

(1) This authorization is valid only for the Academic Year listed above.
(2) You must re-establish eligibility for each subsequent Academic Year you plan on attending school.
(3) You must meet the California residency requirements of your school in order to receive these benefits.
(4) You may not receive benefits under this program, during the time that you are in receipt of federal educational benefits under Chapter 35, Title 38, United States Code.

I wish you success in achieving your educational goals and if you need additional information concerning this program or other veterans benefits, please contact me at the above address.

Sincerely,

(Original Signature of CVSO or Authorized Delegated Authority)
(Print First Name & Last Name of CVSO or Authorized Delegated Authority signing above)

cc: VetPro Database

Sample Approval Letter for Plan B

CVSO Official Letterhead

COLLEGE TUITION FEE WAIVER AUTHORIZATION (PLAN B) DEPENDENTS OF SERVICE-CONNECTED DISABLED OR DECEASED VETERANS

ACADEMIC YEAR: 20XX-20XX

Date

STUDENT
111 ACADEMIC WAY
COLLEGETOWN,
CALIFORNIA 90210

Dear Student:

Congratulations! You have been found eligible to receive CalVet College Tuition Fee Waiver benefits under the provisions of the California Education Code, Section 66025.3. These benefits are provided to you by the grateful State of California to recognize the sacrifices made by a veteran while serving our country with honor.

Having been found eligible for benefits means that you shall not be charged any mandatory system wide tuition or fees, while attending either: (1) a California Community College, (2) a campus of the California State University (Cal State) system, or (3) a campus of the University of California (UC) system. Many colleges and universities have campus-based and extension fees which may not be waived. Contact staff at your school's Veterans Affairs Office for additional information and provide them with a copy of this letter.

Please note the following:

(1) This authorization is valid only for the Academic Year listed above.
(2) You must re-establish eligibility for each subsequent Academic Year you plan on attending school.
(3) You must meet the California residency requirement of your school in order to receive these benefits.

I wish you success in achieving your educational goals and if you need additional information concerning this program or other veterans benefits, please contact me at the above address.

Sincerely,

(Original Signature of CVSO or Authorized Delegated Authority)
(Print First Name & Last Name of CVSO or Authorized Delegated Authority signing above)

cc: VetPro Database

Sample Denial Letter for Plan A or B

CVSO Official Letterhead
ACADEMIC YEAR 20XX-20XX

DATE

STUDENT
111 ACADEMIC WAY
COLLEGETOWN, CALIFORNIA 90210

Dear Student:

Thank you for applying for benefits under the CalVet College Tuition Fee Waiver Program for Veterans Dependents. Based upon my review of information you provided, I must deny your application for the following reason(s).

☐ The dependent's income exceeds the income requirement. California Education Code, Section 66025.3(a)(2)(A), does not provide CalVet with the authority to grant fee waiver benefits if the dependents annual income defined by the IRS or FTB as Adjusted Gross Income (AGI), plus the value of any support provided by the parent, is over the annual income limit of $ _____

☐ The dependent is in receipt of U.S. Department of Veterans Affairs (USDVA) Chapter 35 Benefits under Plan A, and not eligible under Plan B. California Military & Veterans Code, Section 896.1, does not provide CalVet with the authority to grant fee waiver benefits if the dependent is in receipt of Chapter 35 benefits. If Chapter 35 benefits are terminated or the student chooses to receive the CalVet College Tuition Fee Waiver Program benefit, a reapplication is required and an Election to Receive College Tuition Fee Waiver Benefits Plan A in lieu of Chapter 35 benefits letter, must be completed.

☐ The applicant is applying as a veteran, not as a dependent. California Military & Veterans Code, Sections 890-899, authorizes CalVet to grant fee waiver benefits to certain dependents and survivors of service-connected disabled or deceased veterans.

☐ The veteran's death is not service-connected. California Education Code, Section 66025.3(a)(2) (A) does not provide CalVet with the authority to grant fee waiver benefits if the veteran in question did not die due to service-connected causes.

