



FLORIDA DEPARTMENT OF VETERANS' AFFAIRS

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*Honoring those who served U.S.*

State Approving Agency  
for  
Veterans' Education and Training

**The Compliance Survey Visit**

**41<sup>st</sup> Annual Florida VA School Certifying Official Conference**

TradeWinds Resort

St. Pete Beach, Florida

June 5, 2017

# PREPARING FOR THE COMPLIANCE SURVEY VISIT

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# COMPLIANCE SURVEY STANDARDS

## *WHAT ARE THEY AND WHAT IS THE PURPOSE?*

- Routine review of selected students' records to verify that payments of GI Bill® benefits were properly made to your VA students
- Conducted in order to ensure schools and training establishments, along with their approved courses and programs, are in compliance with federal and state requirements
- Scheduled to previously approved facilities to monitor and assure continued acceptability of approval
- Overall purpose to ensure the integrity of the various GI Bill education benefits programs

# COMPLIANCE SURVEY STANDARDS

*AUTHORITY*

**What gives us the authority to review all these records without the permission of each student?**

**Title 38 United States Code, Section 3690(c)**

**Notwithstanding any other provision of law, the records and accounts of educational institutions pertaining to eligible veterans or eligible persons...as well as the records of other students which the Secretary determines necessary to ascertain institutional compliance with the requirements of such chapters, shall be available for examination by duly authorized representatives of the Government.**

# COMPLIANCE SURVEY STANDARDS

*AUTHORITY*

## Additional Reasonable Criteria

**Title 38 CFR §21.4253(d) & §21.4254(d)(14)**

The State Approving Agency may set any additional reasonable criteria for approval of programs for veterans and other persons eligible for VA education benefits.

# COMPLIANCE SURVEY STANDARDS

## *HOW MANY FILES MUST BE REVIEWED?*

- **Depending upon the size of your VA student population**
  - No fewer than 10 (unless you have less than 10 currently enrolled VA students since last survey)

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 to 599	35
600 to 699	40
700 or more	45

- Population determined by Annual Reporting Fee (ARF)
- Expanded surveys (infrequent)

# COMPLIANCE SURVEY STANDARDS

## *FILE SELECTION*

### How are student files selected?

- Randomly chosen by the SAA or VA employee who will be conducting the visit (to identify any pattern of error)
  - VA reports or VA-ONCE used to obtain random sample
  - Students who were enrolled in and pursuing your courses during the previous three years will be selected

# COMPLIANCE SURVEYS

## *NOTIFICATION AND PRIOR TO THE VISIT DATE*

- **VA/SAA will email, phone or fax to inform you of our visit**
- **Survey Confirmation Letter emailed or mailed**
  - Confirm date and time of appointment
  - Provide school official with names of student files required and items/types of records to be reviewed
  - Schedule face-to-face interviews with students, if applicable
- **As you gather the files/documentation requested and if you notice changes are required, you are encouraged to make them prior to our visit**
  - If we find anything that affects payment during visit, we must either submit to the Muskogee Regional Processing Office for corrective action, or, in some cases we will request that the school submit the appropriate corrections in VA-ONCE



# COMPLIANCE SURVEYS

## NOTIFICATION AND PRIOR TO THE VISIT DATE

### RECORDS REQUIRED FOR COMPLIANCE SURVEY

The following items will be reviewed in each Veterans Affairs (VA) student file selected for the compliance survey. The student files selected for review are listed on the following page.

#### Items to be reviewed in each file:

1. Student's **application for admission** to school.
2. **Records of prior training** and credit granted toward current program.
3. All **VA forms** submitted regarding each student's education benefits (applications for education benefits, enrollment certifications, notices of change in student status, etc.).
4. **Transcript** of grades assigned and credits earned (**2 copies, one for file and one to be printed and retained for VA or SAA records**).
5. **Records of attendance** showing dates and nature (excused or unexcused) of absences and class rolls (**non-degree students only**).
6. Detailed **records of tuition and fees assessed** each student; for chapter 33 students (**2 copies, one for file and one to be printed and retained for VA or SAA records**) this will include all charges to the student's account, all payments/credits to the student's account from VA and all other sources including institutional, private, federal, and other financial aid programs. Records must be detailed enough to determine the source of all charges and credits/payments, including how charges were determined and payments were credited.
7. **Yellow Ribbon Program** – All financial records relating to the school's waiver of their Yellow Ribbon portion of tuition and fees and the exact source for the funding of that waiver, as well as records showing that the VA's Yellow Ribbon payment was applied to the student's account. For documentation, we will need to see the ledger records and other documents that verify the source funding of the waivers, whether there is a specific fund from which the waivers are derived or if the school writes the waivers off as a general business expense for tax purposes. Where private for-profit and non-profit schools are involved, we will need to see the same records the Internal Revenue Service would request to see to verify funding sources and audit trails.
8. A **class schedule** must be provided for each student that indicates whether each course is in-resident or online/independent study and which specifies the number of class meetings scheduled per week/every other week (or other frequency) and the starting and end times of each class meeting.

