

IHL Flight Guidance

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to help you
achieve
your goals



Background

Education Service conducted compliance reviews at IHLs with degree programs involving training that is provided and charged on an hourly basis.

During these surveys, it was discovered that most school catalogs or catalog addenda do not adequately identify a specific required amount of training for course completion nor do they adequately state the mandatory fees charged to all students enrolled in a particular course (i.e., the catalog did not state, or allow for the calculation of, the total dollar amount that each student would be charged as a function of the number of required hours of training multiplied by the cost-per-hour of training).

As a result, IHLs had different training requirements and fee charges for students reported to be enrolled in the same program.

IHL Policy Advisories

September 1, 2015

Policy Advisory-IHL Degree Programs Involving Training Provided and Charged on an Hourly Basis – Clarification of Requirement to Identify Specific Required Training Time and Mandatory Fees (Cost-per-Hour Rate) in the School's Catalog.

Questions and Answers

Q. Must an “in-house” credit hour flight course be given under 14 CFR Part 141 or may it be conducted under Part 61?

A. In-house credit hour flight courses may be conducted under either Part 61 or 141; however, the IHL must still **specify the minimum flight hours required** to complete each such course, whether conducted under Part 61 or 141. This assumes it has been approved by the school’s accrediting agency.

Q. Is an IHL free to choose any number of hours it wants and declare it the “required hours of training,?”

A. If the IHL has a contract with a vocational flight school, the IHL’s catalog addenda must adopt the training requirements already established for the approved contract course, ie, the hours in the FSDO stamped syllabus. (Off the shelf)

Questions and Answers

Q. If a student can complete the rating in less than listed number of hours is that allowed or do they have to finish flying additional hours

A. The student should fly the number of hours required to obtain a satisfactory grade in the course.

Q. Not all students complete competencies at the same rate. What if some need more hours than others?

A. VA does not pay benefits to proficiency. Because the objective is a **degree program**, payments are being made for pursuit of a degree and not a flight certificate. Therefore, just as for other college degrees, the school must identify specific hours required for the degree...vocational verses educational.

Questions and Answers

- Q. Can the billing come from the IHL for coursework and the contracted flight school for the flying?
- A. No. VA is paying for a degree program and all payments should be made to the IHL.
- Q. Will 85/15% be calculated based on degree or based on Aviation program as a whole? I.e. flight and aviation management measure separately or as a whole?
- A. Each program/track/concentration that varies from other programs/tracks/concentrations in course requirements, cost, etc., will require that a separate calculation be made. (As Approved by the SAA)
- Q. Different aircraft are required for those with weight issues, or MX related issues
- A. Where the FAA requires that an individual student to use a more expensive aircraft or whatever reason, the difference between the cost of that aircraft and the less expensive aircraft utilized by other students must be paid by the student.

Bottom Line

IHLs with degree programs involving training provided and charged on an hourly basis must have documented in their catalog, or approval package, the required specific number of training hours that a student must complete in order to fulfill the course's educational objectives and all mandatory fees (e.g. cost-per-hour of training) that enrolled student will be charged for the training. These data elements are required whether the training is provided directly by the IHL or by another training facility under contract. The required hours of training and the cost-per-hour rate must be the same for all students enrolled in the course.

Advisory Clarification

If a school wants to ask the SAA for approval for concentrations or tracks within a program of education instead of asking for approval for completely separate programs of education, they can do so, and, if approved by the SAA, these separate approved concentrations are enough to satisfy the September 1, 2015, advisory's requirement that "the students are enrolled in two separate and distinct courses – in which case VA can pay for the fees under the Post-9/11 GI Bill..."

Addendum to Compliance and Liaison Advisory

However, please note that this clarification does not add to or change current policies regarding 38 U.S.C. § 3452(b) (and implementing regulations, such as 38 C.F.R. § 21.9505) requiring separate program approvals for IHL degree programs that vary in their “**predetermined and identified educational objective**.” For example, variations in fees may be the result of students training with different equipment. In these instances, the variation in equipment may result in variation in the training, such that the training one student receives on one type of equipment is sufficiently different from the training the other student receives on the other type of equipment, so as to **constitute a separate and distinct** “predetermined and identified educational objective.” In that case, the two students would be enrolled in **separate programs** for approval purposes under 38 U.S.C. § 3452(d). The IHL would be required to obtain **separate SAA approval** for each program, to list them separately in their school catalog, and to have a separate 85-15 percent computation for each. This policy is long-standing and unaffected by the September 1, 2015, advisory.