☐ The school attended by the dependent is a private college/university or vocational school. California Education Code, Section 66025.3 (a), does not provide CalVet with the authority to grant fee waiver benefits for attendance to private colleges, universities or vocational schools. Eligible dependents must attend a California Community College, California State University, or a University of California campus.

☐ The dependent is attending an out of state institution. California Education Code, Section 66025.3(a), limits the benefit to University of California, the California State University, or the California Community Colleges. CalVet does not have the authority to grant fee waiver benefits for schools outside of California.

☐ The veteran does not have a service-connected disability. California Education Code, Section,

66025.3(a)(2)(A) and California Military & Veterans Code, Section 980, does not provide CalVet with the authority to grant fee waiver benefits if the veteran in question does not have a service-connected disability.

☐ ALL other requirements have been met but the CalVet College Fee Waiver application is denied at this time because the veteran does not have a service-connected disability or veteran's death is not service-connected but a claim for USDVA benefits is currently pending. California Education Code, Section 66025.3(a)(2)(A) and the California Military & Veterans Code, Section 980, does not provide CalVet with the authority to grant fee waiver benefits if the veteran in question does not have a service-connected disability or did not die of service-connected causes.

However, under the provisions of the California Military & Veterans Code, Section 890.3(a)(1), a dependent may be eligible for retroactive benefits if; 1) the veteran has a claim for service-connected disability or service-connected death benefits pending with the USDVA, 2) subsequently, the USDVA grant service-connected disability or death benefits, and 3) you immediately provide this office with evidence that the USDVA has awarded service-connected disability or death benefits and bring the CalVet College Fee Waiver denial letter(s) such as this for each academic year.

☐ Education Code, Section 66025.3(b), does not provide CalVet with the authority to grant fee waiver benefits for prior academic years, unless the dependent is applying for prior academic years according to California Military & Veterans Code, Section 890.3(a)(1), as explained in the previous paragraph.

☐ The applicant is applying as a spouse of a veteran who is not 100% service-connected or whose death is not service-connected. California Military & Veterans Code, Sections 890-899, prohibits CalVet from granting fee waiver benefits to the spouse of a veteran if the veteran in question does not have a service-connected disability rated at 100% or did not die of service-connected causes.

☐ The dependent (adopted child/stepchild) does not meet Dependency requirements. Title 38, Code of Federal Regulation, Section 3.57(a), requires the adopted or stepchild status to have occurred prior to the child's 18th birthday. Adopted or stepchild status is valid from age 18-23 if the child has continuously been enrolled in school since the age of 18. All stepchildren must be a member of the veteran's household.

If you disagree with my decision, you may appeal to CalVet: Deputy Secretary, Veterans Services Division, 1227 "O" Street, Suite 105, Sacramento, California 95814. Please note that your appeal must be in writing, stating the specific reasons why benefits should be granted, and received by CalVet within 90 days of the date of this letter. Your appeal should include evidence, and/or statements that support your belief that denial of benefits is in error. Be sure to include a copy of this letter and a telephone number where you can be reached during normal working hours.

Sincerely,

(Original Signature of CVSO or Authorized Delegated Authority)

(Print First Name & Last Name of CVSO or Authorized Delegated Authority signing above)

cc: VetPro Database

Sample Retroactive Approval Letter

(M&V Code, Section 890.3)

CVSO Official Letterhead
COLLEGE TUITION FEE WAIVER AUTHORIZATION FOR RETRO-ACTIVE BENEFITS PLAN <A or B> FOR DEPENDENTS OF SERVICE-CONNECTED DISABLED OR DECEASED VETERANS

ACADEMIC YEAR: 20XX – 20XX

Date

STUDENT
111 ACADEMIC WAY
COLLEGETOWN,
CALIFORNIA 90210

Dear Student:

Congratulations! You have been found eligible to receive CalVet College Tuition Fee Waiver benefits under the provisions of Military & Veterans Code, Section 890.3. These benefits are provided to you by the grateful State of California to recognize the sacrifices made by a veteran while serving our country with honor.

Having been found eligible for benefits means that you shall not be charged any mandatory system wide tuition or fees, while attending either: (1) a California Community College, (2) a campus of the California State University (Cal State) system, or (3) a campus of the University of California (UC) system. Many colleges and universities have campus-based and extension fees which may not be waived. Contact staff at your school's Veterans Affairs Office for additional information and provide them with a copy of this letter.