#### In addition, the following school documents will be reviewed:

1. The school's **advertising** folder containing samples of all advertising used by the school during the past year.
2. School documents verifying that the provisions of the 85 – 15% ratio have been met for each approved course (generally, a **statement of total school/campus enrollment vs. VA enrollment**).
3. **VA Work Study records (if applicable)**. If available, at least one VA work Study student will be interviewed.
4. **VA Tutorial Assistance records (if applicable)**.
5. **Yellow Ribbon Program (if applicable)** – all records related to recording student requests to participate in Yellow Ribbon with specific emphasis on first come, first served.
6. **Copy of ledger transactions for the VA Recording Fee payments made to the school**

We will be available to go over any VA education policies, procedures, regulations, or other requirements in which you may feel you or your staff needs training.

Student files to be made available for review (total of 10 files):

# COMPLIANCE SURVEYS

## *STUDENT FILE CONTENTS*

### ■ Document Maintenance

- A school's file for a VA student should contain:
  - Copies of all VA paperwork received
  - School's transcript
  - Grade reports
  - Drop and withdrawal slips
  - Registration slips (for those courses dropped during drop/add)
  - Class schedules
  - Tuition and fee charges
  - Transcripts from previous schools with evaluations of same
  - Student's school application
  - Student's enrollment agreement
  - Attendance records, if applicable
  - Records of disciplinary action
  - Program outline/degree audit/curriculum guide/graduation evaluation form (to track proper courses taken)
  - Any other pertinent forms

# Items reviewed during a compliance survey visit

## Question:

**Which best practices would you recommend a school official should adopt in preparation for the compliance survey visit?**

# COMPLIANCE SURVEY STANDARDS

## RECORDS AND ACCOUNTS

### Are your records/files available?

- Records and accounts of VA beneficiaries and other students must be provided for examination

(38 CFR §21.4209, §21.7307, §21.9770)

### GUIDANCE

- Review checklist provided to you by the SAA or VA
  - Ensure all items are addressed
  - Ask questions if unsure
- Must have records available at time of visit

# COMPLIANCE SURVEY STANDARDS

*PROGRAM CERTIFIED*

## Is the correct program certified?

- Program certified must be the same as what the VA beneficiary is enrolled in and pursuing

(38 CFR §21.3030, §21.5131, §21.7130, §21.7630, §21.9710)

### GUIDANCE

- Review transcript, Registrar records, enrollment agreement
  - If they do not agree, update records and/or certification to include BIO Screen in VAOnce
- Monitor WEAMS (22-1998) reports
  - Ensure program certified is exactly as appears on WEAMS

# COMPLIANCE SURVEY STANDARDS

## *PREVIOUS EDUCATION & TRAINING*

### Is There Prior Credit?

- Record and evaluation of all previous education and training must be maintained in files

(38 CFR §21.4253(d)(3), §21.4254(c)(4), §21.4263)

- A school must maintain a written record that clearly indicates that appropriate previous education and training has been evaluated and granted, with training time shortened and tuition reduced proportionately, and the veteran so notified.
- In all cases, the CFR requires institutions to obtain and evaluate such prior credit regardless of a veteran's desire that such credit not be transferred or evaluated.

# COMPLIANCE SURVEY STANDARDS

## *PRIOR CREDIT*

### Prior Credit

One of the criteria for approval of any school for Veterans' training is that it review prior credit and grant credit as appropriate to a VA student's current program. This is found in Title 38, Code of Federal Regulations, Sections §21.4253(d)(3) and §21.4254(c)(4). In essence, this requires every approved school to have and enforce a policy with regard to transfer courses, credits, and previous experience.

Schools no longer have to report prior credit in VA-ONCE, Schools must:

- Evaluate prior credit,
- Grant credit as appropriate,
- Notify the student of the evaluation and
- Shorten the program certified accordingly



# COMPLIANCE SURVEY STANDARDS

*PRIOR CREDIT – SCO HANDBOOK 9/18/2015*

## Prior Credit

Whenever a student initially enrolls in your school or changes programs at your school a credit evaluation must be completed. VA will review credit evaluations during compliance surveys and credit evaluation records must be kept and made available to VA upon request.

## **SCO Handbook (updated 9/18/15), Page 50**

Schools should make every effort to obtain transcripts to comply with the requirement to evaluate and grant credit where appropriate. However, if a transcript cannot be obtained, you may continue to certify enrollment as long as the student has matriculated. (see definition of non-matriculated student on page 47) Review of prior credit policies will be conducted during compliance survey visits and treated as approval issues if the school is not complying.