Addendum to Compliance and Liaison Advisory

Likewise, this clarification does not add to or change current policies regarding when a separate concentration or track within a program of education may be approved or disapproved by an SAA. In other words, just because a school charges two different fees for training it does not automatically entitle a school to approval by the SAA for separate concentrations or tracks. **The concentration or track must be approvable --without regard to the costs.**

Addendum to Compliance and Liaison Advisory

Lastly, this clarification does not add to or change current policies regarding 38 C.F.R. § 21.4201(e) requiring separate 85-15 percent computations when similar curricula vary from each other, although the school has designated them as being the same program, and the SAA has determined that the variations are not sufficient enough to warrant separate program approval under 38 U.S.C. § 3452(b). For example, if in the above scenario the SAA determined that the training is sufficiently similar enough to constitute a single approvable program of education (notwithstanding the variations in training), the Secretary of Veterans Affairs (through the SAA, ELR, or Education Compliance Survey Specialist) may nonetheless determine that the curricula varies enough to warrant separate 85-15 percent computations (i.e., **separate programs solely for 85-15 rule purposes**) under 38 C.F.R. § 4201(e)(1) (“Pursuit of a course or curriculum that varies in any way, although it may have the **same designation as the other similar course or curriculum, will require a separate 85-15 percent computation.**”). Furthermore, this evaluation is appropriate **regardless of cost**. Therefore, if there is a variation in training, such as variations in equipment, separate 85-15 percent computations may be appropriate even if the costs are the same.

Addendum to Compliance and Liaison Advisory

Therefore, when an IHL purports to have students enrolled in a single program of education but the students are being charged different fees, VA can only pay for the variations in fees if either the school receives SAA approval for separate programs of education (as that term is used in 38 U.S.C. § 3452(d)) or separate concentrations or track within the single program of education. Either way, the distinctly identified curricula (separate programs of education or concentration/track) will be subject to separate 85-15 percent calculations. Please note: it is the **responsibility of the school to ensure that curricula with deviations in fees are appropriately identified as sub-programmatic divisions and approved as concentrations or tracks**. Failure to do so will prevent its students from being able to receive their benefits as it will block the VA's authority to pay the students' required fees. In addition to this, regardless of the school's designation, variations in training may be subject to separate 85-15 percent computations in accordance with 38 C.F.R. § 21.4201(e)(1).

IHL Degree Programs Involving Private Pilot Courses Provided Under Contract With Flight Schools



Background

VA recently conducted compliance reviews at IHLs offering degree programs that include flight training.

It was discovered that some programs include **private pilot** instruction provided by vocational flight schools through a contract.

Private Pilot courses cannot be approved at vocational flight schools and, consequently, cannot be approved for GI Bill benefits as part of a program at a contracting IHL.

Electives

Effective immediately, School Certifying Officials (SCOs) may not certify the credits or charges associated with any elective courses involving contracted **private pilot** training to VA.

Each IHL with an affected program will be required to amend the program's curriculum in order to come into full compliance with GI Bill approval requirements before the start of the Academic Year (2016)

How to Comply

1. Bring private pilot instruction “in house” (i.e. the instruction is provided directly by the IHL),
2. Contracting with an IHL that has its own approved “in house” program to provide such training
3. Remove private pilot courses from the program curriculum and, instead, make the possession of a private pilot’s license a requirement for admission into the program.

August 1, 2016

Questions and Answers

- Q. If we offer an in-house private pilot credit hour course, may we hire instructors from the third party pilot school that conducts the flight training for our other flight courses?
- A. Yes, you may hire qualified instructors from any source; however, your third party contract pilot school partner may not be part of the hiring process or be mentioned in any way, shape, or form in the personal contracts drawn up with the instructors, nor may it be part of or receive any reimbursement for instruction given. Instructors must be considered adjunct faculty and meet the schools criteria for such, e.g., must possess at least an appropriate bachelor's degree.

Questions and Answers

- Q. What happens if my school does not remove the Private Pilot portion of the degree program.
- A. If a degree program requires private pilot and is taught through contract with a vocational flight school after August 1, 2016, the program will not be approved.

Compliance Requirements

Items that you will need when a Compliance is scheduled at your facility:

- Flight logs...(Ground, Solo, Dual, Pre and Post...dates and times...what hours go with what course.)
- Medical Certificate- Class Two is required, class one is ok.
- FAA Certification- Expiration date and what is approved.
- Current Catalog and Academic Calendar with price addendums for the last 3 years.
- Additional items required with all CS's: Unofficial Transcripts, class schedules, changes in majors, academic files student account statements, ledgers...etc.

You told us what the student was doing...now show us what you told is...

Questions

