

Compliance Survey Review

You are here

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to help you
find your way



Compliance requirements



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Overview

- Purpose, Authority and Objective
- Who conducts the reviews (SAA/ECSS/ELR)
- How we determine number of records to review
- What documentation is needed for the review
- Common pitfalls

Purpose of Compliance

Compliance surveys are conducted in order to ensure that schools and training establishments, and their approved courses, are in compliance with all applicable provisions of the laws administered by VA. Compliance surveys are, however, not the only means to this end. They should be regarded as part of a spectrum of VA activities which includes review of approval information and liaison with schools, training establishments, and SAAs. The purpose of all these activities is to prevent deficiencies and violations, as well as to identify and correct them when they are found. (M-22-4 1.01)

Authority

- Schools and training establishments must make records of progress and training, tuition and charges, and other records available upon request by a duly authorized representative of the Government. ([38 U.S.C. 3690\(c\)](#))
- **21.7307: Examination of records:** In administering benefits payable under 38 U.S.C. **chapter 30**, VA will apply the provisions of § 21.4209.
- **21.9770: Administrative:** In administering chapter 33, VA will apply the sections noted in paragraphs (a) through (f) of this section. For the purpose of application, the term “veteran” as used in these sections is deemed to mean “an eligible individual under 38 U.S.C. **chapter 33**,” and the term “38 U.S.C chapter 30” as used in these sections is deemed to mean “38 U.S.C. **chapter 33**”.

Authority

- *The Buckley Amendment (PL 93-380) requires that institutions receiving federal financial funds administered by the department of education must obtain the student's consent to release information from school records. One exception to the law; however, is that information sought in connection with a student's application for receipt of financial aid is exempt. **It has been determined that school records relating to VA benefits fall into the "financial aid" category and are therefore exempt from the provisions of the Buckley Amendment.** Therefore, the VA (and SAA) shall have access to the records of VA beneficiaries **as well as non-VA students** without the written consent of the student in order to monitor the school's compliance with the law.*
- *law.*

FERPA

As of January 3, 2012, the U.S. Department of Education's FERPA regulations expand the circumstances under which education records and personally identifiable information (PII) contained in such records - including Social Security Number, grades, or other private information - may be accessed without the student's consent.

FERPA allows the institution the right to disclose student records or identifiable information without the student's consent under the following circumstances:

- To authorized representatives for audit of Federal or State supported programs
- Veteran's Administration officials

Why Surveys Are Conducted

The objective of a compliance survey is to prevent deficiencies and violations, as well as to identify and correct them when they are found.

- ❖ Insure facilities and their approved programs comply with the law
- ❖ Cooperate with the State Approving Agency
- ❖ Verify prompt and accurate payments are made
- ❖ Identify training issues and provide needed assistance
- ❖ Correct discrepancies

Who Conducts Compliance Surveys

- Compliance Surveys may be conducted by either the State Approving Agency (SAA) or by a VA Representative such as an Education Compliance Survey Specialist (ECSS) or an Education Liaison Representative (ELR)
- State Approving Agencies (SAA) are assigned an annual number of compliance surveys to be conducted within their state boundaries by the VA. These surveys include the following types of facilities: IHLs, NCDs, and OJT/Apprenticeships
- VA Education Compliance Survey Specialist (ECSS) will conduct compliance surveys within their region as assigned by their Coach or CELO. These surveys will include those types of facilities identified above, in addition to flight facilities and federal OJT/Apprenticeship facilities. Education Liaison Representative (ELR) will conduct compliance surveys as needed or assigned due to special requirements.

Number of Students to be Surveyed

Sample size determined using Annual Reporting Fee(ARF)

Sample Size: The initial sample size will be developed in accordance with the following table:

VA Student Population	Records to Review
0 to 99	10
100 to 199	15
200 to 299	20
300 to 399	25
400 to 499	30
500 or more	35

Documentation Needed for Review

- Unofficial Transcript
- Enrollment Certifications (1999) & (1999b)
- Attendance Records for NCD Program
- Student Account (billing) Statements
- Academic Files maintained for VA students
- Completed 85/15 form
- Class schedules, drop/add sheets,
- School catalogs, tuition & fee rates
- One Non-VA student record

Additional Documentation Needed for Review

- VA Work-Study Records
- Advertising Materials
- Principles of Excellence Information; to provide high-quality student support and services to Veterans, Servicemembers, and their eligible family members eligible for or receiving VA education benefits
- GI Bill[®] is a registered trademark of the United States Department of Veterans Affairs (VA).