# COMPLIANCE SURVEY STANDARDS

## PREVIOUS EDUCATION & TRAINING (CONT.)



### SAA Additional Reasonable Criteria

All schools must obtain records of prior education and training within a specified period of time or terminate the enrollment for VA education benefits of any veteran if appropriate transcripts cannot be obtained (see exceptions)

### **Minimum timeframes to obtain records of credit for prior training:**

- For schools on a term basis – 2 regular semester or 3 quarters (or equivalent)
- For schools not operating on a term basis:

Within 12 weeks if program is at least 6 months long

Prior to the start of the course if less than 6 months long

**Should a school not be able to obtain all transcripts within above timeframe, then the award for VA education benefits to that student must be terminated until such time as the missing transcripts can be obtained**

# COMPLIANCE SURVEY STANDARDS

## *PREVIOUS EDUCATION & TRAINING (CONT.)*

### SAA Additional Reasonable Criteria



#### Exceptions:

- **The prior school has closed and the records are not available from an appropriate state education archive**
- **No credits would ever be transferred from a particular prior school because**
  - it is not accredited;
  - it is accredited by an agency not recognized by the student's current school; or
  - a review of the prior school's catalog reveals that there is no possibility of any course transferring from that school to the student's current program; or
  - The receiving school has and applies a published and approved 'recency of credit' policy

Schools must thoroughly document these exceptions

## Question:

**Which best practices would you recommend a school official should adopt to document that your school identified prior credit earned and what would you have in the file in preparation for the compliance survey visit?**

# COMPLIANCE SURVEY STANDARDS

## RECORDS

### Are your records accurate, current and complete?

- Records of enrollment, correspondence lessons serviced, flight training hours or OJT/APP hours must be accurate, current and complete (38 CFR §21.4253, §21.4254)

### GUIDANCE

- IHL: Compare enrolled classes to Program Plan, registration documents, class schedules, transcripts, drop slips, withdrawal documentation, tuition payment ledgers, (attendance records, if applicable), etc.
- NCD: Attendance records, compare hours certified are within approved program (10% over - maximum), registration documents, enrollment agreement, class schedules, transcripts, drop slips, tuition payment ledger, etc.
- Flight: Follow the Student Checklist that is supposed to be maintained in your files

# COMPLIANCE SURVEY STANDARDS

## *RECORDS (CONT.)*

### GUIDANCE

#### ■ **Class Schedules must:**

- Be provided for each term/semester/quarter;
- Include begin and end dates of course(s), days per week course(s) are scheduled to meet, hours per day, and location each class is scheduled to meet;
- Be sufficient for SAA or VA to verify whether any particular class meets the regulatory requirements to be considered resident or online; and
- Be coded to differentiate between resident and online/independent study classes and campuses (and should also be made clear in the catalog, handbooks, etc.)

**NOTE: Verify courses are required for certified program**

# COMPLIANCE SURVEY STANDARDS

## COMMENCEMENT OF COURSES

### Did the student begin when certified?

- Date certified must agree with start date

(38 CFR §21.4131, §21.4203, §21.5810, §21.5831, §21.7131, §21.7152, §21.7631, §21.7652, §21.9720)

### GUIDANCE

- IHLs & NCDs operating on a term basis: First day of classes for the semester or quarter
- NCDs not operating on a term basis: First day the student is actually physically in class
- Flight: Date of first flight or ground school lesson

# COMPLIANCE SURVEY STANDARDS

## ACCURATE & PROMPT CERTIFICATIONS

### Did you submit your certifications accurately and in a timely fashion?

- Enrollment, tuition and fees, lessons serviced, flight training hours or OJT/APP hours must be accurately and promptly submitted to VA

(38 CFR §21.4203(e)(f)(g), §21.4204, §21.7156, §21.9735)

### GUIDANCE

#### Accurate Certifications

- Ensure enrollments dates are correct – utilize academic calendar, class schedules; See page 52 of SCO Handbook for Begin Date: *If the standard term is after April 25, 2016 and a course begins within 7 calendar days then the school should certify the course using the first day of the term.*
- Ensure fees are properly allocated
  - See page 31 of SCO Handbook: *Mandatory fees may include kit charges, supplies or equipment. These charges should follow the rules that oversee mandatory fees.*
  - If unsure about fees to report, ask VA or SAA



**Question:**

**Which best practices would you recommend a school official should adopt to ensure certifications of enrollment and changes in enrollment are submitted timely (within 30 days)?**

# COMPLIANCE SURVEY STANDARDS

## PROMPT CERTIFICATIONS

### GUIDANCE

#### Timeliness

- **Certifications may be submitted up to 120 days in advance, but must be submitted within 30 days of the beginning of the term**
  - Active duty, accelerated payment requests and less than ½-time enrollment for non-chapter 33 veterans require certification on or after the first day of class and tuition and fees must be reported
- **Consider having student submit request for certification**
  - If the certification is submitted within 30 days of the veteran's request, the request must be documented in writing through a veteran's request form, detailed telephone contact form, etc.
- **If at a school where students frequently change schedules, consider certifying closer to or after drop/add**

# COMPLIANCE SURVEY STANDARDS

## RECORDS (CONT.)

### GUIDANCE

- **Detailed Records of Tuition and Fees**
  - Will be assessed for each student
  - Ensure tuition and fees are properly allocated (out-of-state tuition)
    - Chapter 33 students – this will include all charges to the student’s account, all payments/credits to the student’s account from VA and all other sources including institutional, private, federal and other financial aid program (scholarship payment requirements)
  - Must be detailed enough to determine the source of all charges and credits/payments, including how charges were determined and payments were credited
  - The term in which any charges/payments/credits occur should be clearly identified and linked to the appropriate dollar amount
  - VA payments and refunds should be clearly labeled as such
  - Do not lump other campus payments (with a separate facility code) within the payments for your campus