Please note the following:

(1) This authorization is valid only for the Academic Year listed above.
(2) You must re-establish eligibility for each subsequent Academic Year you plan on attending school.
(3) You must meet the California residency requirement of your school in order to receive these benefits.

I wish you success in achieving your educational goals and if you need additional information concerning this program or other veterans benefits, please contact me at the above address.

Sincerely,

(Original Signature of CVSO) AND (Original Signature of CalVet-Accredited Rep)
(Print First Name & Last Name of CVSO or Authorized Delegated Authority).

NOTE: TWO signatures are required: Original signature of CVSO, whether they are accredited or not, and original signature of another CalVet-accredited rep—if there is one at the CVSO.

cc: VetPro Database

Election to Receive College Tuition Fee Waiver Benefits
Plan A in lieu of Chapter 35 benefits

ACADEMIC YEAR 20XX-20XX

I understand that state law, specifically the Military and Veterans Code, Section 896.1, prohibits me from receiving State of California Department of Veterans Affairs (CalVet) College Tuition Fee Waiver benefits under Plan A if I am in receipt of United States Department of Veterans Affairs (USDVA) Dependents Education (Chapter 35) benefits.

I understand that if I apply for and receive USDVA Chapter 35 benefits, after being awarded CalVet Tuition Fee Waiver benefits under Plan A for the same period, my CalVet College Tuition Fee Waiver benefits will be revoked retroactively, my school will be notified of actions taken, and that I shall be held financially responsible for any associated fees waived.

Understanding the above, I elect to receive CalVet College Tuition Fee Waiver benefits under Plan A, and certify under the penalty of perjury, that I am not currently nor will I apply and receive USDVA Chapter 35 benefits for AY 20XX-20XX.

_____/ _____
Signature Date Signed

Stepchild Certification Form
Academic Year 20XX-20XX

Eligible dependents for the College Tuition Fee Waiver program are defined in the U.S. Code of Federal Regulations, Section 3.57(a). This definition requires stepchildren to be a member of the veteran's household.

I hereby certify under penalty of perjury that I am a member of the veteran's household. I understand that if this is found to be untrue after being awarded the CalVet College Tuition Fee Waiver benefits, my benefit will be revoked retroactively, my school will be notified of actions taken, and I shall be held financially responsible for any associated fees waived.

_____ _____

Original Signature of Student Date Signed

Cc: VetPro Database, Agency Attachments

Required Text for CalVet College Tuition Fee Waiver (DVS-40) Delegation of Authority Letter

[CVSO Letterhead]
Date:

By means of this letter, I, [CVSO Name and CVSO Title], delegate the authority herein described to the named senior County Veterans Service Office (CVSO) staff persons, on the following terms and conditions:

1. The named CVSO Staff below are authorized to sign CalVet DVS 40 College Tuition Fee Waiver Program Grant Letters and Denial Letters.
2. The named CVSO Staff below are authorized to sign CalVet DVS 40 College Tuition Fee Waiver Program Grant Notices and Denial Notices on my behalf from:

   February 1, 20XX to July 31, 20XX

   August 1, 20XX to January 31, 20XX

   A new delegation of authority letter must be completed and signed by all parties and submitted to CalVet every six months; CVSOs may not submit one letter for the year.
3. A new delegation of authority letter shall be completed at the time any senior staff named herein is no longer employed by the CVSO.
4. The authority delegated is not subject to sub-delegation.
5. The senior delegated staff listed below are currently accredited by the California Department of Veterans Affairs.

Name of Accredited CVSO Staff Person	CVSO Staff Signature	Date

[Original signature of CVSO]

_____ _____
Printed Name and Title [of CVSO] Date:

cc: VetPro Agency Attachments

Request for Transcript of Tax Return

A copy of the Form 4506-T is available on the last page of this document.

We encourage you to use the IRS automated self-help service tools to quickly request transcripts. Please go to https://www.irs.gov/individuals/get-transcript.