Common Pitfalls

- ❖ Consolidating of terms
- ❖ Not reporting changes in schedules, credit hours, or clock hours
- ❖ Tuition and Fees (must report tuition and fees with CH33 amendments/changes in credit or clock hours)
- ❖ Term Dates not matching school schedule
- ❖ Repeated or unrequired courses
- ❖ On Line Remedial

1934 Items 1-12

LINE NO.	AREAS OF REVIEW	FINDINGS	
	GENERAL	YES	NO
1	THE FACILITY PROVIDED THE RECORDS AND ACCOUNTS OF VA BENEFICIARIES AND OTHER STUDENTS FOR EXAMINATION (38 CFR 21.4209, 21.7307, 21.9770)	<input type="checkbox"/>	<input type="checkbox"/>
2	VA BENEFICIARIES COMMENCED THE COURSE ON THE DATE CERTIFIED (38 CFR 21.4131, 21.4203, 21.5810, 21.5831, 21.7131, 21.7152, 21.7631, 21.7652, 21.9720)	<input type="checkbox"/>	<input type="checkbox"/>
3	VA BENEFICIARIES ARE ENROLLED IN AND PURSUING THE APPROVED PROGRAM AS CERTIFIED (38 CFR 21.3030, 21.5131, 21.7130, 21.7630, 21.9710)	<input type="checkbox"/>	<input type="checkbox"/>
4	THE FACILITY MAINTAINS A RECORD OF PREVIOUS EDUCATION AND TRAINING OF VA BENEFICIARIES, HAS GRANTED APPROPRIATE CREDIT AND HAS REPORTED THE GRANT TO THE BENEFICIARIES (38 CFR 21.4253, 21.4254, 21.4263)	<input type="checkbox"/>	<input type="checkbox"/>
5	THE FACILITY MAINTAINS ACCURATE, CURRENT AND COMPLETE RECORDS OF ENROLLMENT, CORRESPONDENCE LESSONS SERVICED, FLIGHT TRAINING HOURS OR APP/OJT HOURS (38 CFR 21.4253, 21.4254)	<input type="checkbox"/>	<input type="checkbox"/>
6	THE FACILITY ACCURATELY AND PROMPTLY REPORTED ENROLLMENT, TUITION AND FEES, LESSONS SERVICED, FLIGHT TRAINING HOURS OR APP/OJT HOURS (38 CFR 21.4203(e)(f)(g), 21.4204, 21.7156, 21.9735)	<input type="checkbox"/>	<input type="checkbox"/>
7	THE FACILITY PROMPTLY NOTIFIED VA WHEN BENEFICIARIES TERMINATED OR INTERRUPTED TRAINING (38 CFR 21.4203, 21.7156, 21.9735)	<input type="checkbox"/>	<input type="checkbox"/>
8	THE FACILITY MAINTAINS ACCURATE, CURRENT AND COMPLETE RECORDS OF PROGRESS OR GRADES FOR VA BENEFICIARIES (38 CFR 21.4253, 21.4254, 21.4262, 21.4263)	<input type="checkbox"/>	<input type="checkbox"/>
9	THE FACILITY PROMPTLY NOTIFIED VA WHEN BENEFICIARIES DID NOT PROGRESS SATISFACTORILY ACCORDING TO APPROVED STANDARDS AND PRACTICES OF THE FACILITY (38 CFR 21.4203(d), 21.4277)	<input type="checkbox"/>	<input type="checkbox"/>
ALL EXCEPT TRAINING ESTABLISHMENTS			
10	CHARGES TO VA BENEFICIARIES FOR TUITION AND FEES WERE THE SAME OR LESS THAN THE CHARGES TO OTHER SIMILARLY CIRCUMSTANCED STUDENTS (38 CFR 21.4210(d), 21.9600, 38 U.S.C. 3690(a))	<input type="checkbox"/>	<input type="checkbox"/>
11	CERTIFICATION OF THE 85 PERCENT ENROLLMENT LIMITATION WAS VERIFIED (38 CFR 21.4201)	<input type="checkbox"/>	<input type="checkbox"/>
ALL EXCEPT FLIGHT SCHOOLS AND TRAINING ESTABLISHMENTS			
12	THE FACILITY PROMPTLY NOTIFIED VA OF ANY CHANGES IN CREDIT OR CLOCK HOURS, OR TUITION & FEES, THAT WOULD AFFECT THE AMOUNT OF PAYMENT TO BENEFICIARIES (38 CFR 21.4203, 21.7156(b), 21.9735)	<input type="checkbox"/>	<input type="checkbox"/>

Line Item 1

THE FACILITY PROVIDED THE RECORDS AND ACCOUNTS OF VA BENEFICIARIES AND OTHER STUDENTS FOR EXAMINATION (38 CFR 21.4209, 21.7307, 21.9770)

Transcripts

Degree Audits

Certifications

Catalogs

Non-VA Student Records

Attendance Records

Student Voucher Business Office

Statement

Add and Withdraw (Drop)

Notifications

Registration Form

85/15 Computations

Class Schedules

etc.



ADMINISTRATION

Pop Quiz

While conducting a compliance at UNM (University of Mackie) a IHL Flight facility, the SCO informs you that the flight records are not maintained in the SCO office and are at the Airfield several miles away. She stated that you would have to go to the airfield for the records because the Chief Instructor will not release them. Is this a discrepancy?

Yes. Line Item # 1 or 5. This is an issue that you can generally take care of while on site. I would not document as a discrepancy unless they refused to allow access to the records.

Pop Quiz

While conducting a compliance at O'Malley Community College you discovered that the facility did not follow their own catalog when it came to SAP and several people were not placed on probation when they were required to and nothing was submitted to the VA (RNW Spreadsheet). Is this a discrepancy?

Yes. Line Item # 9.

Questions