# COMPLIANCE SURVEY STANDARDS

## TUITION AND FEE RECORDS

### GUIDANCE

- Detailed Records of Tuition and Fees
  - Will be assessed for each student for compliance with FS 1009.26 (13)(a) The Congressman C.W. Bill Young Veteran Tuition Waiver Program which complies with Veterans Access, Choice and Accountability Act 2014, Section 702, and provides out-of-state tuition waivers at public institutions for:
    - Honorably discharged veterans of the United States Armed Forces, the United States Reserve Forces, or the National Guard who physically reside in this state while enrolled in the institution; or
    - Anyone entitled to and using educational assistance provided by the USDVA for a quarter, semester or term beginning after July 1, 2015, who physically resides in this state while enrolled in the institution

# COMPLIANCE SURVEY STANDARDS

## CHARGES

### How do tuition and fees compare to other students' charges?

- Tuition and fees charged to VA beneficiaries must be the same or less than charges to other similarly circumstanced students (38 CFR §21.4210(d), §21.9600, 38 U.S.C. §3690(a))

#### GUIDANCE

- Monitor programs and charges for non-VA students
- Some non-VA files may be randomly selected for this purpose
- Charging VA students more than similarly circumstanced non-VA students is grounds for immediate withdrawal of approval

# COMPLIANCE SURVEY STANDARDS

## YELLOW RIBBON PROGRAM

### Does the school participate in the Yellow Ribbon Program?

- We will review all financial records related to the school's waiver of their YR portion of tuition and fees and the exact source for the funding of that waiver
  - Funds must be from an unrestricted account and may not include funds received directly or indirectly from Federal sources
- For documentation, we will need to see the ledger records and other documents that verify the source funding of the waivers and whether there is a specific fund from which the waivers are derived or if the school writes the waivers off as a general business expense for tax purposes
- Where private for-profit and non-profit schools are involved, we will need to see the same records the IRS would request to see to verify funding sources and audit trails (38 CFR §21.9700)

# COMPLIANCE SURVEY STANDARDS

## *YELLOW RIBBON PROGRAM (CONT.)*

### GUIDANCE

- Know how your school verifies its funding source
- Publicize the school's policies regarding YRP to incoming students
  - Ensure students are informed of the programs provisions and how it works at your school
- Ensure the school's record keeping system is sufficient to verify that you are meeting your contractual requirements under YRP
- Understand what type of system the school uses to record requests to participate in YRP and document the observation of first come, first served rule\*
- Keep a list of students applying for YR that shows when they applied\*

\*Not applicable to a school that has no restriction to number of students and divisions

# Attendance!

**Question:**

**Which best practices would you recommend a school official should adopt to assist a veteran beneficiary in meeting attendance requirements?**



# COMPLIANCE SURVEY STANDARDS

## ATTENDANCE RECORDS

### GUIDANCE

- **Know your SAA approved attendance policy**
- **Attendance (programs approved in clock hours)**
  - Records must be maintained, monitored and policies enforced
  - Records should be based on daily attendance (positive attendance as opposed to negative attendance records)
  - Files must contain appropriate documentation
- **Once it is determined a student failed to meet attendance standards, you MUST terminate the student's enrollment certification. Students who have unusual attendance problems due to extended illness, frequent medical appointments, etc., should consider taking a leave of absence until those problems are resolved.**
  - Monitor attendance to ensure compliance with reporting within 30 days of non-compliance with school's (veteran) policy

# COMPLIANCE SURVEY STANDARDS

## *ATTENDANCE RECORDS*

### SAA POLICY AND GUIDANCE

- If an accredited IHL has a schoolwide attendance policy, it is the responsibility of the SAA to ensure the school enforces the policy and that it meets the criteria for approval specified in Title 38 CFR §21.4253(d)(5) and that such policy is sufficient to allow the school to determine the date of termination as required in CFR §21.4203(d)

# COMPLIANCE SURVEY STANDARDS

## ATTENDANCE RECORDS

### SAA POLICY AND GUIDANCE

- **All NCD courses, including accredited courses, must have and enforce reasonable standards of attendance that logically relate to the attainment of graduation requirements**
  - Maintain and monitor attendance records in beneficiary files
  - Terminate VA education benefits for unsatisfactory attendance when accumulated absences, tardies, and class cuts exceed 20% of scheduled class clock hours in a month
    - Where course is less than one month in length, 20% of total approved course clock hours for the length of the program
  - Terminations reported to VA within 30 days of veteran's last date of attendance before violating policy
  - Recertify beneficiary, following 30 days of termination, when beneficiary has met attendance requirements for a period of one month

Exception: NCD programs which apply to the requirements of a standard college degree and where the IHL does not have an attendance policy

# COMPLIANCE SURVEY STANDARDS

## *PRACTICAL TRAINING*

### Is Practical Training approved?

(38 CFR §21.4265)

