The Veterans Access, Choice and Accountability Act of 2014 as amended by PL 116-315 § 1005

Veterans Access, Choice and Accountability Act of 2014 (codified at 38 U.S.C. 3679) has been amended by Section 1005 of Public Law 116-315, the Johnny Isakson and David P. Roe, M.D., Veterans Health Care and Benefits Improvement Act of 2020, which modifies 38 U.S.C. 3679(c).

The amendment requires that for all courses, semesters, or terms beginning after August 1, 2021, public institutions of higher education must charge qualifying veterans, dependents and eligible individuals' tuition and fees at the rate for in-state residents.

As amended, 38 U.S.C. 3679(c) requires that the following individuals be charged the in-state resident rate:

- A veteran using educational assistance under either Chapter 30 (Montgomery GI Bill® – Active Duty Program), Chapter 31 (Vocational Rehabilitation) or Chapter 33 (Post-9/11 GI Bill®), of 38 U.S.C. who lives in the state in which the institution is located (regardless of his/her formal state of residence).

- Anyone using transferred Post-9/11 GI Bill® benefits (38 U.S.C. § 3319) who lives in the state in which the institution is located (regardless of his/her formal state of residence).

- Anyone described above while he or she remains continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at the same institution. The person must be using educational benefits under Chapter 30, Chapter 31 or Chapter 33 of 38 U.S.C.

- Anyone using benefits under the Marine Gunnery Sergeant John David Fry Scholarship (38 U.S.C. § 3311(b) (9)) who lives in the state in which the institution is located (regardless of his/her formal state of residence).

- Anyone described above while they remain continuously enrolled (other than during regularly scheduled breaks between courses, semesters, or terms) at the same institution. The person must be using educational benefits under Chapter 30, Chapter 31, Chapter 33, or Chapter 35 of 38 U.S.C.

Federal law permits public institutions of higher education to require eligible veterans, dependents, or individuals to demonstrate their intent to establish residency in the state by means other than satisfying a physical presence requirement. For example, institutions can request documentation such as a driver's license, car registration or voter registration, signed lease, or rent receipt to help establish an applicant's intent to establish residency in Massachusetts.

Please note that the federal law does not include a durational residency requirement, nor does it include a requirement that the eligible veteran, dependent, or individual demonstrate intent to remain in Massachusetts indefinitely. Finally, please note that the federal law does not bar institutions from requiring the eligible veteran, dependent, or individual to meet other requirements, unrelated to residency, in order to be eligible for the in-state tuition rate.

Public institutions of higher education are required to make this in-state tuition applicability to covered individuals publicly available in their academic catalogs and on their websites. The U.S. Department of Veterans Affairs ("VA") will make publicly available on its website a database explaining any public institution's requirements for beneficiaries to be charged in-state tuition.

Any institution found not to be in compliance with the requirements of Public Law 117-68 by August 1, 2022, will be disapproved by VA for both the Post-9/11 GI Bill®, Montgomery GI Bill®, Survivors' and Dependents' Educational Assistance Program, and the Vocational Rehabilitation and Employment (VR&E).