

COMPLIANCE SURVEYS

The law requires that periodic surveys be conducted at educational institutions. The two main purposes of these surveys are to (1) ensure that VA payments going to the school and students enrolled at the school are based upon proper and correct enrollment information as furnished by the school to VA; and, (2) assist school and training officials and students in understanding the requirements of the law in order to prevent deficiencies or violations which could develop because of misunderstandings or misinterpretations of the law.

Compliance Surveys are usually conducted on-site however, under certain conditions, a remote survey review option could be used. The remote survey option is intended to make more efficient use of time and funds expended for travel while conducting compliance survey reviews. Remote reviews are intended to supplement, rather than replace, personal contact.

Remote Survey Option

A remote survey review can be conducted if the following circumstances are met:

- a) The IHL/NCD has been surveyed at least once on-site
- b) The facility agrees to complete the review remotely
- c) The facility agrees to submit copies of specified documents regarding each student to be surveyed
- d) Documents submitted by school must be delivered with a tracking device

REVIEW OF SCHOOL RECORDS BY VA AND SAA

Schools that have sought and obtained approval to provide training under title 38, United States Code, are required by law (38 U.S.C. 3690(c) and [38 CFR 21.4209](#)) to maintain certain records and to make these records available for examination by authorized representatives of the government. All records and accounts of schools pertaining to Veterans and eligible persons, as well as the records of other students that are necessary to determine compliance with the law, must be available for examination.

The law (38 U.S.C. 3690(c)) provides that records and accounts must be made available for review by authorized representatives of the government "NOTWITHSTANDING ANY OTHER PROVISION OF LAW." The effect of this provision is to allow VA to examine necessary records that may be restricted under laws regarding privacy of student records such as PL 93-380 (Buckley Amendment) or other provisions of the law. Failure to make records available may result in discontinuance of educational assistance benefits.

Records of an institution or establishment must be retained for a period of at least **THREE YEARS** following the termination of the enrollment of an eligible individual, or longer if requested by VA or GAO (Government Accountability Office). Any institution offering courses approved for the enrollment of eligible individuals must maintain a complete record and copies of all advertising, sales, or enrollment materials utilized by or on behalf of the institution during the preceding 12-month period.

A school's records, such as applications, transcripts, grade reports, and school enrollment records, will be reviewed during a compliance visit to ensure:

- Prior credit has been reviewed and granted, as appropriate, and for non-accredited

schools, has been reported. The school must maintain a written record of the student's previous education and training, grant appropriate credit and shorten the course proportionately. The amount of credit granted should have been reported by the non-accredited school on the student's Enrollment Certification

- Specific curriculum in which a student is enrolled was correctly reported
- Changes in credit hours correctly and promptly reported
- Last date of attendance correctly and promptly reported
- Unsatisfactory progress (based upon grades or grade point average required or other approved progress criteria, and approved length of course) correctly and promptly reported
- Certifications of 85 percent enrollment restriction ([38 CFR 21.4201](#)) verified
- Certifications of two-year period of operation for branch locations verified

Finance Records Review for Chapter 33:

- Tuition and fees paid by the VA to schools (CH33) and by VA students (all other GI Bill® programs) are accurate and not more than those paid by non-VA students. The charges to VA students for tuition and fees may not be more than the charges to non-VA students in the same program. Any discount or payment plan which is available to non-VA students but not available to VA students, and which reduces the tuition and fees for non-VA students is, in effect, an overcharge to VA students
- Refunds in accordance with school policy were given students who discontinued courses
- School procedures for care and delivery of advance payment checks meet requirements of the law
- Procedures for delivery of other education assistance checks, mailed to a school address do not violate power-of-attorney restrictions

In addition, work-study records may be examined to ensure that student services are related to the preparation of VA paperwork and the hours worked have been properly reported; tutorial assistance records to ensure recipients of tutorial assistance have academic deficiencies, tutors are known by the school to be qualified, and charges for tutoring are reasonable and customary.

If a compliance survey identifies serious discrepancies in reporting or record keeping requirements, payments of educational assistance allowance benefits to students may be discontinued. ([38 CFR 21.4210](#))

COMMON REPORTING ERRORS AND PITFALLS

General Issues

- New Certifying Officials Ensure that an 8794, Designation of Certifying Official is submitted to VA and training provided
- Lack of internal controls by SCO for monitoring pursuit during terms to meet the 30 day reporting timeliness
- Lack of relationship between SCO and Business Office regarding CH 33 tuition and fee evidence necessary for certifications and changes
- SCO has no institution access to student financial records in Business Office
- SCO concerns on providing institutional records (academic and financial) for VA and non-VA students due to Family Educational Rights and Privacy Act (FERPA)

Enrollment certification issues

- Blended/hybrid subjects incorrectly certified as resident credits
- Non-standard terms scheduled with quarter or semester are not separately certified when student is also enrolled in other credits for the full term
- Certifying remedial or deficiency credits when pursuit is on-line
- Certifying subjects that do not apply to the degree or diploma program
- Tuition and fees are not confirmed or verified (sources must be student account ledger) with Business Office before certifying enrollment to VA
- Insufficient or no academic evaluation for prior credit transfer
- Concurrent enrollment issue – no documentation at parent institution to grant secondary institution subject; parent institution not obtaining grade reports from secondary institution

Changes in enrollment issues

- Failure to report credit load reduction (withdrawals) within 30 days
- Failure to report end of term non-punitive grades
- Failure to report unearned F grades and effective dates
- Failure to report when student cancels registration or completely withdraws during a term

Content and Organization of VA Student Folders

We recommend the following format for VA student folders. This format isn't mandatory, but it does cover everything necessary for accurate certification. Contents should be in chronological order. This order will make it more convenient for anyone working with the folder.

Left Side

- Copy of student's application for admission to the school
- Copies of transcripts from all schools previously attended and your school's transfer evaluations
- A summary grade report of the student's progress at your facility
- Copies of degree plans for all certified objectives with all credit posted
- Tuition and fee schedule and student billing statements
- Copy of remedial and deficiency test scores and justification for any remedial and deficiency courses certified to VA
- Course substitution form(s)
- Course elective approval(s) when applicable
- Copies of drop slips and withdrawal forms when applicable
- Other school documentation

Right Side

- Copies of VA Form 22-1990 or 22-5490 if available
- Copies of VA Form 22-1995 or 22-5495 if available
- Copies of all enrollment certifications (VA FORM 22-1999)
- Copies of all notices of changes in student status (VA FORM 22-1999b)
- Any correspondence from the Department of Veterans Affairs, which you may have received for the student