#### GUIDANCE

- **Monitor the SAA Catalog Approval Letters (if applicable) and WEAMS reports**
  - If Practical Training is not listed on your SAA approval letter or is not approved on WEAMS, the programs are not approved for practical training and may not be certified to VA
  - Practical training generally consist of internships, externships, practicums, clinicals, residencies, etc.
  - All such courses must be controlled by the school and not the training entity

# COMPLIANCE SURVEY STANDARDS

## *PRACTICAL TRAINING GUIDANCE (CONT.)*

### **Clinical and Practical Training/Externships/Internships**

- Provides practical, hands-on experience in the student's program usually, but not always, in the medical field
- Except for some medical-related programs, all such hands-on programs must be accredited by the appropriate agency
- The school controls all aspects of an externship
- The school makes all arrangements with the service provider, such as a hospital, clinic, physician's office, etc.
- Hours per day and days per week are set by the school
- Students must conform to the schedules established by the school and not the other way around
- The hands-on training is provided by the hospital, clinic, etc. under a written arrangement with the school

# COMPLIANCE SURVEY STANDARDS

## *PRACTICAL TRAINING GUIDANCE (CONT.)*

### **Clinical and Practical Training/Externships/Internships**

- The number and types of procedures and services to be experienced by the students are set by the school
- Attendance records are maintained by the hospital, clinic, etc. and provided to the school on a regular, usually weekly, basis; maintain in VA student's file
- Students must follow all school rules while in an externship, plus adhere to any standards set by the service provider

# COMPLIANCE SURVEY STANDARDS

## COOPERATIVE COURSES

### Do you have approved cooperative courses?

(38 CFR §21.4233, §21.4257, §21.4264)

#### GUIDANCE

- Cooperative courses may alternate classroom and practical training in an industry
- The classroom portion must compose at least 50% of the approved course
- Classroom and on-job training may alternate each day, week, month or term
- Keep detailed records of where all training takes place

# COMPLIANCE SURVEY STANDARDS

## *INDEPENDENT STUDY*

### **Are your programs approved for independent study?**

(38 CFR §21.4267)

- **Independent Study, Distance Learning, Online, Hybrid and Blended Courses must be approved in order to certify them**
  - NCD schools/clock hour programs/flight – such courses may not be approved for any online study
  - Remedial courses (IHL & NCD)
    - Under no circumstances may they be certified to VA if the courses meet the criteria to be considered online/independent study
    - Also be cognizant of SB 1720 (FS 1008.30) and students who fall under the provisions of this statute - public schools may not certify these students for remedial courses under any circumstances



# COMPLIANCE SURVEY STANDARDS

## *INDEPENDENT STUDY (CONT.)*

### GUIDANCE

- Work with the Registrar (or other appropriate office) to monitor course formats
- Make other individuals aware of VA regulations
- To be considered in-resident training a course must have at least one class session (50 minutes) scheduled per week per semester or quarter hour
- Mode of course delivery needs to be detailed

# COMPLIANCE SURVEY STANDARDS

## *PROGRESS AND GRADES*

### Do you have adequate records of progress and grades?

- Accurate, current and complete records of progress or grades must be maintained for VA beneficiaries

(38 CFR §21.4253, §21.4254, §21.4262, §21.4263)

### GUIDANCE

- Unofficial transcripts and/or progress (grade) reports should be monitored to ensure students are meeting satisfactory academic progress
- Review, know and enforce your SAA approved academic progress policy

# COMPLIANCE SURVEY STANDARDS

## *SATISFACTORY PROGRESS*

### **Did you promptly notify VA when satisfactory progress was not made?**

(38 CFR §21.4203(d), §21.4277)

#### **GUIDANCE**

- Unofficial transcripts should be monitored to ensure students are meeting satisfactory academic progress
- Maintain documentation in files (e.g., letters of probationary status, suspension)
- SAP must be monitored and your approved policy enforced (i.e., students must be suspended/dismissed in strict adherence with your approved policy – that policy may be more strict for the receipt of VA benefits than for other non-VA students)
- Report probation to VA via “Ask a Question” through Contact Us link on GI Bill® website (mandatory as of August 1, 2011-VA will offer counseling to beneficiary)

## Question:

**What issues arise when school officials do not enforce attendance policies and standards of academic progress? Which best practices do you recommend a school official adopt?**

# COMPLIANCE SURVEY STANDARDS

## *TIMELY CHANGES (ALL EXCEPT FLIGHT)*

### Did you submit changes to VA in a timely fashion?

- **Changes in clock or credit hours, tuition or fees must be promptly reported to VA (within 30 days)**
  - This includes reporting a Last Date of Attendance for students who received a non-punitive grade of “W” when they did not complete the course
  - **EXEMPT: IHLs without an attendance policy (38 CFR §21.4253)**
- **Changes in clock or credit hours, tuition or fees must also be accurately reported to VA (38 CFR §21.4203, 21.7156(b), 21.9735)**
  - Ensure the amount of tuition and fees is reduced appropriately (must be equal to what the student should have been charged had s/he only been in those hours to begin with)

# COMPLIANCE SURVEY STANDARDS

## *TERMINATED OR INTERRUPTED TRAINING*

### Was the termination or interruption reported to VA?

- Terminations or interruptions in training must be promptly reported to VA (38 CFR §21.4203, §21.7156, §21.9735)

#### GUIDANCE

- Have a system or mechanism (internal audit, report) in place to identify when students withdraw/terminate or interrupt training
  - An automatic notice to the SCO through your computer system of any changes to a file marked VA, veteran, etc., is most helpful
- Last dates of attendance must be able to be identified during compliance survey visit and notification must be made to VA within 30 days of the student's last date of attendance
  - Maintain drop and withdrawal slips in file

# COMPLIANCE SURVEY STANDARDS

*NONACCREDITED COURSES ONLY\* – DOCUMENTS TO STUDENT*

## Did you provide the student with all appropriate copies?

- A copy of the course outline, schedule of tuition and fees and other charges, as well as regulations pertaining to attendance, grading policy and conduct of rules of operation must be furnished to students

(38 CFR §21.4254(c))

### GUIDANCE

- Create an acknowledgment form listing all items
- Have the student initial next to each item indicating s/he has received the above, then sign and date

\* Unless part of the approval criteria for an accredited course

# COMPLIANCE SURVEY STANDARDS

*NONACCREDITED COURSES ONLY\* - ENROLLMENT LIMITATION*

## Are you within the limits?

- Enrollments must be within the limitation established by the State Approving Agency

(38 CFR §21.4254(c))

### GUIDANCE

- Enrollment limitations (typically based on number of students per instructor or classroom space), if applicable, will be specified on the WEAMS report

\* Unless part of the approval criteria for an accredited course



# COMPLIANCE SURVEY STANDARDS

## *NONACCREDITED COURSES ONLY\* - REFUND POLICY*

### Do you have and enforce a Pro Rata refund policy?

- Refund policies must meet the requirements of VA regulations  
(38 CFR §21.4254(c), §21.4255, §21.4256)

#### GUIDANCE

- The refund policy must be pro rata or more advantageous to VA students than pro rata
  - Must be pro rata to the very end
- Example: Student drops out after completing 75% of the course; the school must refund 25% of the tuition to the student
- An accredited school could have a nonaccredited program to which the pro rata refund rule would apply

# Other items reviewed during a compliance survey visit

# COMPLIANCE SURVEY STANDARDS

## ADVERTISING

### Is your advertising in compliance with the law?

- Past 12 months of advertising reviewed to ensure advertising, sales or enrollment practices are not “erroneous, deceptive or misleading by actual statement, omission, or intimation.”

(38 CFR §21.4252(h)(1) and §21.4254(c)(10))

### GUIDANCE

- Review your website, publications, television and radio spots, etc., to ensure your advertising is not false or misleading; no promises of placement

## Question:

**Which best practices do you recommend a school official adopt to ensure their website is compliant with VA/SAA requirements? Which errors do you think are found most often during a compliance visit?**

# COMPLIANCE SURVEY STANDARDS

## POWER OF ATTORNEY

### Does your school hold any power of attorney over any veterans' education payments/checks?

- Reviewed to ensure the school has neither a direct nor indirect power of attorney over any VA education payments to the student. This is strictly prohibited by law and could be cause for a school's immediate withdrawal of approval to train VA students

(38 CFR §21.4146, §21.9680)

#### GUIDANCE

- Ensure that if veterans checks come to your school address you immediately hand them over to the student with no strings attached – none whatsoever
  - An indirect power of attorney (prohibited) is where, for example, VA checks are deposited into a joint student/school bank account to which the school has access to the funds therein

# COMPLIANCE SURVEY STANDARDS

## *PERCENTAGE OF ENROLLMENT*

### Are you monitoring enrollment numbers?

- Verification of the 85 percent enrollment limitation must be performed
- Schools to provide documents verifying that the provisions of the 85-15 % ratio have been met for each approved course (generally, a statement of total school/campus enrollment v. VA student enrollment) (38 CFR §21.4201)

### GUIDANCE

- Monitor enrollment
- Waiver of reporting requirements for schools with fewer than 35% VA students
- Flight: The ratio includes only Part 141 students

# COMPLIANCE SURVEY STANDARDS

## TUTORIAL ASSISTANCE

### Do you participate in Tutorial Assistance?

- Tutors must be qualified by the school
- The school must determine that tutorial sessions are necessary, and that the cost is appropriate (38 CFR §21.4236, §21.9685)

### GUIDANCE

- Records of approved tutors and their qualifications must be maintained
- The justification for the need for tutoring must be documented such as test results, papers submitted, instructor recommendations, etc.
- Close relatives (siblings, parents, children, etc.) may not tutor each other under this program
- May only be utilized for postsecondary courses
- VA Form 22-1990t is used to claim expenses for tutoring

# COMPLIANCE SURVEY STANDARDS

## MISCELLANEOUS

### Do you utilize VA Work Study students?

- If available, at least one VA Work Study student will be interviewed

#### GUIDANCE

- Ensure the VA Work Study file is complete and available during our compliance survey visit
- Work study students may only be utilized to help generate VA paperwork
  - They may not work in other offices not related to the administration of GI Bill® programs
  - VA Work Study students may work at a VA facility



# COMPLIANCE SURVEY STANDARDS

## CONTRACTUAL ARRANGEMENTS

### Has the school entered into a contractual arrangement with another entity to provide courses?

- Schools contracted to provide courses in whole or in part must be approved for veterans' training as well

(38 CFR §21.4233(e))

### GUIDANCE

- Submit the SAA Catalog Submission and Program Modification Form and Program Spreadsheet (<http://www.floridavets.org>)
- Be sure the entity with whom you contract is approved for VA training

# COMPLIANCE SURVEY STANDARDS

*(PROPRIETY ONLY) – VA FORM 22-1919*

## Conflicting Interests Certification for Proprietary Schools

### Is your institution a proprietary (private) school?

- Neither VA nor SAA personnel may own any interest or work for your for profit school
- Not-for-profit: Owners, officers and certifying officials may not use their own GI Bill benefits to attend their school  
(38 CFR §21.4005, §21.4202(c), §21.5001, §21.7305, §21.7805, §21.9770)

### GUIDANCE

- Know who your students and employees are

# COMPLIANCE SURVEY STANDARDS

## ADVANCE PAY

### Has the school elected and is it approved for Advance Pay?

- A school must agree to keep advance pay checks in a safe place and give them to the students, without strings attached, upon registration  
(38 CFR §21.4203, §21.9715)

#### GUIDANCE

- Have a standard procedure set up to handle those checks
- Advance pay checks can help cover initial expenses at school; but, on the other hand, the student will not receive any further funds for almost two months and must budget accordingly

# COMPLIANCE SURVEY STANDARDS

## MISCELLANEOUS

### Proper Certifications Under Correct Facility Code

- Are the certifications being generated by the Certifying Official at the school/campus at which the student is attending?

#### GUIDANCE

- A School Certifying Official at one campus cannot certify the enrollment of students at another campus unless the school has centralized certification (one facility code for all)
- If the school has centralized certification, there is no need for a parent school letter

# COMPLIANCE SURVEY STANDARDS

## REPORTING FEES

### Are the reporting fees being appropriately maintained/spent?

- **Effective August 1, 2011, VA requires all reporting fees to be used exclusively in support of school efforts to certify the enrollment of their VA students. This restriction allows those funds to also be used for school certifying officials to attend VA and other VA specific training conferences**
  - A reporting fee is a payment made by VA to a school or facility based upon the total number of VA students that were certified to VA at least once during the calendar year. Each VA student (no matter how many times certified during the year) is counted one time
  - Effective August 1, 2011, VA requires all reporting fees to be used exclusively in support of school efforts to certify the enrollment of their VA students

## **Question:**

**Which best practices do you recommend a school official adopt to ensure their Business Office is tracking the Annual Reporting Fee account for all activity and proper use?**

# SCHOOL RESPONSIBILITIES

## *REPORTING FEES*

### **What you need to know**

- Be sure you have accounted for the reporting fee check, when it was received, and be able to account for the proper expenditure of those funds
- Ensure your fiscal/accounting/business office department is aware of how they must account for those funds and how they must be spent
- Provide documentation to the individual conducting the compliance survey visit at your school that clearly shows the account into which the funds were deposited and any activity within that account to ensure funds were used appropriately
- Maintain open communication with the department that oversees this account
- If it is determined the funds were not appropriately used, the reporting fee may be barred until the school agrees to disburse – and actually does disburse – the fee as the law requires

# SCHOOL RESPONSIBILITIES

## REPORTING FEES

### Reporting Fee Payment Amount

**12/16/2016 Became Public Law No: 114-315**

**Veterans Health Care and Benefits Improvement Act of 2016**

- **The annual reporting fee (ARF) paid to schools has been reduced (formerly as high as \$12.00/\$16.00) as a result of Public Law 114-315, whereby the ARF was reduced as follows:**

**SEC. 412. MODIFICATION OF REDUCTIONS IN REPORTING FEE MULTIPLIERS FOR PAYMENTS BY SECRETARY OF VETERANS AFFAIRS TO EDUCATIONAL INSTITUTIONS**

**December 16, 2016 Through September 25, 2017 = \$6.00 / \$12.00**

**September 26, 2017 Through September 25, 2026 = \$7.00 / \$12.00**

**(additional funds are paid as appropriate for those institutions that deliver an advance payment check to students at registration, etc.)**



# COMPLIANCE SURVEY STANDARDS

## *NONDUPLICATION OF BENEFITS*

**Has the school taken precautions to ensure that veterans are not using more than one federal program at the same time?**

- **Example: Government Employees Training Act, Workforce Investment Act (38 CFR §21.4020, §21.4022, §21.5022, §21.5023, §21.7143, §21.7642, §21.9690)**

### **GUIDANCE**

- Work closely with your financial aid or bursar's office to ensure you know the sources of each student's tuition and fee payments

# COMPLIANCE SURVEY STANDARDS

## *EXPANDED SURVEYS*

### What is meant by an expanded survey?

- If we find payment errors in 30% or more of files in the review or 50% or more errors overall, the first expansion requirement is to double the size of the files reviewed. If additional errors are found in the second group of files, a review of 100% of your files may be required.

### GUIDANCE

- Perform a review prior to our arrival and be sure to correct any errors you identify in the files that will be reviewed.

# COMPLIANCE SURVEY STANDARDS

## *REPEAT DISCREPANCIES*

### Déjà Vu?

- We will review to ensure you corrected and did not repeat any discrepancy found during the prior survey – other than an occasional clerical error

(38 CFR §21.4210(d))

### GUIDANCE

- Implement procedures or mechanisms after a survey to ensure you do not repeat any discrepancies

# COMPLIANCE SURVEY STANDARDS

## *WHEN THE SURVEY CONCLUDES*

### Before We Leave

- **Exit interview conducted**
  - With Certifying Official and others as school or auditor sees fit
- **Compliance Survey Site Visit Report**

### After We Leave

- **Referrals submitted to Muskogee Regional Processing Office or processed through VA ONCE**
  - Occurs only if any findings affect payment
  - Know student overpayment and debt waiver request options, see Pages 102-103 in SCO Handbook

# COMPLIANCE SURVEY STANDARDS

## *WHEN THE SURVEY CONCLUDES*

### After We Leave (cont.)

- **Letter to school (sent to highest administrator with copy to certifying official)**
  - Identify student records reviewed
  - Detail any discrepancies/findings
  - Specify corrective actions (if any) required by the school or facility

**Schools and facilities are not the only ones audited...**

- **A random sample of compliance survey files are reviewed each quarter for quality assurance**

# SAA

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**Florida Department of Veterans' Affairs**  
**State Approving Agency for Veterans' Education and Training**  
[www.floridavets.org](http://www.floridavets.org)

**Mailing Address:**

P.O. Box 31003  
St. Petersburg, FL 33731

**Physical Address:**

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Bay Pines, FL 33744

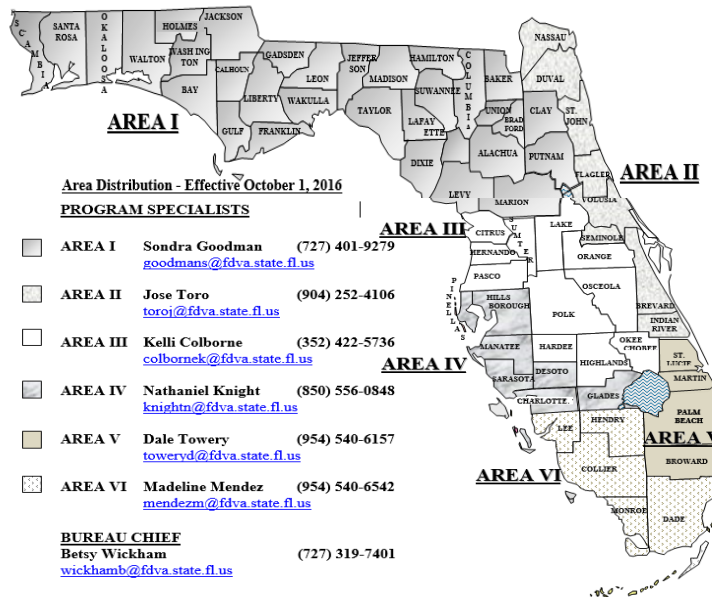
# STATE APPROVING AGENCY (SAA) AREA DISTRIBUTION



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Chuck Peterman

Rick Robertson

David Williams

Louis Alleva

# SCHOOL RESOURCES

*EDUCATION, TRAINING AND INFORMATION*

[www.benefits.va.gov](http://www.benefits.va.gov) – website for:

Email: use Contact Us link for ‘Ask a Question’ link

School Official Resources Link for:

SCO Handbook

On-Line Training

VA Once Guidance

Training Presentations

[www.flfaves.org](http://www.flfaves.org) Fla. Assoc. of Veteran Ed. Specialists

<http://nces.ed.gov/statprog/outcomemeasures/> for  
Outcome measurements reported for your school

# SCHOOL RESOURCES

## *EDUCATION, TRAINING AND INFORMATION*

**Veteran Education Line: 1-888-442-4551**

**Mailing address for forms:**

**Department of Veterans Affairs**

**VA Regional Office**

**P.O. Box 8888**

**Muskogee, OK 74402-8888**

**VA Debt Management: 800-827-0648 [dmc.ops@va.gov](mailto:dmc.ops@va.gov)**

**Florida Scholarship for Children and Spouses of Deceased or Disabled Veterans and Servicemembers: Please see [www.floridastudentfinancialaid.org](http://www.floridastudentfinancialaid.org)**

**Call Leslie Benedek, FDVA, for verification of eligibility at (727) 319-7433.**

**QUESTIONS?**